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# Congressional Record

PROCEEDINGS AND DEBATES OF THE 111th CONGRESS, SECOND SESSION

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# Senate

The Senate met at 10 a.m. and was called to order by the Honorable JEANNE SHAHEEN, a Senator from the State of New Hampshire.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Give heed, mighty God, to our prayers and hear our petitions. You are a God of justice who always does what is right. You have examined our hearts. You know our motives. Continue to guide our Senators. Empower them to follow You faithfully, to seek Your will, and to find their peace through fellowship with You. May they trust You for safety, finding their highest fulfillment in knowing they are doing Your will. When everything seems to fall apart, remind them that in everything, You are working for the good of those who love You. Lord, help them to discover security in Your promises and joy in serving You.

We pray in Your sacred Name. Amen.

**NOTICE**

If the 111th Congress, 2d Session, adjourns sine die on or before December 23, 2010, a final issue of the *Congressional Record* for the 111th Congress, 2d Session, will be published on Wednesday, December 29, 2010, in order to permit Members to revise and extend their remarks.

All material for insertion must be signed by the Member and delivered to the respective offices of the Official Reporters of Debates (Room HT–59 or S–123 of the Capitol), Monday through Friday, between the hours of 10:00 a.m. and 3:00 p.m. through Wednesday, December 29. The final issue will be dated Wednesday, December 29, 2010, and will be delivered on Thursday, December 30, 2010.

None of the material printed in the final issue of the *Congressional Record* may contain subject matter, or relate to any event that occurred after the sine die date.

Senators' statements should also be submitted electronically, either on a disk to accompany the signed statement, or by e-mail to the Official Reporters of Debates at "Record@Sec.Senate.gov".

Members of the House of Representatives' statements may also be submitted electronically by e-mail, to accompany the signed statement, and formatted according to the instructions for the Extensions of Remarks template at http://clerk.house.gov/forms. The Official Reporters will transmit to GPO the template formatted electronic file only after receipt of, and authentication with, the hard copy, and signed manuscript. Deliver statements to the Official Reporters in Room HT–59.

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By order of the Joint Committee on Printing.

CHARLES E. SCHUMER, *Chairman.*

## PLEDGE OF ALLEGIANCE

The Honorable JEANNE SHAHEEN led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUYE).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
*Washington, DC, December 14, 2010.*

*To the Senate:*

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JEANNE SHAHEEN, a Senator from the State of New Hampshire, to perform the duties of the Chair.

DANIEL K. INOUYE,
*President pro tempore.*

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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Mrs. SHAHEEN thereupon assumed the chair as Acting President pro tempore.

## RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

## SCHEDULE

Mr. REID. Madam President, following leader remarks, the Senate will begin the final stage of our consideration of the House message with respect to H.R. 4853, which is the tax bill. Postcloture time will expire tonight at 12:30 a.m.

The Senate will recess from 12:30 until 2:15 today for weekly caucus luncheons. We will also have a number of Senators organized today to give their final speeches. We look forward to hearing from Senator BOND at 11:30 today to deliver his farewell speech, Senator JUDD GREGG will deliver his farewell speech at 2:15 p.m., and Senator HARKIN will be speaking at 3:15 p.m. for up to 45 minutes. Senator KIRK will deliver his maiden speech at 5 p.m. today.

Senators will be notified when any votes are scheduled. I have spoken to the Republican leader, and we are going to try to work this out so we don't have to be in until 12:30 and so we can move to other matters. We will keep Senators advised as to what the exact schedule will be.

## RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

## FEDERAL AVIATION ADMINISTRATION EXTENSION ACT OF 2010

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the House message with respect to H.R. 4853, which the clerk will report.

The legislative clerk read as follows:

Motion to concur in the House amendment to the Senate amendment with an amendment to H.R. 4853, an act to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorization for the airport improvement program, and for other purposes.

Pending:

Reid motion to concur in the amendment of the House to the amendment of the Senate to the bill, with Reid/McConnell modified amendment No. 4753 (to the House amendment to the Senate amendment), in the nature of a substitute.

Reid amendment No. 4754 (to amendment No. 4753), to change the enactment date.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. We are not in a quorum call, are we?

The ACTING PRESIDENT pro tempore. No.

Mr. REID. The Republican leader is on his way and has an important speech to give, so if everyone will just be calm while he delivers his speech.

### RECOGNITION OF THE REPUBLICAN LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

### REMEMBERING RICHARD HOLBROOKE

Mr. MCCONNELL. Madam President, yesterday America lost one of the most talented and dedicated diplomats it has ever produced. Richard Holbrooke began his diplomatic service several decades ago as a young foreign service officer in Vietnam. The storied career that followed spanned the globe and will remain an integral part of the diplomatic history of our Nation.

Dick Holbrooke will always be remembered for pursuing the hardest missions, whether negotiating the Dayton Accords which helped end the war in Bosnia or his immensely difficult final assignment as Special Representative for Afghanistan and Pakistan. Ambassador Holbrooke doggedly pursued what in his view best enhanced the diplomacy and national security objectives of our Nation. We honor his legacy of service to America's foreign policy interests by continuing his efforts to help Afghanistan deny the Taliban a return to power and to disrupt, defeat, and dismantle al-Qaida.

I might just add, I remember running into Dick at the White House a couple of weeks ago. He never missed an opportunity to be selling what he was doing. So he sidled up to me and in his usual aggressive way began to discuss his current mission in Afghanistan. He was a dedicated public servant, and we will all miss him greatly.

### TRIBUTES TO RETIRING SENATORS

#### GEORGE VOINOVICH

Mr. MCCONNELL. Madam President, I rise to pay tribute to Senator GEORGE VOINOVICH who has served this Chamber and the people of Ohio with honor over the past 12 years after an already long career as a devoted public servant. GEORGE has served in the Ohio statehouse, as Ohio's Lieutenant Governor, as the mayor of Cleveland, as Governor of Ohio, and as a U.S. Senator. That is quite a record of accomplishment. When GEORGE walks out of the Chamber for the last time, he will have served 44 years in public service.

Yet in a career that has taken him from Cleveland to Columbus to Washington and around the world, GEORGE has always made time for his family, and no one was surprised when in January 2009 he announced that he planned to retire at the end of this year in order to spend more time with Janet.

GEORGE and Janet have been married for nearly half a century and they have seen a lot together. GEORGE grew up in the same working class neighborhood in Cleveland where he and Janet still call home today. He attended Collinwood High School, Ohio University, and Ohio State University for law school. After practicing law for several years in Cleveland, he began his political career in 1963 as an assistant attorney general of Ohio. Three years later, at the tender age of 30, GEORGE was elected to the Ohio statehouse.

The 1970s was a period of economic turmoil for many American cities, and Cleveland was no exception. In 1978, Cleveland became the first American city since the 1930s to file for bankruptcy, and GEORGE, who was serving as the State's Lieutenant Governor at the time, decided he needed to do something to help his hometown.

Mounting a challenge to the Democratic incumbent, DENNIS KUCINICH, GEORGE overcame tough odds and won the race. Determined to bring the city around and bring Cleveland out of the economic ditch, GEORGE organized a series of coalitions and public-private partnerships to bring Cleveland back from the brink. More importantly, I think GEORGE would tell us he helped restore confidence and pride to the city.

His motto was ''Together, We Can Do It.'' And they did. He went on to serve as mayor for an entire decade and helped close an ugly chapter in Cleveland's history. It was a remarkable feat. Once called the ''buckle of the rust belt'' and the butt of a lot of late night television jokes, Cleveland underwent a renaissance under GEORGE's leadership. It paid down a $110 million debt, added thousands of jobs, brought new development and businesses downtown, and saw struggling sports franchises transformed into contenders.

For GEORGE, it was never about him. He would never take full credit for the growth and prosperity Cleveland enjoyed or the fact that he was named one of the Nation's top mayors. It was always about the people of Cleveland working together to make the city they knew and loved great again.

GEORGE's outstanding work as mayor helped him win the Governor's Mansion in 1990 where he served two terms. He faced a fiscal mess in Columbus, too, and worked hard to rein in spending. One of his signature achievements as Governor was education reform, and in particular the Cleveland school voucher program which provided thousands of low-income students with the opportunity for a better education and ultimately greater opportunities in life. But his record of success as Governor was deep and far-reaching. He helped restore Ohio's economy, balanced its budget, and saw unemployment hit a 25-year low. For a job well done, the voters of Ohio reelected GEORGE to a second term as Governor in 1994 with a remarkable 72 percent of the vote.

Blocked by term limits from running again for Governor, GEORGE ran for the U.S. Senate in 1998. He took the values that earned him so much success in Columbus and Cleveland to Washington. As a Senator, he has been at the forefront of numerous important national

debates. He has been a leading advocate for an effective and efficient Federal Government and for simplifying the Tax Code. He has been involved in legislation to enhance America's competitiveness around the world, to reform our energy policy and to ensure America's strength and security.

GEORGE has always had my respect and admiration for his adherence to principle and for his straight-shooting style. He always told you exactly what was on his mind.

Today we honor our colleague and friend, GEORGE VOINOVICH, for his nearly 4½ decades of public service. We thank Janet and the entire Voinovich family for sharing him with us, and on behalf of the entire Senate family, I wish to thank GEORGE for his service and wish him the very best in the years ahead. He will indeed be missed.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. KYL. Madam President, might I just add a word to what the Republican leader has just said. As the Republican whip, it is my job to visit with Senators about their views on issues and votes that are coming up. I didn't always like the answer GEORGE VOINOVICH gave me, but I always knew that, as the leader said, it was a principled response to a question that reflected his well-thought-out and deeply felt views about the role of the government, issues on finance and debt, and generally from his long experience as having been a public leader at the State level, as well as the Federal level.

So I join my colleague in paying tribute to an incredible public service career and especially the time I have enjoyed working with Senator VOINOVICH in the Senate.

The ACTING PRESIDENT pro tempore. The Senator from Ohio.

Mr. VOINOVICH. Madam President, I would like to express my appreciation to the minority leader and the minority whip for all of the courtesies they have extended to me over the last number of years. One of the things, MITCH, I have enjoyed doing is getting to know you and Elaine. I watched you become the leader. I think you have done an outstanding job of keeping your team together. I appreciate your willingness to answer all of my telephone calls. Senator KYL, the same with you. I can't tell you how much I appreciated that, that we were able to keep an open dialogue on many of the issues in front of the United States of America.

I wish to applaud the minority leader for reaching out to the President. As you know, I don't agree with the compromise on the tax situation, but I think it is something that is important for the future of our country. I have always found that when leaders get together and spend time thinking about those things that bring them together rather than those things that divide them, the people of the State and the Nation benefit from it.

So, again, thank you very much for your kindness to me over the years, both of you.

The ACTING PRESIDENT pro tempore. The Senator from California.

Mrs. BOXER. Madam President, I wish to make a unanimous-consent request that after Senator KYL has 10 minutes——

Mr. KYL. Madam President, I think I can do it in 12 minutes.

Mrs. BOXER. Fifteen minutes—I be recognized for up to 25 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. KYL. Madam President, I want to speak for a few minutes about the tax legislation the Senate is debating and will be voting on before long.

There has been some dismay on both sides of the aisle regarding the merits of the package. I emphasize a point also made by others: Nobody thinks this is a perfect bill. Most conservatives are upset about the unfunded extension of unemployment benefits and the fact that the tax rate extensions are not permanent. On the left, there are those who dislike the death tax reform and would have preferred that the top marginal income tax rates be increased. There are other concerns as well.

I agree with some of the criticisms my conservative friends have made. This is not the bill I would have written. There are some provisions in the package I disagree with or would have written differently. On the other hand, this is not the bill President Obama would have written. He has made it clear that he doesn't like everything in it either.

The package represents a true bipartisan compromise. That is something we talk about a lot but seldom seem able to do. But political circumstances will not allow either party to dictate its perfect bill. So while neither party got everything it wanted, there are provisions in the package to appeal to both sides of the aisle, and most of us agree it would be very bad for Americans to allow taxes to be increased.

The most important things this bill does, in my view, are to freeze all existing income, capital gains, and dividend tax rates and reform the death tax. Without legislation, taxes are set to go up for every taxpayer in just 17 days. So by maintaining current tax rates and instituting death tax reform, the bill will provide positive economic certainty to families and to job creators. This is a very important development for American taxpayers and for our economy.

In fact, according to new data from Morgan Stanley, this bill could boost economic growth to 4 percent or more next year. That is a lot better than the anemic 2 percent achieved in the third quarter of this year.

Ironically, some commentators have argued that this economic growth will benefit President Obama's reelection prospects and, therefore, should be opposed. That is not clear thinking.

Some other conservatives say that if we wait until next year to pass tax legislation, the GOP-controlled House could pass a better bill than this one. That is true, from my perspective, but there is no guarantee that the Senate or the White House would go along with such a bill or that we could get any better compromise in the end. In the meantime, every taxpayer would have been hit with a tax increase in the first paycheck of the new year and for many weeks thereafter.

Tax increases would almost certainly hurt the economy. Look back to 1936, for example, when President Roosevelt raised taxes on high earners. The shaky economy plunged back into depression and unemployment skyrocketed.

Freezing the tax rates, on the other hand, has the potential to help the economy and job growth. Some on the liberal left seem to think that tax provisions in this bill should implement their particular philosophy of class warfare. But the Tax Code is not a vehicle for punishing certain taxpayers, as some on the left seem to think. I would hope we all agree that we want to help the job creators as well as job seekers. Ideology should not trump those concerns on either the right or left.

The key thing is that tax rates matter to growth. Businesses must be allowed to retain earnings so they can expand, invest, and hire new workers.

As I have come to the floor to point out again and again, many successful small businesses that create jobs pay taxes at the individual rate and would be hurt by increases in the top marginal income tax brackets. According to IRS data cited by economists Kevin Hassett and Allen Viard:

> Fully 48 percent of the net income of sole proprietorships, partnerships, and S corporations reported on tax returns went to households with incomes above $200,000 in 2007.

That is the last year, incidentally, for which we have these figures. Other businesses would have been hurt by skyrocketing capital gains and dividend taxes. Raising capital gains and dividend tax rates would greatly discourage the investment our economy so urgently needs. Indeed, capital taxes are among the most distortive and least efficient taxes the government collects.

In my view, any comprehensive tax reform package should include significant reductions in capital taxation. For now, I am glad that Members of both parties have decided to at least block a capital gains tax increase, which would have a severe impact on job-creating investment.

Death tax reform is another measure in this bill that will provide certainty to job creators. I thank Senator LINCOLN for her leadership on this issue. We have spent a lot of time together over the last few years working on this issue, and she deserves much credit for her expertise and devotion toward crafting this plan, which will provide relief to job-creating small businesses.

The result is a true compromise. There will be a large increase from this year's zero percent estate tax rate—which is what I favor—to a 35-percent rate; but that is much less than the 55-percent rate that will be in place on January 1. And the exemption is $5 million, which is preferable to the $1 million exemption after January 1.

Should death tax reform not occur and the rate rise to 55 percent, small businesses could be forced to reduce their payrolls by more than 500,000 workers over the next 10 years, according to a former CBO Director, Douglas Holtz-Eakin. Think of that. That is a half million people whose jobs could be threatened.

The effect of the compromise will be to eliminate the death tax liability for about 90 percent of estates that would otherwise owe exorbitant sums. According to the institute for Research on Economics and Taxation, the death tax proposal in this bill would add more than $200 billion in annual economic growth relative to current law. So this is not about ''giveaways to the wealthy,'' as some have asserted. Most of the people helped by this measure are small business employers.

A final word about the deficit: It is true that extending unemployment compensation without cutting other government spending will add to the deficit—and there are some tax incentives in the bill that are similar to spending, and should also be offset with spending cuts. It is important to note that we should not raise taxes to provide the revenue—that would just grow the size of the Federal Government—and Democrats are unwilling to find spending cuts, so we are left accumulating more debt instead. The political reality is that the unemployment benefits would certainly pass both Chambers, and there are not and will not be the votes in the Senate to cut spending to offset the costs either this year or next.

I admit that I am surprised to hear some conservative commentators lump the extension of current tax rates and death tax reform into the same argument about the deficit. Congress has never offset theoretical revenue loss from the annual AMT relief, for example, because we all know there was never any intent to collect it. Likewise, Republicans have always viewed the tax extender package and extension of other rates as exactly that—extensions of existing law, not new tax cuts. The left—and some commentators—delight in misrepresenting the legislation as providing ''tax cuts for the rich.'' But these are not tax cuts—only extensions of decade-old existing tax rates—for everyone. The only new tax cuts are the expensing for businesses sought by the President, with which Republicans generally agree, and the payroll tax holiday. The actual revenue loss, therefore, is about $237 billion, not the $900 billion that some assert. While any increase in the deficit is unwelcome, the overall merits of this bill—including preventing a massive tax increase on each and every taxpayer—outweigh that deficit increase, in my opinion.

In conclusion, Americans are looking for economic growth and solutions to unemployment. Keeping tax rates where they are and providing some certainty is a good place to start. I urge my colleagues to support this bill and see to it that job-killing tax rates are not imposed on anyone.

The ACTING PRESIDENT pro tempore. The Senator from California is recognized.

HONORING OUR ARMED FORCES

CALIFORNIA SERVICE MEMBERS

Mrs. BOXER. Madam President, I have a number of issues I want to bring up today for the record to explain a lot of the things we are faced with here as we wind down before Christmas Eve—maybe.

The first thing I am going to do is ask to have printed in the RECORD a list of the California-connected servicemembers who have died in Afghanistan and Iraq. I have put their names in the RECORD continually. And sometimes, if I have time, I read them. I want to say this: Since August 5, 52 more California-connected servicemembers have died in Afghanistan, and 2 more have died in Iraq.

I ask unanimous consent to have their names printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AFGHANISTAN

Cpl Max W. Donahue, 23, of Highlands Ranch, CO, died August 7 of wounds received August 4 while supporting combat operations in Helmand province, Afghanistan. Corporal Donahue was assigned to I Marine Expeditionary Force Headquarters Group, I Marine Expeditionary Force, Camp Pendleton, CA.

Sgt Jose L. Saenz III, 30, of Pleasanton, TX, died August 9 while supporting combat operations in Helmand province, Afghanistan. Sergeant Saenz was assigned to 1st Battalion, 11th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

SSgt Michael A. Bock, 26, of Leesburg, FL, died August 13 while supporting combat operations in Helmand province, Afghanistan. Staff Sergeant Bock was assigned to the 3rd Combat Engineer Battalion, 1st Marine Division, I Marine Expeditionary Force, based at Marine Corps Air Ground Combat Center Twentynine Palms, CA.

LCpl Kevin E. Oratowski, 23, of Wheaton, IL, died August 18 while supporting combat operations in Helmand province, Afghanistan. Lance Corporal Oratowski was assigned to 1st Light Armored Reconnaissance Battalion, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

Cpl Christopher J. Boyd, 22, of Palatine, IL, died August 19 while supporting combat operations in Helmand province, Afghanistan. Corporal Boyd was assigned to the 2nd Battalion, 4th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

Sgt Ronald A. Rodriguez, 26, of Falls Church, VA, died August 23 while supporting combat operations in Helmand province, Afghanistan. Sergeant Rodriguez was assigned to the 1st Battalion, 11th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

LCpl Robert J. Newton, 21, of Creve Coeur, IL, died August 23 while supporting combat operations in Helmand province, Afghanistan. Lance Corporal Newton was assigned to 3rd Battalion, 7th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, based at Marine Corps Air Ground Combat Center Twentynine Palms, CA.

PO3 James M. Swink, 20, of Yucca Valley, CA, died August 27 while supporting combat operations in Helmand province, Afghanistan. Petty Officer Third Class Swink was a hospital corpsman assigned to 2nd Marine Division, II Marine Expeditionary Force, Camp Lejeune, NC.

MSgt Daniel L. Fedder, 34, of Pine City, MN, died August 27 while supporting combat operations in Helmand province, Afghanistan. Master Sergeant Fedder was assigned to the 7th Engineer Support Battalion, 1st Marine Logistics Group, I Marine Expeditionary Force, Camp Pendleton, CA.

GySgt Floyd E. C. Holley, 36, of Casselberry, FL, died August 29 while supporting combat operations in Helmand province, Afghanistan. Gunnery Sergeant Holley was assigned to the 7th Engineer Support Battalion, 1st Marine Logistics Group, I Marine Expeditionary Force, Camp Pendleton, CA.

SPC Andrew J. Castro, 20, of Westlake Village, CA, died August 28 in Babur, Afghanistan, of wounds suffered when insurgents attacked his unit with an improvised explosive device. Specialist Castro was assigned to the 2nd Brigade Special Troops Battalion, 2nd Brigade Combat Team, 101st Airborne Division (Air Assault), Fort Campbell, KY.

SSG Casey J. Grochowiak, 34, of Lompoc, CA, died August 30 in Malajat, Afghanistan, of wounds suffered when insurgents attacked his unit with an improvised explosive device. Staff Sergeant Grochowiak was assigned to the 1st Battalion, 22nd Infantry Regiment, 1st Brigade Combat Team, 4th Infantry Division, Fort Carson, CO.

SGT Raymond C. Alcaraz, 20, of Redlands, CA, died August 31 in Logar province, Afghanistan, of wounds suffered when enemy forces attacked his vehicle with an improvised explosive device. Sergeant Alcaraz was assigned to the 173rd Brigade Support Battalion, 173rd Airborne Brigade Combat Team, Bamberg, Germany.

Sgt Jesse M. Balthaser, 23, of Columbus, OH, died September 4 while conducting combat operations in Helmand province, Afghanistan. Sergeant Balthaser was assigned to the 3rd Combat Engineer Battalion, 3rd Marine Division, III Marine Expeditionary Force, based at Marine Corps Air Ground Combat Center Twentynine Palms, CA.

Lt (SEAL) Brendan J. Looney, 29, of Owings, MD, died in a helicopter crash September 21 during combat operations in the Zabul province, Afghanistan, while supporting Operation Enduring Freedom. Lieutenant Looney was assigned to a Coronado, CA-based SEAL Team.

LCpl Ralph J. Fabbri, 20, of Gallitzin, PA, died September 28 while conducting combat operations in Helmand province, Afghanistan. Lance Corporal Fabbri was assigned to the Headquarters Battalion, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

SGT Brian J. Pedro, 27, of Rosamond, CA, died October 2 in Pol-e-Khumri, Afghanistan, of wounds suffered when insurgents attacked his unit with small arms fire and rocket-propelled grenades. Sergeant Pedro was assigned to the 2nd Engineer Battalion, White Sands Missile Range, NM.

SrA Daniel J. Johnson, 23, of Schiller Park, IL, died October 5 of wounds suffered when insurgents attacked his unit with an improvised explosive device in Kandahar, Afghanistan. Senior Airman Johnson was assigned to the 30th Civil Engineer Squadron, Vandenberg Air Force Base, CA.

LCpl John T. Sparks, 23, of Chicago, IL, died October 8 while conducting combat operations in Helmand province, Afghanistan. Lance Corporal Sparks was assigned to 3rd Battalion, 5th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

PFC Victor A. Dew, 20, of Granite Bay, CA, died October 13 while conducting combat operations in Helmand province, Afghanistan. Private First Class Dew was assigned to 3rd Battalion, 5th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

LCpl Joseph E. Rodewald, 21, of Albany, OR, died October 13 while conducting combat operations in Helmand province, Afghanistan. Lance Corporal Rodewald was assigned to 3rd Battalion, 5th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

LCpl Phillip D. Vinnedge, 19, of Saint Charles, MO, died October 13 while conducting combat operations in Helmand province, Afghanistan. Lance Corporal Vinnedge was assigned to 3rd Battalion, 5th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

Cpl Justin J. Cain, 22, of Manitowoc, WI, died October 13 while conducting combat operations in Helmand province, Afghanistan. Corporal Cain was assigned to 3rd Battalion, 5th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

LCpl Irvin M. Ceniceros, 21, of Clarksville, AR, died October 14 while conducting combat operations in Helmand province, Afghanistan. Lance Corporal Ceniceros was assigned to 3rd Battalion, 5th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

LCpl Joseph C. Lopez, 26, of Rosamond, CA, died October 14 while conducting combat operations in Helmand province, Afghanistan. Lance Corporal Lopez was assigned to the 3rd Battalion, 5th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

LCpl Alec E. Catherwood, 19, of Byron, IL, died October 14 while conducting combat operations in Helmand province, Afghanistan. Lance Corporal Catherwood was assigned to 3rd Battalion, 5th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

SPC Rafael Martinez Jr., 36, of Spring Valley, CA, died October 14 while conducting combat operations between Moqur and Darreh-Ye-Bum, Afghanistan, of wounds suffered when insurgents attacked his unit with an improvised explosive device. Specialist Martinez was assigned to the 7th Squadron, 10th Cavalry Regiment, 1st Brigade Combat Team, 4th Infantry Division, Fort Carson, CO.

LCpl James D. Boelk, 24, of Oceanside, CA, died October 15 while conducting combat operations in Helmand province, Afghanistan. Lance Corporal Boelk was assigned to the 3rd Battalion, 5th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

Sgt Ian M. Tawney, 25, of Dallas, OR, died October 16 while conducting combat operations in Helmand province, Afghanistan. Sergeant Tawney was assigned to the 3rd Battalion, 5th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

Cpl Jorge Villarreal Jr., 22, of San Antonio, TX, died October 17 while conducting combat operations in Helmand province, Afghanistan. Corporal Villarreal was assigned to 1st Battalion, 11th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

LCpl Francisco R. Jackson, 24, of Elizabeth, NJ, died October 19 while conducting combat operations in Helmand province, Afghanistan. Lance Corporal Jackson was assigned to the 1st Battalion, 11th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

SSgt Joshua J. Cullins, 28, of Simi Valley, CA, died October 19 while conducting combat operations in Helmand province, Afghanistan. Staff Sergeant Cullins was assigned to the 1st Explosive Ordnance Disposal Company, 1st Marine Logistics Group, I Marine Expeditionary Force, Camp Pendleton, CA.

SPC Ronnie J. Pallares, 19, of Rancho Cucamonga, CA, died October 23 in Andar district, Ghazni, Afghanistan, of wounds suffered when insurgents attacked his unit using an improvised explosive device. Specialist Pallares was assigned to the 27th Engineer Battalion, Fort Bragg, NC.

SSG Aracely Gonzalez O'Malley, 31, of Brawley, CA, died October 22 at Homburg, Germany, of injuries sustained in a non combat incident October 12 at Mazar-e Sharif, Afghanistan. Staff Sergeant Gonzalez O'Malley was assigned to the 307th Integrated Theater Signal Battalion, 516th Signal Brigade, 311th Signal Command, Schofield Barracks, HI.

SPC Diego A. Solórzano Valdovinos, 24, of Huntington Park, CA, died October 29 in Landstuhl, Germany, of wounds suffered when insurgents attacked his unit on October 27 with small arms fire in the Yahya Khel district in Afghanistan. Specialist Solórzano Valdovinos was assigned to the 1st Battalion, 506nd Infantry Regiment, 4th Brigade Combat Team, 101st Airborne Division (Air Assault), Fort Campbell, KY.

SPC Brett W. Land, 24, of Wasco, CA, died October 30 in the Zhari district, Afghanistan, of wounds suffered when insurgents attacked his unit with an improvised explosive device. Specialist Land was assigned to the 2nd Battalion, 502nd Infantry Regiment, 2nd Brigade Combat Team, 101st Airborne Division (Air Assault), Fort Campbell, KY.

LCpl Matthew J. Broehm, 22, of Flagstaff, AZ, died November 4 while conducting combat operations in Helmand province, Afghanistan. Lance Corporal Broehm was assigned to the 3rd Battalion, 5th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

LCpl Brandon W. Pearson, 21, of Arvada, CO, died November 4 while conducting combat operations in Helmand province, Afghanistan. Lance Corporal Pearson was assigned to the 3rd Battalion, 5th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

SSgt Jordan B. Emrick, 26, of Hoyleton, IL, died November 5 while conducting combat operations in Helmand province, Afghanistan. Staff Sergeant Emrick was assigned to the 1st Explosive Ordnance Disposal Company, 7th Engineer Support Battalion, 1st Marine Logistics Group, I Marine Expeditionary Force, Camp Pendleton, CA.

LCpl Randy R. Braggs, 21, of Sierra Vista, AZ, died November 6 while conducting combat operations in Helmand province, Afghanistan. Lance Corporal Braggs was assigned to the 3rd Battalion, 5th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

2ndLt Robert M. Kelly, 29, of Tallahassee, FL, died November 9 while conducting combat operations in Helmand province, Afghanistan. Second Lieutenant Kelly was assigned to the 3rd Battalion, 5th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

LCpl James B. Stack, 20, of Arlington Heights, IL, died November 10 while conducting combat operations in Helmand province, Afghanistan. Lance Corporal Stack was assigned to the 3rd Battalion, 5th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

SSG David P. Senft, 27, of Grass Valley, CA, died November 15 at Kandahar Airfield, Afghanistan, of injuries sustained in a non-combat related incident. Staff Sergeant Senft was assigned to the 5th Battalion, 101st Aviation Regiment, 101st Combat Aviation Brigade, 101st Airborne Division (Air Assault), Fort Campbell, KY.

LCpl Ardenjoseph A. Buenagua, 19, of San Jose, CA, died November 24 while conducting combat operations in Helmand province, Afghanistan. Lance Corporal Buenagua was assigned to 1st Combat Engineer Battalion, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

1stLt William J. Donnelly IV, 27, of Picayune, MS, died November 25 while conducting combat operations in Helmand province, Afghanistan. First Lieutenant Donnelly was assigned to 3rd Battalion, 5th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

SPC Matthew W. Ramsey, 20, of Quartz Hill, CA, died November 29, in Nangarhar province, Afghanistan, of wounds suffered when an insurgent attacked his unit with small arms fire. Specialist Ramsey was assigned to the 1st Squadron, 61st Cavalry Regiment, 4th Brigade Combat Team, 101st Airborne Division (Air Assault), Fort Campbell, KY.

Cpl Chad S. Wade, 22, of Bentonville, AR, died December 1 while conducting combat operations in Helmand province, Afghanistan. Corporal Wade was assigned to the 2nd Battalion, 1st Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

Sgt Matthew T. Abbate, 26, of Honolulu, HI, died December 2 while conducting combat operations in Helmand province, Afghanistan. Sergeant Abbate was assigned to the 3rd Battalion, 5th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

SSG Vincent W. Ashlock, 45, of Seaside, CA, died December 4 in Khost province, Afghanistan, in a non-combat related incident. Staff Sergeant Ashlock was assigned to the 890th Engineer Battalion, 168th Engineer Brigade, Lucedale, MS.

Cpl Derek A. Wyatt, 25, of Akron, OH, died December 6 while conducting combat operations in Helmand province, Afghanistan. Corporal Wyatt was assigned to the 3rd Battalion, 5th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

PFC Colton W. Rusk, 20, of Orange Grove, TX, died December 6 while conducting combat operations in Helmand province, Afghanistan. Private First Class Rusk was assigned to the 3rd Battalion, 5th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

Sgt Jason D. Peto, 31, of Vancouver, WA, died December 7 from wounds received November 24 while conducting combat operations in Helmand province, Afghanistan. Sergeant Peto was assigned to the 3rd Battalion, 5th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, CA.

IRAQ

SGT Ryan J. Hopkins, 21, of Livermore, CA, died January 8, at Brooke Army Medical Center, San Antonio, Texas, of injuries sustained in a motor pool accident in Baghdad, Iraq, on October 4, 2008. At the time of the incident, Sergeant Hopkins was assigned to the 64th Brigade Support Battalion, 3rd Brigade Combat Team, 4th Infantry Division, Fort Carson, Colo. At the time of his death, he was assigned to the Warrior Transition Unit, Fort Sam Houston, San Antonio, TX.

SPC John Carrillo Jr., 20, of Stockton, CA, died September 24 in Fallujah, Iraq, of injuries sustained September 23 in a non-combat

incident. Specialist Carrillo was assigned to 3rd Battalion, 15th Infantry Regiment, 4th Infantry Brigade Combat Team, 3rd Infantry Division, Fort Stewart, GA.

Mrs. BOXER. Madam President, these heroes, these Americans have sacrificed and given it all for this Nation. I am humbled by their service. I am humbled by the service of their families, because this is a family commitment. I am so proud, along with Senator BURR, to be cochair of the Military Family Caucus. I pledge to continue what I can do to make sure that our commitment to our military families is constant and that we are fulfilling our role to make sure they get treated with honor and respect and that we lessen their hardships. We cannot take away the pain of their loss.

I also want to say I am working in every way I can to end this war in Afghanistan. I support bringing the troops home in 2011. There is some talk it might be extended another year. I don't support that. As someone who voted to go after Osama bin Laden and the Taliban and go into Afghanistan, we lost a lot of years because President George W. Bush turned and focused his attention on the Iraq war, a war I did not support because I didn't think it was based on truth. It turned out that it wasn't. History will speak to that. We have been in Afghanistan a long time and they are going to have to stand up and defend their own country, as all nations have to do to defend themselves. We have given so much, and today 52 more California-connected servicemembers since August 5—that is an ongoing sacrifice.

We heard yesterday about a tragic explosion against NATO forces there on a headquarters in southern Afghanistan, where we lost six. I support that withdrawal and doing it in a way that makes sense. We are not going to do it in 1 day, or 6 months, but we should start it.

REMEMBERING RICHARD HOLBROOKE

Connected to that, the second issue I wanted to bring up is the passing of Ambassador Richard Holbrooke—someone I considered to be a friend, adviser, a brilliant mind, a warm personality, a man who lived for his work and his family. It is so ironic, in a sense. I saw him twice last week because he and his wife had gone to the Kennedy Center awards. He seemed fine, so engaged, and so well. It was a shock to read about what happened.

I send my love to his family, his wife, and his children. He will be missed so much, because he had a very unique approach to diplomacy. There was a love of what he did that you can't create. When you talked to him, he engaged you because of his deep commitment and love of his work, and his understanding that diplomacy is the answer, not war, and that you had to be tough. As he pointed out, you had to meet with people you would not want to be in a room with. But he had to do that as he negotiated the end of the war in Bosnia.

I will miss him both personally and certainly as a member of the Foreign Relations Committee with the occupant of the Chair.

DON'T ASK, DON'T TELL

I want to talk about a couple of other issues, to express my disappointment that because of an artificial line laid down in the sand by our colleagues on the other side, they would not vote on a civil rights matter to end don't ask, don't tell, which is a policy that makes our Nation weaker, not stronger. It is a policy that brings pain to so many of our fellow Americans. They have to keep a secret as to who they are and how they live their life, and that runs counter to what this country is all about.

The thing is, when you are in the military and you are side by side and you are in trouble, whether you are gay or straight has nothing to do with the mission you are facing. There is a very strict code of conduct in the military that says whoever you are, you cannot abuse your rights and privileges, whether it is about sexual harassment or anything else. That is very clear. So we already have a code of conduct that can apply to everyone.

I was proud that in the survey that was taken, our military said they didn't think it would harm us in terms of our ability to have a strong defense. Good for them. I read into the RECORD a number of cases of heroes who have been run out of the military because of their sexual orientation—heroes. A couple of them have been reinstated. The courts are going to do away with don't ask, don't tell. So I would rhetorically ask my colleagues: Why on Earth would we leave this to the courts when we could have the pride in standing for civil rights? It is unfortunate.

Some on the other side have flip-flopped on this issue and said: Oh, well, when the military leaders say it is OK, I will be there. But now they are not. They set the bar every day at a different height. It is wrong and we should get this done. There was an excuse that, well, let's do the tax cut first. OK, we did the tax cut. So I am hoping they will let us go to this and vote on this so we can be proud as Americans here, across party lines, that we can put aside partisan differences when it comes to civil rights.

I was watching a TV special on the civil rights law that passed in 1964, and the beautiful part of it was the coming together of the parties, at the end of the day, on an issue that was so right for this country. I hope we can do this again. I just hope we can do this again. If not, I say to the courts: Do the right thing. You are doing it, but keep it up, because we are not any stronger as a Nation, we are weaker, when incredibly talented, dedicated, patriotic Americans are turned away for absolutely no reason.

DREAM ACT

I wished to talk about that as well as the DREAM Act—another area where this country is made stronger. This act focuses on a child who may have been brought here by their parents. Their parents broke the law, brought a child here, say, at 3 or 4 months, and the child grows up and doesn't even know they do not have their papers until they get to be 18 years old. This is their country. They love their country. A lot of them are presidents of their student body. Since when do we pin the crimes of the parents on a child? We don't do that here. Again, what are we gaining? We are losing.

So the DREAM Act, which started off with huge bipartisan support, suddenly has gotten to the place where don't ask, don't tell has gotten, where we are moving away from justice. Everybody has their reason—oh, it can't be part of the military bill. If it is not part of the military bill, they say: Why isn't it part of the military bill? It seems to be a moving bar.

I read about this big meeting called ''No Labels,'' where people got together and said we are tired of the two parties not working together. It was sort of interesting because it was on the day when the two parties did work together and we got over 80 votes for a tax bill. But be that as it may, let's set that aside, here are two issues that have nothing to do with partisan politics because they are good for the country—they help our young people and they make sure people can serve in the military if they are qualified and their sexual orientation essentially has nothing to do with it. We have a chance to come together for the good of the country on these things.

9/11 HEROES

I still hold out hope that we can do that, and we can also take care of those heroes of 9/11 who went to that toxic pile in New York and looked for the survivors and then looked for remains and breathed in that toxic air, which in those days the EPA said was safe. Well, it wasn't safe, and now they are sick. Yet we can't seem to get the votes to help them. But I don't give up. I think we can do this. So let's work together on all these things.

TRANSPORTATION

Another area where we have been able to work together in the past—and where I hope we will continue to work together—is the Transportation bill. We usually enact our highway trust fund programs for about 4, 5 or 6 years at a time. The last time we extended it for 1 year, and now the extension is ending. So we need to extend again the existing transportation authorization. I am optimistic on this one because in the House it didn't seem controversial. They added it to the continuing resolution and extended it to the end of fiscal year 2011. September 30 is the date.

It is important to note that 900,000 jobs nationwide depend on this highway trust fund and the reauthorization of it and all those programs—with 85,000 jobs in my home State of California. It is very important we do this work, whether it is through an omnibus budget or through the continuing resolution, however it ends up.

This is an area again where the political parties have come together. My ranking member, JIM INHOFE, and I have been working very closely on this and we support this extension. It has the support of the members of the Americans for Transportation Mobility Coalition—and I will name some of them: The American Public Transportation Association, the American Road and Transportation Builders, the Associated Equipment Distributors, the Associated General Contractors, the Society of Civil Engineers, the International Union of Operating Engineers, Laborers International, the National Asphalt Paving Association, National Stone, Sand & Gravel, the United Brotherhood of Carpenters and Joiners, and the U.S. Chamber of Commerce.

Listen, that is quite a group. When you have unions and you have the employers and you have the U.S. Chamber of Commerce—which is negative on so many things, unfortunately, but positive on this—that is a good matchup.

Madam President, I ask unanimous consent to have printed in the RECORD the letter from the Americans for Transportation Mobility.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMERICANS FOR TRANSPORTATION MOBILITY,

*Washington, DC, December 8, 2010.*

TO THE MEMBERS OF THE UNITED STATES CONGRESS: The Americans for Transportation Mobility (ATM) Coalition strongly urges you to extend the Safe, Accountable, Flexible, Efficient, Transportation Equity Act—A Legacy for Users (SAFETEA–LU) as well as expenditure authority for the Highway Trust Fund through the end of FY2011 as included in H.R. 3082, the ''Full-Year Continuing Appropriations Act of 2011.'' While the Coalition continues to support Congressional efforts to enact a well-funded, long-term surface transportation bill, the absence of such a bill makes this extension essential to creating and sustaining jobs and maintaining America's transportation infrastructure. Furthermore, this extension provides much needed certainty for the construction industry, states, and localities as they plan for the 2011 construction season.

SAFETEA–LU expired last September and has since been operating on a series of short-term extensions—the latest of which expires at the end of this month. The uncertainty created by the lack of a multi-year federal commitment to improving America's highway and public transportation facilities is contributing to a slowdown in transportation development activity in many states. The jobs impact of this situation has rippled throughout the economy. Workers at design and engineering firms, construction companies, equipment manufacturers, and materials providers have lost their jobs and even more positions are on the line due to uncertainty in federal funding, at a time in which the U.S. unemployment rate remains at record highs.

Congress must not delay in passing a robust, multi-year highway and transit reauthorization in the 112th Congress. While reauthorization entails a host of challenging policy and revenue issues, this effort should be viewed as a key opportunity to move U.S. infrastructure into the 21st century, bolster economic recovery efforts, and improve all Americans' way of life. If local, state, and national leaders continue to ignore this important issue, commerce will suffer, fatalities will rise, congestion and pollution will grow unabated, and the United States will find itself further and further behind its rapidly expanding international competitors.

To help prevent further job loss and ensure vital transportation investments continue, the ATM Coalition strongly urges you to extend SAFETEA–LU and expenditure authority for the Highway Trust Fund through the end of fiscal year 2011.

Sincerely,

AMERICANS FOR TRANSPORTATION MOBILITY.

Mrs. BOXER. Madam President, this extension will save jobs not only in the short term, but it gives certainty to our States. We know our Nation's highways, bridges, and transit systems need to be in good repair.

I will say this: With the construction industry still in a downturn, it is tough for them because of the housing crisis. Construction jobs are few and far between, and we have a very high unemployment rate in the construction industry. This extension is important. It gives certainty. It will save hundreds of thousands of jobs, it will improve our infrastructure, and provide that foundation we need for a solid recovery. So I look forward to taking that up.

The last topic I wished to talk about—and I ask how much time remains in my 25 minutes.

The ACTING PRESIDENT pro tempore. The Senator has used 15 minutes.

Mrs. BOXER. I thank the Chair.

The last topic I wish to talk about is my vote yesterday to move forward on a tax bill, the framework of which was sent to us by President Obama. There were negotiations with our Republican colleagues and then one very important addition was made to the bill. Many of us in the Senate wanted that—and I am grateful for that addition—and it was the 1603 program, which is critical to our clean energy businesses and will result in tens of thousands of jobs.

This will allow companies that are moving forward with solar, wind, and geothermal projects—clean energy projects—to essentially get a tax credit up front. That is essential because there are a lot of plans on the drawing board. If this hadn't been renewed, we would have lost those plans, and we would have lost those jobs. So I am very pleased about that.

So much has been said about this tax bill, and I don't know that I am going to say anything that is going to add to the debate, but I wished to lay out some of what compelled me to vote yes to move that bill forward. It is kind of summed up in a San Jose Mercury News editorial, where they say:

More than three-quarters of the spending will go to middle- and lower-income families through tax cuts, tax credits for working families, and unemployment insurance.

That is the San Jose Mercury News. One could quibble that maybe it is 50 percent, more than 50 percent or maybe 60 percent, but the fact is, this bill will be a help to the middle class.

When I was a kid in school, we had a big lecture on how a bill becomes a law, and it sounds so easy. You start in a subcommittee in one House or the other, the subcommittee marks up the bill, the full committee marks up the bill and then it goes to the other House and they do it. If there are differences, they all meet happily in a conference and chat a little bit, they find the differences and resolve them and the bill then goes to the White House. The President either signs the bill and everybody celebrates or he vetoes it and you have to get three-quarters of the Chambers to override.

It doesn't exactly work that way in real life. In real life—which you can't explain in a textbook—the different parties bring different passions to the table, and those passions are held deeply. If I tell you where I see the passion coming from on either side, it is my view. There is no science to this, it is just my view. But I think the passion the Democrats brought to the table was that we needed to make sure, first and foremost, the people who have been desperately hurt by this slow economic recovery aren't left in the lurch for the next year. Because technically, even though the recession has ended in terms of GDP growth, the fact is, it is a very painful, agonizingly slow recovery that is going on. Yes, jobs are being created—up to now about 900,000 since January—but it is not enough to make up for the millions of jobs that were lost in the recession. So it is painfully slow, and we are worried about it.

So we brought that passion we had to make sure middle-class families who lost their jobs didn't lose everything else—they didn't lose their homes, didn't lose the ability to send their kids to school, and they have this bridge of unemployment insurances, which, by the way, they pay for. They have to be actually looking for work in order to get it. That is the passion we brought to the table.

The other passion was to make sure the middle class didn't get a tax increase. We were passionate on that point, and we wanted tax credits for businesses that resulted in jobs. Those were the passions we brought to the table.

I think it is fair to say the passions the Republicans brought to the table were to help make sure the very wealthiest got taken care of in any deal. Why do I say that? It is a fact in evidence. Their nonnegotiable terms included the extension of the tax cuts to billionaires and millionaires. That was it. Passionate. Passionate. Just as we were passionate about helping the middle class, they were passionate on this point, and they were passionate—and they have been—about the largest estates in America. A lot of them don't even think estates ought to be in any way taxed.

In America, for many years, we have had what I would call an ethic that this American dream is crucial. We want everyone to have it. We are proud

when people get to be multimillionaires and billionaires. But we have a Defense Department to run, we have an education system to help, we have roads to be build, our national security costs money, our domestic security costs money. Social Security has to be taken care of, people pay into the system, and health care—therefore, we believed for years, and it was bipartisan, that for the wealthiest estates to have an estate tax was something that worked.

Frankly, somebody who inherits, let's say, a $7 million estate from their parents, they are going to be OK. By the way, that is a very small percentage. Democrats believe 99 percent of estates would not have any tax under our plan. But Republicans were passionate about this. They wanted a $10 million estate, and they wanted a lower tax rate.

Were I to write the book, ''How A Bill Becomes A Law,'' I would have a different way of writing it. I would say: Technically, this is what happens to get it to the President, to get the bill. But what you need to know is what the passions are. I think at the end of the day both sides could come away with this, saying what we felt passionate about in this bill was good.

The one thing that was not addressed in this bill is the deficit. A lot of us on both sides are passionate about that. But I think at the end of the day there was a decision, perhaps not voiced but certainly understood, that this is a stimulus bill, and we are going to have to do serious deficit reduction. Anyone who thinks we will not have to pay the piper for these tax cuts is living in another world. Of course we are. The question is, Do we do it now or do we do it when this economy truly turns around?

Then there will be another passionate debate about who is going to help solve the deficit. I have a feeling you are going to see the same thing. The Democrats are going to say: The middle class are not responsible for this; let's look to the upper income. Our Republican friends are going to say: It is class warfare. Don't look to the wealthy.

We are going to have this battle again. But I voted for this bill because I think our economy continues to be in a fragile state when it comes to job growth, and I think we had to move forward on this. I am glad we did because this has been the worst recession since the Great Depression.

I hate to remind people of what it was like, but when George Bush was President, he came to us with Hank Paulson, then-Secretary of the Treasury, and Ben Bernanke, and they said to us: This economy is going to collapse. Nobody is lending. Capital is frozen. We are in desperate shape.

I have to tell you when the stock market went down—at one point it was almost 50 percent down—those were tough times. We took many steps to get this economy back on track. I have to say things have stabilized.

Since January 10 we have added 937,000 jobs to this economy. But because 8 million jobs were lost in this great recession, that is just not enough. The President knows this. That is why he knew he needed to come to us with a framework that basically said we are not going to put a burden on the middle class. They have suffered enough. He had to swallow hard to do things that we know he did not want to do.

I will reiterate what the San Jose Mercury News said:

> More than three-quarters of the spending will go to middle- and lower-income families.

That is an important point.

I have talked about the importance of the extension of unemployment benefits. In my State of California more than 400,000 workers will lose their UI benefits by the end of December, 2 million workers nationwide. I have to say Mark Zandi, who was one of JOHN MCCAIN's top advisers, clearly says when you extend unemployment benefits, you get the best bang for the buck.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mrs. BOXER. I ask for 2 more minutes, and then I will stop.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. BOXER. This tax bill I voted on will help our working families. There is a 2-percent cut in payroll taxes. I know some say: Is that going to hurt Social Security? We have a statement from the executive vice president of the AARP, the Association of Retired Persons, saying the proposal has no financial impact on Social Security because the trust fund is made whole. That is critical. When we had the administration at our caucus we made sure of that.

There is the extension of the child tax credit from the Recovery Act, the earned-income tax credit, the childcare tax credit, there is education relief and refundable tax credits for college, again, those clean energy incentives which were critical, the 1603 provisions, job creation tax incentives, R&D tax credit, bonus depreciation, veterans work, opportunity credit, small business capital gains exclusion.

In closing, do I feel passionate that the people who earn over $1 million do not need a tax cut? You bet I do. I am passionate. To me, to add to a deficit while we are in two wars to help people when so many of them say don't even do this—we had a letter put in the RECORD from 90 millionaires saying this is ridiculous.

I am passionate about that. That fight will go on. Frankly, it is a disagreement between the two parties. That is fine. We cannot be expected to agree on everything. But I think moving ahead with this was very important. Most economic forecasters estimate the legislation will increase GDP growth, and I think that is critical at this time. My State is struggling with 12.4 percent unemployment, and I did not agree with two major provisions—the estate tax, which is a giveaway to estates over $10 million, and it is a giveaway to the wealthiest few. It adds to the deficit because of that, and there is no reason to do it.

But on the whole I think this is something we should do, and I look forward to getting it done so maybe my colleagues on the other side will join us as we finish up a whole list of things we need to do before we leave for the holidays.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mrs. HUTCHISON. Madam President, I rise today to say I think the President of the United States and our Senate minority leader, MITCH MCCONNELL, have done a great job. As I hear the talking heads and the pundits and others talk about this compromise, this way forward, I am sure of it because no one is completely happy with it. People who think we should have a death tax are not happy with this bill. People who think, as I do, the unemployment provision goes too far, is not paid for and should have been are on the other side.

But we are now faced with a choice. Are we going to allow the taxes for every single individual in our country who pays taxes to go up on January 1? We could talk all day about how we should have addressed this much earlier. Yes, that is true. But we are where we are. It is now mid-December, and it is long past time when we should have told the American people—every family, every business in this country—what the tax policy is going to be for 2 years.

I come here with a business background. I wish more of my colleagues had real business experience because sometimes when I hear the academics and the talking heads talk about what we ought to do—some say: Let's just wait. We can do this better next year. Are you kidding me? Have you ever been in the real world trying to make a decision about whether you can add one more piece of machinery to your factory floor and hire people to run it? You are not going to make the decision if you do not know what your commitments are going to be in taxes and in the health care bill that is looming before every business in this country.

Not only did I come from a business background, but I talk to business people throughout my State. They are not hiring. Two-thirds of the jobs in this country are created by small business. That is exactly what we should all hope for. We don't want jobs to be created in the government sector. That is a cost you cannot recoup. We need to cut down on government sector jobs and make sure people in the private sector are working because this is how to build a strong and vibrant economy.

As I mentioned, two-thirds of private-sector jobs are in small business, and small businesspeople are operating,

generally, at low margins. They are not hiring people when they are seeing estimates on the cost to them of the health care bill enacted this year, including estimates that their taxes are going to go up next year. At every level, taxes will go up if we do not pass this tax bill this year.

Capital gains and dividends are going to go up. Seniors have saved their lifetimes to be able to retire, and they know they cannot live on Social Security. Social Security was never meant to be a complete retirement plan. It was meant to be a cushion, a help with savings that would allow people to maintain a standard of living.

Talk to seniors today who have saved, and they are not earning one penny on their savings. They certainly are not going to do well if we raise the tax on capital gains and dividends. What are we thinking? To raise taxes on capital gains and dividends, that is the level that allows many seniors to live at a decent standard.

What about the tax rate? Every person who pays taxes faces an increase on January 1 if we do not pass this bill because they would go into a higher bracket, and face a higher rate at each level.

Let's go back to small business. NFIB, the National Federation of Independent Business, which is the largest small business organization in America, says 75 percent of the small businesses in this country are taxed at individual rates. If their taxes go up it will present a barrier to their being able to plan for the future and hire.

People in business want predictability and stability. That is why having at least 2 years is so very important. Doing it now so they can plan for next year is so very important because they are looking for predictability.

If I had written this bill with nobody else's opinions, I would have made them permanent because I know small business would much rather have certainty for 10 years of what is going to happen, or at least 5 years. But I did not get to write it by myself—neither did Senator MCCONNELL, or the President.

We have all sponsored bills to make the tax cuts permanent because we want jobs to be created in the private sector knowing these are the good jobs of the future that can be sustained and grow our economy. If we allow these tax cuts to expire, the marriage penalty is going to come back. The marriage penalty is my amendment that was put into the tax cuts of 2001 and 2003. My amendment was to relieve the marriage tax. A policeman and a schoolteacher who marry go into a higher bracket just because they got married, not because they increased their incomes. That is wrong. Two schoolteachers who marry would go into a higher bracket, but the marriage penalty relief bill I sponsored relieves them to the greatest extent. It doubles the standard deduction instead of paring it back, and that is what we need to have.

What about the AMT? The AMT relief in this bill goes to the very lowest income earners in this country.

If we do not pass this bill, 21 million American taxpayers will have to pay an alternative minimum tax because the government says they are not paying enough. Now, I think it is a fair question—at what point does the AMT kick in? Today, the AMT kicks in for a single person who makes $33,000 and a married couple who makes $45,000. If we don't pass this bill through this Congress and let the President sign it, a married couple making $45,000 will have to pay the alternative minimum tax.

Our bill gives relief. The bill that is on the floor gives relief so that the exemption from the AMT would go up to $72,000 for a married couple before the alternative minimum tax kicks in and to $47,000 for a single payer.

So the bottom line is, if you think a single person making $33,000 ought to have to pay the alternative minimum tax, then I cannot explain it to you. I do not think a single person making $33,000 should be subject to an alternative minimum tax because they are not paying enough tax. The AMT relief in the bill will push it up to a level that is more reasonable—$47,000 for a single person and $72,000 for a married couple.

The estate tax relief—I think this is a significant advance for the real world. Again, for small businesspeople, farmers, and ranchers, a $1 million exemption will force farmers and small businesspeople whose equipment is valued at more than it can produce to sell—what happens is that the heirs to that estate will have to sell the equipment or the business or part of the farm or all of the farm to pay taxes to the government. And the irony is that the money in an inheritance tax is money that has been taxed and taxed and taxed again. People pay taxes on their earnings, people pay taxes on their profits in a business, they pay taxes when they earn on their earnings.

The death tax does not make sense in the American dream because we have always said this is a country where you can work hard and give your children the fruits of your labor. But because of the death tax, family businesses are cut by 50 percent in this country because heirs have to sell the business to pay the taxes. That does not affect just the family; it affects the people who work for the family business.

I want to keep the American dream alive. I think the inheritance tax should be done away with completely because it is money that has already been taxed; it has been taxed in the system again and again and again. Every time something is earned, you pay a tax. So there is no policy reason for a death tax.

I did not get to write the bill by myself, and neither did Senator MCCONNELL. We would have made estate tax relief permanent. But it is not going to be permanent, and it is not going away. It is going to be a 2-year extension, with a $5 million exemption and a 35-percent rate after that.

I believe this bill provides some relief and helps people to plan for their estates. I hope we can make it permanent so people will be able to plan into the far future so that their small business, their farm, their ranch can be held by their heirs and keep the jobs those family-owned businesses have produced.

So I think it is important, when we get down to the bottom line—do we pass this bill or not?—that there are alternatives. We could say: You know what, I want to write it differently. Let's wait until next year.

First of all, if we do that and we open up what I think is a very balanced approach, then we are going to talk about this a whole lot longer. It is going to take a while, and in the meantime people are not going to be hired because small businesses will not know what their tax liabilities are going to be, and we will not have this settled, these concerns for at least 2 years.

Next, we can work on long-term tax reform. I thought the fiscal commission that just reported had some very good ideas for tax reform where everyone would pay more of a flat tax. It would be slightly higher at the higher levels, bring in more revenue at the higher levels and lower the tax on everyone. It would bring in more because it would be simpler and more fair. I think we ought to look at that. We may need to make changes in one way or another, but it was a good starting place. But if we wait until next year to pass a bill, we are going to throw this economy into upheaval, and we will certainly not create the jobs that are the motivation behind this agreement.

The President and the Republicans agreed on one thing; that is, the goal should be to spur the economy and create jobs. How we get there, we have differences, but at least there are some parts on both ends that will have the effect of giving stability and predictability to the small businesses in our country that create two-thirds of the jobs so that they can start hiring. That should be the dispositive part of the decision we all need to make to vote for this bill.

You would have written it differently, Madam President, I would have written it differently, the President would have written it differently, and so would Senator MCCONNELL, if we were the king and queen of America. Fortunately, we are in a democracy, not a monarchy, so we cannot have everything exactly the way we want it. This is a good start.

Let me end by suggesting that once we make this decision—and I hope we will make the decision to move forward, and I hope the House will join us—then we will not have to discuss tax cuts for 2 years. People will know what they are going to owe for 2 years, and they will be able to start making plans on that.

But the argument that is being made—that this is going to add more in the deficit—does need to be addressed, and once this bill is passed, we must get about the business of cutting overall spending by this government. And that is not just the discretionary part, which is a minor part of our budget, it is also the entitlements. What can we do to make the entitlements not continue to grow beyond the capability to pay for them in a reasonable economy? We must get the debt down, we must get the deficit down, and we have to concentrate on that if we put the tax cuts to bed.

One of the things we need to address is the implementation of this health care bill, which is the other factor in jobs not being created right now. I hope we can repeal what we have passed and start all over so that the businesspeople know that what we passed is not going to work. It is going to be in the courts for a long time because of the constitutional issues.

Let's go about planning for a health care reform that doesn't put the fines and the penalties on businesses and individuals. Let's give them options so that affordable health care is there for them. We don't have to do that with a hammer; we can do it with options that are incentives for people to get health insurance because it will be affordable. Let them make choices for what fits their family, not a big, government-prescribed one-size-fits-all.

Let's start getting serious about a bipartisan effort to cut the spending and cut the debt and cut the deficit.

Let's set some parameters around extending unemployment so that more people will be hired and we will set standards that are reasonable for people to start giving back to the community if they are able-bodied and have been unemployed for 2 years and more.

If we are creative and we work together, we can do this. But tearing this package apart and saying: Well, I want it all my way, means we are not going to have the stability and predictability that will create jobs starting next year. That is our stated goal on both sides. I hope the Members of the House will realize that anything we do next year is going to have to be with a Democratically controlled Senate and a Republican-controlled House, and that means everything is not going to be our way.

I would not have written this agreement exactly this way, and neither would Senator MCCONNELL. I am sure the President would not either. But Senator MCCONNELL and the President have done what leaders need to do: they have come together on a bill that will move this country forward, and it will not increase taxes on anyone who is paying taxes today. How can anyone believe it will be good for the economy of our country to raise taxes in a recession?

I am sure we are going to hear a lot of debate on this floor about what individual Senators would have done differently, but the bottom line is, this Senate will overwhelmingly pass this package.

I hope that when all of the debate is finished, this bill will be signed by the President and we will move forward in a joint effort to reduce the debt of this country, as adult leaders should do. That should be our goal for the next 2 years, as we now have settled the tax cut issue. Hopefully, we will go with a vengeance against the debt and some reform in the entitlement programs. We can do it. It will not be easy, but it can be done. That is why we ran for these offices—to be the leaders when our country needs leadership.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. UDALL of New Mexico.) The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMEMBERING RICHARD HOLBROOKE

Mr. REID. Mr. President, last night I was at home and received a message on my BlackBerry that Ambassador Richard Holbrooke had died. I felt very sad about that. He was such a nice man. He was the epitome in his dealings with me of a gentleman. Everyone who worked with him knew how hard he worked. I join many thousands of people who mourn the passing of Ambassador Richard Holbrooke, a champion diplomat and my personal friend.

Ambassador Holbrooke dedicated his entire life to foreign service, to keeping America safe through tough, sensible diplomacy. I will miss him, his friendship, his counsel. Our Nation will miss his tireless leadership and steady guidance of our foreign policy.

I had the opportunity to work with him closely on a number of occasions during my tenure as majority leader. I appreciated our many conversations as insights into the central national security issues of the day. The world bears the imprints of Ambassador Holbrooke's efforts to bring peace and security to places torn by violence and conflict. From his early days in the Foreign Service to his leadership negotiating the Dayton Accords to latest efforts at stabilizing Afghanistan and Pakistan, Ambassador Holbrooke was always at the center of the toughest security challenges of a given era.

America is safer and more respected around the world because of Richard Holbrooke. Our Nation mourns his passing. I offer my condolences to his family and loved ones during this most difficult time.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTES TO RETIRING SENATORS

KIT BOND

Mr. MCCONNELL. Mr. President, I rise to pay tribute to my old friend, KIT BOND, a man who has dedicated the better part of four decades to public service, and who has never failed in all those years to put the people of Missouri ahead of himself.

As KIT puts it:

> Serving Missouri has been my life's work. . . . I have walked the land, fished its rivers and been humbled by the honesty and hard work of our people. The highest honor is to receive and safeguard the public trust.

But KIT also knew when to leave the field to somebody else. As he put it in his retirement announcement last year before a packed Missouri House Chamber:

> In 1973, I became Missouri's youngest governor. . . . I do not aspire to become Missouri's oldest senator.

It may have been the one ambition KIT did not pursue.

Born in St. Louis, KIT is a sixth generation Missourian. He grew up in Mexico, MO, where his grandfather founded the A.P. Green Fire Brick Company, the largest employer in town. KIT and Linda still call Mexico home.

KIT has always been an overachiever. He graduated cum laude from Princeton University and first in his class from the University of Virginia School of Law. After that, he moved to Atlanta to clerk for one of the great pioneers of the civil rights movement, Judge Elbert Tuttle of the Fifth Circuit Court of Appeals.

After that, KIT went home to Missouri to practice law. In 1968, he ran for Congress and lost, but he did not lose his taste for politics. A year later, he was appointed Assistant Attorney General, where he ran the Consumer Protection Division under Attorney General John Danforth. The future Senate colleagues would become close friends, political allies, and dominant figures in Missouri politics for more than a generation.

In 1969, KIT was elected State auditor, and in 1972, at the tender age of 33, he was elected as the youngest Governor in the history of Missouri, and its first Republican Governor in 32 years. It was an extraordinary achievement, followed by an equally extraordinary series of events. Four years after winning the seat, he lost it to a Democrat named Joe Teasdale. But 4 years after that, he won it back from the same guy.

As Governor, one of KIT's greatest accomplishments was working with the Democratic legislature to take the Parents as Teachers pilot program statewide—a program that was designed to help parents prepare their children for the classroom and help them score higher on standardized tests.

As a young father and Governor, KIT saw how important the program was for his own son Sam. ''As a parent

looking for an 'owner's manual' to care for a new baby,'' KIT said, ''[Parents for Teachers] was my lifeline.'' So in 1984, KIT signed a bill requiring all Missouri school districts to provide Parents as Teachers services.

Since its inception in the mid-1980s, this program has been immensely successful and helpful to parents all across Missouri, serving 3 million children in the State. Today, the Parents as Teachers program includes 3,000 programs and has expanded to all 50 States and seven countries.

As Governor, KIT was also a strong advocate for biotechnology and the expansion of community health centers to underserved areas.

After his success as a two-term Governor, KIT decided to follow his former boss, Senator Jack Danforth, to Washington. He won his first term with 53 percent of the vote, becoming the only Republican that year to capture a seat previously held by a Democrat. For the last 24 years, KIT has been a leader of this body.

There is no stronger advocate for the men and women of our Armed Forces than KIT BOND. He has worked hard to ensure that our Nation's veterans get the care they need and deserve. He has become an expert on Southeast Asian affairs, last year coauthoring a book on Southeast Asia and Islam entitled ''The Next Front: Southeast Asia and the Road to Global Peace with Islam.'' ''It is not difficult to convince a senator to write a book,'' KIT said. ''The hard part is convincing people to read it.''

The Senate is indebted to KIT for his service as vice chairman of the Senate Select Committee on Intelligence. He has worked tirelessly to conduct responsible oversight of our Nation's intelligence community. He worked closely with former Chairman ROCKEFELLER and our current chair, DIANNE FEINSTEIN. In doing so, they showed all of us the importance of working together in a bipartisan fashion on matters of national security.

KIT was instrumental in the passage of the Protect America Act and the subsequent Foreign Intelligence Surveillance Amendment Act of 2008. He worked tirelessly behind the scenes and across the aisle to combat widespread misinformation about these bills.

Regarding the FISA Amendments Act of 2008, KIT said:

> There is nothing to fear in [this] bill, unless you have Al Qaeda on your speed dial.

Over the years, KIT worked hard to improve Missouri's transportation and infrastructure. Legend has it that his staunch protection of Missouri's highway funds even led to a physical altercation one day with our former colleague, Senator Moynihan. The details are a little murky with the passage of time, and Pat denied it ever happened. But KIT claims to have been the last Senator to be ''slugged'' on the Senate floor. The rest of us learned an important lesson that day: Don't mess with Missouri's highway funding.

I think anyone who knows KIT well will tell you the last 10 years have been some of the happiest for him. Linda has made KIT a new man. I understand she has improved his diet, his fitness routine, and, thank heavens, his wardrobe. He has proudly watched his son Sam stand up and defend the Nation KIT has served his entire life. First Lieutenant Bond served two tours in Iraq, the last as a scout-sniper platoon leader, where he conducted close reconnaissance and surveillance operations in order to gain intelligence on the enemy. We all thank him for his courage and his sacrifice in defending our freedom and security.

Now, I would be remiss if I failed to acknowledge another one of KIT's loved ones—his dog Tiger, who has become sort of a YouTube celebrity around here. Tiger is, of course, named after KIT's beloved University of Missouri Tigers, and her favorite past time is lying under KIT's desk and destroying a stuffed University of Kansas Jayhawk. Tiger may not be the kind of dog one would imagine for the vice chairman of the Senate Intelligence Committee. Even KIT admits she is a little bit of a froufrou pet. But in Tiger's defense, KIT likes to point out that the last time she saw FDIC Chair Sheila Bair, she would not stop barking. Chairman Bair has not one but two degrees from the University of Kansas. ''I think she sniffed it out,'' BOND said.

KIT has had a tremendous career in public service. He has been elected seven times in Missouri from State auditor to his four terms in the Senate—more than anyone else in the history of the Show-Me State.

Looking back, KIT says his political adversaries kept him nimble, and the media kept him humble. Whatever the formula, KIT has been an outstanding Senator, and we will miss him terribly. I am sure it is hard for Missourians to imagine KIT outside of office. It is no easier for his colleagues to imagine the Senate without KIT. As his fourth term draws to a close, history will show he has served the people of Missouri and the people of this Nation with passion, honor, and integrity. He will be missed.

Let me just add, back in the mid-1980s, I started off in the very last seat back there, and then, 2 years later—these were not great years for Republicans. We had two freshmen my first year, and two freshmen 2 years later, Senator BOND and Senator MCCAIN. So seniority being what it is in the Senate, I got to move out of the very last chair, moving over two more chairs, and BOND and MCCAIN came back there and joined us.

We were such power players in those days, we referred to ourselves as the ''Not Quite Ready for Prime Time Players.''

But I must say to my friend from Missouri, you have come a long way from those early days. You have made an enormous difference in the Senate, and we will all miss you greatly.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Thank you, Leader MCCONNELL, for your very kind and generous words.

Since I announced I was not running for reelection, I have been overwhelmed by the nice things folks have been saying about me. There is nothing like being eulogized while you are still breathing. But to my good friend MITCH, it has been a long time since we sat back in the corner as the ''Not Quite Ready for Prime Time Players,'' but while I never made it to prime time, except, of course, one appearance as a very less-than-best-selling author on the ''Jon Stewart Show,'' you certainly have arrived.

You have led us through many difficult and protracted debates. Through all of it, you have been an agile, disciplined, and courteous negotiator, with a good sense of humor. You kept us together on many tough votes, at least as much as is possible to keep 40-something different, independent minds all together or, as I like to say, 40 frogs in a wheelbarrow. But I thank you, MITCH. While I have occasionally caused you heartburn—I realize that—I have always appreciated your intelligence, your leadership, and your friendship. You and Elaine are very close friends of Linda and myself, and we wish you both the very best for the future.

FAREWELL TO THE SENATE

Two years ago I announced my retirement from the Senate, and that time has come. I have to begin by thanking all my colleagues and my constituents for making this job one of the best a person could hold. There is no greater honor than being given the trust of the people at home to represent them. I have done my best to keep faith with my constituents on every vote I have cast and every issue on which I have worked.

Through more than two decades of membership in this world's greatest deliberative body—sometimes delaying body—I have participated in my share of debates. When I first came to the Senate, the Cold War was a conflict some thought we would never win. Thanks to the courage and resolve of former President Ronald Reagan, millions of people now live in freedom. During this last term especially, it seems many debates will have history-shaping consequences.

America has faced many challenges in the past 6 years: the longest recession since the Great Depression, wars in Afghanistan and Iraq, the continuing battle against terrorism, the fight to be competitive in a global economy, and many more. As I look back, the successes we have achieved during my time here have come because people of good will were willing to work across the aisle for the common good of our Nation.

As I address the floor today, I am filled with memories of the many colleagues with whom I have worked over the years. One stands out in my memory—the one who was my best friend

and mentor in the Senate, who took me under his wing and treated me and my family as close friends, and that, of course, is the late Senator Ted Stevens. He was unflagging in his support of his principles, and everyone clearly knew where he stood. Yet he was a very effective appropriator because he knew how to compromise. I can only hope my colleagues and constituents know where I stand, and I, too, know that working across the aisle is the only way to get things done in this body.

Right after I arrived, I had the pleasure of working with the late Senator Robert Byrd, who achieved the acid rain trading compromise and passed the Clean Air Act amendments of 1990. I also joined with former Senator Wendell Ford to establish a National Guard caucus, and now it is a pleasure to work with PAT LEAHY to ensure that our dual-mission National Guard is adequately prepared to serve emergency needs on the homefront and participate in our national security issues abroad.

On the Appropriations Committee, I have enjoyed the successes I have had working first with BARBARA MIKULSKI and now DIANNE FEINSTEIN to ensure that public housing meets the needs of the people it is supposed to serve and the communities in which they live, providing supportive assistance for the homeless—particularly veterans—and stopping lead paint poisoning of children in old public housing buildings across the Nation. Barbara and I also gave a boost to what I believe will be the job-creating technology of the 21st century: agricultural biotechnology. We did that with congressionally directed spending in the National Science Foundation budget.

With Senator DIANNE FEINSTEIN as chair of the Senate Select Committee on Intelligence, we have put, I believe, the Senate Intelligence Committee back on a path of bipartisanship and achieved passage of the first Intelligence Act Reauthorization in 6 years.

I especially owe my Republican colleagues my sincerest thanks and appreciation for sticking with me as we negotiated our way through some tough compromises, such as the fights we have had on FISA. But when the Help America Vote Act came to the Senate floor in 2001, ostensibly to cure problems with punchcard voting in Florida but which most of us Republicans thought was an effort to discredit the election of former President Bush, I urged my colleagues not to block the bill but to use it, not only to make it easier to vote but tougher to cheat. When we moved to the floor, I brought to the Senate floor a picture of a springer spaniel, Ritsy Meckler, who had been registered to vote in St. Louis, MO, to make the point that if we had positive identification, it would have been much more difficult for Ritsy to register or certainly to vote. My friend, CHRIS DODD, with whom I had worked on many children and family issues and who worked with us on the HAVA Act, told me he never wanted to see a picture of that dog again, so I autographed the picture and gave it to him. I trust he still has it in his trusted memory box.

Right now we are engaged on the Senate floor in passing a bill that will stop historic tax increases from hitting most American families and the entire economy next year. I truly hope the House will be able to pass a bill for signature by President Obama so we can begin getting the economy to work again and preventing even more job losses. Assuming we can do it, the new Congress has to put our economy back on a sound footing. We must end the recent trend of the push for government overspending and passing the burdensome mandates on States and the private sector. Excessive regulations that go beyond reasonable safety and environmental restrictions are costing us jobs in agriculture, energy, and many other areas of the economy, and stopping badly needed developments that we in this country need.

The size of the debt has become an increasing concern for my constituents and others across the Nation. We have a debt problem that is caused by spending, not by having taxes too low. I am encouraged to see there has been more discussion of having a flat tax with lower rates, eliminating a wide range of deductions, credits, and other tax bill earmarks. Doing so would make it easier for all of us, as Americans, to fill out tax forms, eliminating the time and effort of figuring them out, and I think it should enable us to put more of those resources into what we need, our top priority: job creation.

Speaking of job creation, I think there are tremendous opportunities in export trade. I applaud President Obama's call for expanding trade to create jobs. I look forward to seeing his continued leadership and to seeing Congress move forward promptly to adopt the trade agreements with Korea, Colombia, and Panama. For our intermediate-term future, it is essential the United States participate in the Trans-Pacific Partnership with countries on both sides of the Pacific to take down barriers to trade and increase export job opportunities.

As most of my colleagues know, I have been particularly interested in expanding trade with Southeast Asia, which I believe is not well understood by too many Americans. But the entire Asian region, however, provides huge opportunities for better American jobs through trade and investment across the Pacific.

In addition to expanding economic growth and jobs, trade is also an important element in SmartPower, the fight against terrorist insurgencies threatening other countries and ultimately those of us here at home. As I mentioned in the book the leader was kind enough to speak of, we can and must use trade, investment, and education interchanges to build strong economies as a necessary step as we use military action to stop imminent, violent threats. The combination can make stronger, stabler allies.

I think SmartPower was no better demonstrated than in the efforts of the Missouri National Guard Development team in Nangarhar Province in Afghanistan. These military-trained Guard men and women went to Afghanistan with strong private sector expertise in a wide range of agriculture activities and helped reestablish a profitable, legitimate agriculture in Agatha, while they were maintaining security.

By the end of the first 10-month growing season, illicit poppy production had dropped to zero in Agatha, which had been the second leading poppy producer in the Nation. I think we have to expand that model with more National Guard units deployed but also a better coordination of not only our military forces overseas but civilian assistance that must go with them. We must continue our efforts to avoid giving al-Qaida and its related terrorist allies an unchallenged place to develop recruiting and training camps, command and control units that threaten us.

One of the greatest challenges, however, is the publicly announced summer of 2011 withdrawal date from Afghanistan.

It has told our enemies they only need to wait until next summer to put our allies in the Karzai government on notice that we may not be there to protect them after the summer of 2011. As important, it tells the shura or local community leaders we will not be there next year to protect them from the Taliban, so they are less likely to cooperate with us. There must be a message, I believe, from the White House, widely disseminated, that we will pull out of Afghanistan only when conditions on the ground indicate there will be security.

A high point of my legislative career got an impetus in 2007, when I went with Senator BAYH on a congressional delegation, a CODEL, to Afghanistan. We were told that the limitations in the old Foreign Intelligence Surveillance Act were a great threat to our troops as well as to those of us on the ground. I worked, as the leader said, from that point until the summer of 2008, with the strong support of my Republican colleagues, and a workable compromise across the aisle was developed which gave the intelligence agencies the access they needed and, at the same time, extended the protection of rights of Americans overseas from unwarranted interception of messages by telephone or e-mail.

As a result, we currently have that ability, but we must go to work quickly to make sure other provisions of vital intelligence collection measures and authorizations do not expire without legislative extensions. For the United States, our homeland, our defense against terrorist acts from prisoners of war is essential, and we must prevent the release of Gitmo detainees

to other countries, where they will return to the battlefield. The fact that one in four detainees already has come back is a frightening figure because we believe there are many more who will come back, and I fear one of those may conduct an attack on the United States. We need to have a law of war which allows us to hold them.

As a final thought on intelligence, however, the recent WikiLeaks scandal has shown us what damage the Internet can do to our diplomatic efforts as well as the safety of those in dangerous places with whom we have worked. The even greater threat we see is the continuing cyber attack on military intelligence and private sector critical infrastructure. With my colleague from Utah, Orrin Hatch, we have introduced a cyber security bill which will establish a cyber defense alliance to allow private sector entities to cooperate with government agencies to protect our critical financial systems, our utilities and, most of all, our communications systems from attack. The battle is underway, and we will need every effort to stay ahead of the developing attacks as well as helping the private sector protect their information.

In closing, I will tell my colleagues I have worked in all possible party combinations. I have been in the majority and minority. I have been fat and thin, and being thin and in the majority is a whole lot better. In my two terms as Governor, with a 70-percent Democratic majority in both the house and the senate general assembly, they explained to me how bipartisanship works. I figured it out during my second term, which enabled us to do better. It was my most successful term in any office, and the general assembly and I both achieved passage of all the legislative priorities we had.

So now if my colleagues will permit a little parting advice from an old bull: Work together, play nice.

I would follow up on the leader's comment about a little scuffle I had with Pat Moynihan. I never talked about it. We never said anything publicly until now. Later on, as we became fast friends, he used to tease me about setting up boxing matches so we could raise money for charity. But when I looked at his height and his reach, I didn't take him up on that.

In a world today where enemies are real—the kind who seek to destroy others because of their religion—it is important to remember there is a lot of real estate between a political opponent and a true enemy. In government, we expect spirited and principled debate where ideas compete and the best ones prevail. There will be issues where people of good conscience cannot come together, but let us never let what cannot be done interfere with what can be done. Events in the world and threats will continue to challenge us—terrorism, the economy, and growing debt.

Nearly 24 years ago, I was sworn in as a U.S. Senator. Since that time, I have been honored to work with you and others on all the priorities facing our country and many more. Public service has been a blessing and a labor of love for me. Little in life could be more fulfilling.

But I look forward to the next chapter in my life. I am neither shy nor retiring. There are ways to serve, and elective office is only one of them. I plan to continue fighting for Missouri and national priorities from a different vantage point.

Throughout 40 years of public life, I have met many wonderful people. I have visited every area of the State every term I have served in office. The people I have met in office and the people I have worked with have made the job so rewarding I decided to stay longer. The people of Missouri have been my most trusted and valuable advisers and I thank them for giving me support and helping me to identify not only the challenges but the solutions.

In addition to my colleagues and friends, there are too many others to thank, but let me give you the first one. First, to my patient family—my wife Linda, the light and love of my life; my talented, charming daughter-in-law Margaret, and my son Sam, whom I regard as my personal hero for his service as a marine ground-intelligence officer in Iraq.

Thanks to all who have worked for me in my office, on my committees, and those who have helped me with political activities—hundreds and thousands over the years. Some were not born when I started, others have passed away. Fortunately, many are still here.

As Mitch said, I thank my political adversaries for keeping me nimble and the media for keeping me humble. Most of all, I thank the voters of Missouri for sending me to Jefferson City three times and Washington, DC four times to represent them. There is no greater honor. I have been truly blessed to be entrusted by them with the responsibility of public office. And I thank you from the bottom of my heart.

The PRESIDING OFFICER. The Senator from Missouri.

TRIBUTES TO RETIRING SENATORS

KIT BOND

Mrs. MCCASKILL. Mr. President, I think it goes without saying there are things Senator BOND and I might disagree on, but today is not a time to talk about those things. I rise for a few minutes to talk about Senator BOND and the things I most respect and admire him for. It could be a very long list, and I don't want to take too long, but I am going to hit the high points of the things I think demand that anyone who has paid attention to Missouri needs to respect and admire this man for.

For 42 years, he has served the State of Missouri. Let us start there. He loves the State we call home. I would say that he knows it better than any living person in the world. He understands it, he is dedicated to it, and he has made Missouri his life's work. For that, he deserves my respect and admiration.

Secondly, he has made major sacrifices to serve. As the leader said, he graduated first in his class from the University of Virginia Law School; a graduate from Princeton. I don't need to explain to anybody in the Senate what that could mean in terms of one's career, in terms of making money. CHRISTOPHER KIT BOND could have been wealthy beyond anyone's imagination. He had the intellect, he had the personality to succeed in any business that he decided to engage in, and certainly in the practice of law.

I think in today's world there is so much cynicism about the people who choose a career of political service. This is a great example for civics classes throughout this country, to see that this is what we are talking about—someone who chose not to make big bucks, not to travel the halls of power in the private sector, but to toil in the fields of being a public servant. Yes, there are many things about being a public servant that are grand and glorious, but there is a lot that is not.

I would challenge anyone to go to as many farm bureau picnics as my colleague has gone to and not admit a little bit of fatigue. I would challenge anyone to have attended as many State fairs as my colleague has attended and not confess a little fatigue. I would challenge anyone to go to what my dad used to call the ''slick ham suppers'' in small communities across the State after a long week of work, because he knew there were people there who were going to be rewarded by his presence and that it was part of his job. He realized that was very important. So I am very respectful and have great admiration for the fact that he has toiled in the field of public service for all these years.

The third thing I respect and admire about him is how proud he is of his family and how devoted he is to his wife. It is wonderful to behold when someone exudes love and admiration and devotion to those people who are most important to all of us—our families. I have watched Senator BOND as he began to immerse himself in foreign policy, and I know it was because he went to bed every night and woke up every morning thinking of Sam, and Sam's service and what Sam was doing and feeling, that compelled him to do as much as he could in the Halls of Congress to help men and women such as Sam Bond throughout our world.

Fourth, and maybe this is the best one, Senator KIT BOND is not afraid of a fight. I think that is terrific. You know, Missouri is a tough State. It is a tough State in that anybody who tells you their reelection is certain does not know or understand Missouri. Every election is a battle in Missouri. He has a record of nine and two in those elections. And for our beloved team, the Missouri Tigers, he and I would take that record any year in football. He has

had three campaigns for Governor and four campaigns for the Senate from the State of Missouri, and his record is nine and one in those elections. Let me tell you, that is one remarkable achievement because in Missouri we have some strong-minded folks. We have a bunch of folks on one end who are very loud and very opinionated, and they are not going anywhere, and we have a bunch of folks on the other end who are just as loud and just as opinionated, and they are not going anywhere. But in the middle we have a grand and glorious group of very stubbornly independent people.

I like to point out to people that the State of Missouri elected John Ashcroft Governor and Harriett Woods Lieutenant Governor in the same election. Now, many of you may not know who Harriett Woods is, but I can assure you my colleague and I both know these two people—John Ashcroft and Harriett Woods—and they had absolutely nothing in common. They had completely divergent ideological views of the world, yet Missourians elected both of them. Why? I will tell you what that grand and gloriously stubborn streak of independents want in Missouri—they want someone with a smile.

Check for KIT BOND. When you think of KIT BOND, you think of him smiling. Even if his teeth are gritted, and he is telling you something you don't want to hear or you can tell he is angry at you, he is still grinning. They appreciate his intellect. He has always been an intellectual giant, and that is important when you are toiling the fields of public service. His integrity. There was never a doubt in all of these years of KIT BOND's service that this was not a man of the very highest integrity. And finally, a work ethic. And gee howdy, Missourians want a work ethic. They want somebody who understands that they are working hard and they want to see you working hard, and that is exactly what Senator BOND has done for these 42 years. He has worked very hard, even down to planting his chestnut trees himself on the farm in Mexico.

So the magic formula of a ready smile, intellect, integrity, and an amazing work ethic has put him in the same category as some of Missouri's very greatest. From Thomas Hart Benton to Senator CHRISTOPHER KIT BOND, he has shown the world and shown our country what hard work, what somebody who loves the middle of America and all that it represents can do in the Senate.

He has been a wonderful role model for many of us in Missouri, even if we don't always agree on every issue. And by the way, I will tell this story today: When I took my desk in the State auditor's office, there is a tradition in the State auditor's office in Missouri that all the previous State auditors' pictures are around your office on a photo rail at the top. I sat down at my desk on the first day having been elected State auditor, and I looked up and who was directly across from me—KIT BOND and John Ashcroft. I will confess I moved the order so I didn't have to look at both of you every single day. But you were a reminder to me that there are many different ways to serve.

It is with a great deal of reluctance that I say farewell to Senator KIT BOND in the Senate. He has served here well, he has served his State well, and I hope he remains a colleague and friend of mine for many years to come.

With the utmost admiration and respect, I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, I also want to add my voice in respect and recognition for the service of Senator KIT BOND. He has been a terrific colleague. We have jousted over issues such as water policy affecting our two States, but he has always conducted himself with honor and integrity and he will be missed in this Chamber.

REMEMBERING RICHARD HOLBROOKE

Mr. CONRAD. Mr. President, for a moment, I also want to note the passing of Richard Holbrooke, a distinguished ambassador, somebody who has played a key role in working on the policy towards Iraq and Afghanistan. Richard Holbrooke was a giant in American diplomatic history. Richard Holbrooke was a friend. I actually was with him the Sunday before he passed away and was shocked to learn that he had been stricken; even more shocked to learn that he passed away on Monday.

Richard Holbrooke leaves an extraordinary legacy of working for peace and for advancing the interests of this country. Richard Holbrooke will be missed.

Mr. President, I have come to the floor to discuss the tax extension package before us. I support this package because it will provide, I believe, a significant boost to the economy next year. It is necessary because the alternative would be a significant tax increase on millions of middle-class families in just a matter of weeks.

I recognize this package will increase the deficit over the next 2 years, but we need to distinguish between what is the right economic policy short term and longer term. Short term, I don't think there is any question that this economy remains weak, unemployment stubbornly high, and that means we need to do more to provide liquidity in the short term. That does not mean that we should ignore the growing debt that is all around us. That is a longer term challenge, but it requires our urgent attention.

We need to put together a plan this year to deal with our deficits and debt. That is what the fiscal commission was all about that Senator GREGG and I pushed for, which has just recently concluded its work, with 11 of the 18 members endorsing a plan to reduce our debt by $4 trillion.

Just as with that package, I do not agree with all elements of this package. In fact, part of this tax package I strongly oppose.

Most notably, I am opposed to those provisions that give overly generous tax reductions to the wealthiest among us in the estate tax area. But I understand that the President did what he had to do to get an agreement. This economy clearly remains in a fragile state and we can't afford to wait until we get everything we want. We cannot let the perfect be the enemy of the good. Too often in this Chamber, in this Congress, people insist on having it their way or take the highway. Unfortunately, that prevents us from doing things that are absolutely essential for the Nation.

Economists project that a failure to pass this package could reduce economic growth next year by as much as 50 percent. That would mean millions of jobs. So those who say, well, let's just scuttle this, have to think very carefully. What is the risk to the economy of the United States?

Just to review where we have come from, I believe the Federal response to the recession and the financial crisis has successfully pulled this economy back from the brink. I believe we were headed for financial collapse. Economic growth has returned—not as robustly as we would have liked, but nonetheless it has returned. In the fourth quarter of 2008, lest we forget, economic growth was a negative 6.8 percent. In the most recent quarter, it was a positive 2.5. That is a remarkable turnaround.

The same can be seen on the job front. In January of 2009, the economy lost over 800,000 private sector jobs in 1 month. The next month we lost another 700,000 jobs; the next month, another 700,000; the next month, almost 650,000. Now we fast forward to today, November of 2010, and 50,000 jobs were created. That is a dramatic turnaround, and we can see for month after month after month that we now have positive job growth. This economy has turned in the right direction and has done so in quite a dramatic way.

We have also seen the rebound in the markets. The stock market hit a low of 6,547 back on March 9, 2009. We are now well over 11,000. So in economic growth, job creation, and the stock market, we have seen dramatic improvement as a direct result of TARP and the stimulus program.

This economy still remains too weak, too fragile, with unemployment stubbornly high at 9.8 percent. By the way, without TARP, without stimulus, the best economists in this country, including Alan Blinder, the former deputy chairman of the Fed, and the chief economist at Moody's, Mark Zandi, said without TARP, without stimulus, unemployment today would be 15 percent—8 million more people would be unemployed. Despite some who say they haven't worked, TARP and stimulus, I believe the evidence is quite clear they have worked.

But more needs to be done. As we enter the holiday season, we can't forget that one in six Americans are now unemployed or underemployed and so we must do more to create jobs.

In a recent speech to the European Central Bank, Federal Reserve Chairman Ben Bernanke went as far as he could go on the question of fiscal policy, and he urged Congress to do more to help the near-term economy, while at the same time taking steps to bring down long-term deficits. This is what he said:

> On its current economic trajectory, the United States runs the risk of seeing millions of workers unemployed or underemployed for many years. As a society we should find that outcome unacceptable. Monetary policy is working in support of both economic recovery and price stability, but there are limits to what can be achieved by the Central Bank alone. A fiscal program that combines near-term measures to enhance growth with strong confidence-inducing steps to reduce longer term structural deficits would be an important complement to the policies of the Federal Reserve.

I think the Chairman has it right. He is clearly saying the Fed alone and its actions are not enough to keep the recovery going. Congress also needs to act. It needs to act in the near term by taking steps to generate economic growth, and it needs to act on the long-term challenge by putting in place a plan to bring down deficits and debt in the immediate term and in the longer term.

This package, the one before us, will ensure that middle-class taxpayers are not hit with a tax increase at the start of the year. It extends for 2 years all of the 2001 and 2003 tax cuts. By the way, by far the most important thing for the economy is the middle-class tax cut. That is what is critically important to the economy. The tax cuts for the high end—we can either do or not do—in effect are mildly stimulative but, according to CBO, they have pretty low bang for the buck in terms of economic growth. That is the high end tax cuts—pretty low bang for the buck, according to the CBO.

This package also has the expanded child credit and earned-income tax credit for families, the American opportunity tax credit for college expenses, an alternative minimum tax fix—otherwise millions of people would be getting a tax hike completely unintended—and the R&D tax credit and other expiring provisions. This package, according to the best economic advice we can get, will help economic growth, will help job creation, creating additional jobs in the private sector next year.

The package also includes three critical measures to help the economy. It includes a payroll tax cut for working families. This will provide a 2-percentage point reduction in employees' Social Security payroll taxes; a worker with $40,000 in income would save $800. This measure is widely recognized as one of the most effective ways to boost near-term growth.

In fact, I asked CBO last year: What are the most effective steps we could take to promote economic growth. No. 1, interestingly enough, extend unemployment insurance. That is in this package. No. 2, a payroll tax holiday. That is in this package.

In fact, as I indicated, this package has an extension of unemployment insurance benefits at their current level for 13 months. This will prevent 7 million workers from losing unemployment in 2011. Economists also rank this measure as high on bang for the buck, as I indicated.

It also includes a business expensing provision allowing businesses to write off 100 percent of capital purchases in 2011. This is a useful incentive to get businesses to start spending again and could generate more than $50 billion in additional investment in 2011. And, again, CBO rated this measure as high on bang for the buck.

Here are some of the examples of the tax cut benefits provided by this package. A mother with one child with $20,000 in income will receive a $1,100 tax cut, a married couple with $40,000 of income will receive a tax cut of almost $2,000, and a married couple with two children with $60,000 of income will receive a tax cut of more than $3,300.

Mark Zandi, the chief economist for Moody's and a former adviser to Senator MCCAIN's Presidential campaign, has examined the potential economic impact of this package. This is what he concluded:

> The fiscal policy compromise will be good for the economy next year. The mandatory tax cuts and spending increases will provide a substantial boost to growth in 2011, ensuring that the still fragile economic recovery evolves into a self-sustaining economic expansion. The deal's surprisingly broad scope meaningfully changes the near-term economic outlook.

That is according to Mark Zandi, chief economist for Moody's.

For those who are concerned about the deficit, as I am, job one is to get this economy growing more strongly. That is job one. Then we have to pivot and deal with the long-term plan to deal with the deficit and the debt. As I noted previously, the one provision in this package that I particularly am unhappy with is the estate tax provision. I support the continuation of the 2009 level with an estate tax exemption of $3.5 million for an individual, $7 million for a couple, and a rate of 45 percent. At those levels only one-quarter of 1 percent of estates would be subject to any estate tax in 2011—one-quarter of 1 percent of estates would be affected. That means 99.75 percent of estates would be exempt from any estate tax under the provisions I am proposing and did propose in the budget.

Unfortunately, under the compromise package certain of our colleagues on the other side insisted that the exemption level be raised to $5 million for individuals, $10 million per couple, with the rate of 35 percent. This will reduce the number of estates subject to the estate tax to one-seventh of 1 percent. It adds about $20 billion to the cost of the package over 2 years, and it will do absolutely nothing to generate economic growth and to create jobs.

If made permanent, this provision would add $100 billion in lost revenue to the Treasury in the next 10 years—$100 billion more than the package that I proposed. I don't think that is fiscally responsible, I don't think it is wise, and I don't think it should be approved.

While we need to pass the overall package to give a near-term boost to the economy, we must also now pivot and deal with the Nation's growing debt. Gross Federal debt is already expected to reach 100 percent of the gross domestic product of this country in 2011—well above the 90 percent threshold that many economists see as the danger zone.

One of our Nation's leading economists, Dr. Carmen Reinhart, came before the President's fiscal commission. She had recently coauthored a study of the impact of debt on more than 20 countries over the last 200 years. She concluded that when government debt as a share of the economy exceeds 90 percent, economic growth tends to be about 1 percentage point lower than if debt levels were not so high. But don't be misled by 1 point lower. That sounds like nothing. The economy is growing typically at 3½ percent. One point less would be about one-third less economic growth. So we need to understand—the consequences of debt are lower economic growth for the future.

Our long-term debt outlook is even more serious. According to the Congressional Budget Office, Federal debt could rise on the current trend to almost 400 percent of GDP by 2054. That is a completely unsustainable course. I personally believe the deficit and debt reduction plan assembled by the President's fiscal commission, on which I served, could prove a way forward. Even though the plan did not receive the necessary 14 of the 18 votes on the commission to guarantee a vote in Congress, it did receive the support of 11 of the 18 commission members, which is more than 60 percent of the panel. With 60 percent here, we can pass anything. But on our Commission we required 14 of 18 of the Commissioners to agree to assure a vote in Congress this year.

By the way, among the 11 who supported the plan, it was completely bipartisan: 5 Democrats, 5 Republicans, and 1 Independent. That outcome proved that Democrats and Republicans can come together to solve this challenge.

Here is a quick overview of the fiscal commission plan: It provides nearly $4 trillion in deficit reduction over the next 10 years. It lowers the deficit from 8 percent of GDP in 2011 to 2.3 percent in 2015 and 1.2 percent in 2020. It stabilizes the debt by 2014 and then lowers it to 60 percent of GDP by 2023 and 40 percent of GDP by 2035. It reforms Social Security to ensure its solvency for

at least 75 years and puts the program on a more sustainable path beyond the next 75 years. And it includes fundamental tax reform, making the Tax Code simpler, fairer, and more efficient, while also raising more revenue for deficit reduction.

Now that we have a responsible and realistic bipartisan plan on the table and national attention is focused on the issue, it is up to Congress and the President to finish the job.

Tax reform may be the most important component of the fiscal commission plan. Here are the key elements included in the fiscal commission plan: It eliminates or scales back tax expenditures that are currently running $1.1 trillion a year and lowers tax rates. That will promote economic growth and dramatically improve America's global competitiveness. And it makes the Tax Code more progressive. The Commission's illustrative tax reform plan demonstrates how scaling back tax expenditures can lower rates.

This plan is a beginning. It has to become law in order to have its full effect. I hope very much our colleagues will consider supporting this plan, the tax plan before us, and the deficit reduction plan that needs to be an integral component of a long-term fiscal plan for the Nation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent to set aside the second-degree amendment to the Reid-McConnell substitute to offer amendment No. 4763.

The PRESIDING OFFICER. Is there objection?

Mr. ISAKSON. I object.

Mr. BROWN of Ohio. Mr. President, Senator STABENOW, Democrat from Michigan, Senator WICKER, a Republican from Mississippi, and I bring this amendment to the floor to extend for 1 year modest enhancements to the Health Coverage Tax Credit Program. I am going to throw a slight curve ball and start with the cost of this amendment, which will help place its benefits into context.

While we are awaiting a final score, based on some preliminary numbers, this amendment should come in under $50 million. That is less than .006 percent of the cost of this legislation. It is $50 million out of roughly $800 million.

Now let's look at who the amendment helps.

It helps Americans who took a kidney punch when the companies for which they worked either packed up and moved their operations overseas, or when the companies for which they worked went bankrupt and turned their pension obligations over to the Pension Benefit Guarantee Corporation.

I probably do not have to tell you what it means when an American's pension goes over to PBGC. It means that American's pension is slashed—often dramatically.

So these are Americans who either lost their jobs and their health coverage, or lost large chunks of their pensions and their health coverage.

As I stated earlier, this amendment would extend modest enhancements to the health coverage tax credit or HCTC.

The HCTC was established 8 years ago to help these workers and retirees purchase private health coverage to replace the employer-sponsored coverage they lost.

Unfortunately, because of the modest size of the tax credit and other limitations, many credit-eligible individuals have remained uninsured.

And as too many Americans know, the combination of no health insurance and a dramatically reduced pension spells financial hardship. Dramatic financial hardship, particularly for people forced into early unplanned retirement.

These are Americans who worked hard, were loyal to their companies, earned their pensions and employer-sponsored health coverage day after day after day until the day they watched it all evaporate.

Americans like Mike, from Brookville, OH, who wrote me to let me know how important the tax credit is and how worried he is that it will revert back to covering only 65 percent of premium.

Mike is a Delphi retiree, thousands of who were left high and dry when the new GM abandoned them.

Larry from Miamisburg, OH, is another Delphi retiree.

In his letter to me, he said: I am writing to ask for help for us the Delphi retirees. First for the HCTC increase and ultimately for the loss of our retirements. Sir, they have taken everything from us, even now our dignity.

Larry and Mike are victims of what can only be called a myopic pension deal cut by the new GM during its bankruptcy proceedings.

The new GM clung to an agreement signed back in 1999 in order to provide full pensions to some union Delphi retirees and allow other nonunion and union retirees to receive deep pension cuts.

Both groups of former employees—those who received their full benefits and those who did not—devoted most of their careers to GM before Delphi was spun off.

Both groups of former employees earned their pensions by working hard for GM year-in and year-out.

But Mike, Larry, and others like them were forced to live with financially devastating pension cuts, while their counterparts received their full pensions.

And now these same retirees may once again lose access to health coverage.

To prevent it, we need to extend the enhanced HCTC provisions.

Under the American Recovery and Reinvestment Act ARRA, the health coverage tax credit was increased slightly and the rules surrounding it were made more flexible.

These modest changes enabled tens of thousands of trade-affected workers and retirees to use the tax credit and purchase private health coverage to replace the employer-sponsored health benefits they lost. Specifically the tax credit now covers 80 percent, rather than 65 percent of coverage costs; rather than 65 percent of coverage costs; beneficiaries are allowed to use the coverage to purchase coverage for themselves and their spouses; and they are allowed to apply the credit to less expensive coverage under a Voluntary Employee Benefit Association VEBA.

Since these provisions were put into place, the number of displaced workers and retirees using the health coverage tax credit has more than tripled, increasing from about 14,000 to approximately 50,000.

But the health coverage tax credit provisions are set to expire at the end of this year.

We can not let that happen.

It does not matter where the enhanced health coverage tax credit provisions come from. It could have been the Recovery Act. It could have been a bill the minority championed. The vehicle does not matter.

But the merits of these provisions do matter. That is why Senators STABENOW and WICKER and I bring this amendment forward.

These provisions have merit. They will keep Americans insured in an environment where the lack of coverage, coupled with pension cuts, could mean impoverishment. If we do not extend these provisions, the spouses of former workers will definitely lose their coverage, and those former workers themselves likely will. That is in no one's best interests.

As I mentioned earlier, approving this amendment would likely increase the cost of this bill by less than .006 percent.

That is a small price to pay for a lifeline. It is a small price to pay to keep middle class Americans from slipping into poverty.

This should not be a matter of debate. This should not be the focus of a partisan divide. This should be a small step all of us take together on behalf of Americans who did what we asked them to do.

They deserve our respect, they deserve our consideration, and—as our economy continues to pose challenges even before the hardships these Americans face—they deserve this modest extension of tax credit benefits.

Mr. President, I ask unanimous consent the amendment, No. 4805, be printed.

The PRESIDING OFFICER. Without objection, it is so ordered. It will be printed.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. ISAKSON. I ask unanimous consent to be recognized for up to 7 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ISAKSON. Mr. President, I rose yesterday afternoon when we opened the vote and voted in favor of going to a final vote today on the tax package before us. Like many have expressed in this body, there are things I like and things I dislike about it, but I come to the floor today to talk about the things I like about it and to make a particular point with regard to scoring.

First, I want to point out that 41 days ago the people of the United States went to the polls and voted. In the State of Georgia they voted for me. I ran a campaign on the basis that we do not have a tax problem; we have a spending problem. I ran a campaign based on the American people wanting us in Washington to do what they have had to do in the last 3 years: sit down at the kitchen table, reprioritize, and spend within their means. We must do that.

I commend what Senator CONRAD from North Dakota said, and I commend the courage of the others who voted for the deficit reduction commission report because it is the kind of shared sacrifice and tough love that all of us need next year to rein in spending in this country and get our balance back. But in the immediate future, in the next 3½ weeks, America's taxes are going up at a time of protracted recession and high unemployment. That doesn't make any sense.

In 2003, when I was in the House, I didn't like the idea of putting a sunsetting on the Bush tax package because I feared exactly what is happening now—protracted uncertainty, 2-year renewals, American business not knowing what to do. While I will vote for this package today, I hope we will learn the lesson that 2-year incremental sunsets or things such as that are not good for the economy and not good for America. We, as Members of this Congress and this Senate, must deal with challenges when they confront us—not by arbitrarily setting times for sunsets and sunrises that make us make policy under duress and difficult circumstances.

But on the scoring issue I want to point out two things about the tax rates and about the estate tax. There are those who say by extending the existing tax rates we cut revenue that would have come in. Hypothetically, that is correct, but in reality that is not correct because, historically, from John Kennedy to Ronald Reagan to George W. Bush, Republicans and Democrats who were confronted with difficult economic times, when they changed tax policy and lessened the burden, they increased the revenue. So my forecast based on the next 2 years is we will see for the first time a clear example of dynamic scoring and hopefully change a little bit of CBO's mind on how they look on tax policy. I think we are going to see more employment, we are going to see more risk capital put out by business, and we are going to see a sense of certainty and a sense of optimism, which certainly our country needs.

As far as the estate tax—and I love very much the Senator from North Dakota, but I disagree vehemently on his explanation about the estate tax. Let me tell you the reality of the estate tax. I have dealt with it. I have dealt with it for 33 years as a real estate broker in the State of Georgia.

The assets of most American families are real estate, whether it is farmers and landowners or whether it is simply a homeowner. Other wealth in America is by people who have a small business. With the confiscatory tax rate of 55 percent, which is what it would be January 1, and an inordinately low deduction or unified credit of $1 million, most American landowners, most American business owners who had an estate worth anything over $1 million would have had to liquidate their estates to pay their taxes.

A little known fact about the IRS Code that a lot of people don't realize but we all suffer from is that when you die, you have 9 months to file your taxes and pay your taxes with the government. They have 3 years to say whether they will accept it. So in a 9-month period of time, a family at a point of bereavement, with some assets, find themselves at a rate of 55 percent. That is confiscatory, and it is not right. If they have to liquidate their property or sell their business that asset no longer produces income; therefore, income taxes go down.

I can demonstrate on a graph or chart or blackboard that an asset that has to be liquidated and paid at a tax rate of 55 percent one time does not, over 10 years, pay as much as would have been paid over the earned income that small business or land would have created. So the estate tax 2-year deal is a good deal, and it should be permanent. Five million dollars is a lot of money, but in the scheme of things for a small business, a family farm, a cooperative, it is not a lot of money. But it is the lifeblood of a lot of families. If we confiscate that business or confiscate that land because the tax rate forces a sale, then we are actually hurting ourselves in the long run, and we are hurting families in the long run.

Last, there is a spending component, and we are going to have to, next year, sit around the kitchen table of the Senate and deal with our spending because it is out of hand. But I do believe the tax policy we are extending for the next 2 years will bode well for our economy. I agree with Senator CONRAD it will probably help increase productivity by about one-third, which will be good for our country. It will be good for our tax rates. If we can combine that with a fiscal policy that has shared sacrifice and tough love when it comes to spending, we can regenerate the American dream and the great American engine of entrepreneurship and return our country to the prosperity we all hope and desire it will have.

With those remarks, I yield the floor.

## RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:44 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. BEGICH).

## FEDERAL AVIATION ADMINISTRATION EXTENSION ACT OF 2010—Continued

The PRESIDING OFFICER. The Senator from New Hampshire.

### FAREWELL TO THE SENATE

Mr. GREGG. Mr. President, I rise today on behalf of myself and my wife Kathy to thank the people of New Hampshire for giving us the great honor and privilege to represent them.

This is an extraordinary body, the Senate. It is filled with wonderful people. I look around this room and I see a lot of them, friends, people I have had the chance to do work with. I admire them immensely. I thank them for their friendship. And when people ask me about leaving the Senate, what is the thing I am going to miss the most, I always say, it is the people, the people of the Senate, because they are special, dedicated to making this country a better place, dedicated to doing their jobs well, dedicated to serving America.

So I thank you for the great honor and privilege that you have given Kathy and me to allow us to serve and participate in this body with yourselves and your spouses. I want to thank everybody else who has been so helpful throughout our career, the folks here at the dias, the staff, people in the cloakroom, throughout this building. I mean, there are so many people who make this Senate work, people working in the furniture room, and people working in the hallways, our staffs, obviously.

This is a special place filled with people who are committed to making the Senate work. I thank them for allowing Kathy and me to be part of that. But I want to take a point of personal privilege here and especially thank my wife Kathy who is here today. You are not allowed to acknowledge people, I know that, but I am going to violate the rules. My wife is sitting right up there. Kathy.

We have been married 37 years, and for 32 of those years we have held elective office; 9 major campaigns, innumerable campaigns such as those for other people that we have participated in. Through this whole intensity—and we all know, who have participated in this process, the intensity of the elective process in this Nation—there has been a rock and a solid force in our family. She has raised three extraordinary children, Molly, Sarah and Joshua, who have been exceptional in

their own right and have done exceptional things, even though they are still young by our standards. Some of them think they are aging a little bit, but they are still young.

Their value system and their belief in this Nation and their willingness to give of themselves to other people is a direct expression of the values Kathy has given them; sometimes a little overcompetitive on occasion, but that has been one of her strengths also. We have been through some hard times and some good times, and always she has been there to basically be our lighthouse. So I express my love and thanks to her.

Bismarck, at the beginning of the 20th century said—first I should say, Kathy told me I should not walk back and forth like this. I have been doing it for 18 years. And she says it makes people sick who are watching it on TV. Like the famous time she called up, and we were having a colloquy, and there were a bunch of us talking this way, and I am talking to, I think, JOHNNY ISAKSON. She calls the floor staff and says: Go out and tell him to turn around and face the cameras.

Bismarck, at the turn of the 20th century—of course, Bismarck was one of the true great forces in Europe throughout the late 1800s and into the 1900s—said that: The defining fact of the 19th century was that England and the United States spoke the same language.

What I think he meant was that the defining fact of the 19th century was that England and the United States had a value system which believed in the individual, in liberty, democracy, and markets. It was a value system that grew out of the Scottish Enlightenment, people such as John Locke, Hutcheson, Adam Smith.

In the 20th century, if you look at it, it was a test of that value system against the other value systems which had come up over the years, mostly totalitarianism. There was a test of democracy against fascism, a test of democracy against totalitarian socialism. And we won. We won that test.

The second big challenge of the 20th century was a test of how you would create prosperity for people, a test of markets versus communism, of markets versus, again, totalitarian socialism. And by the end of the 20th century, there was no longer an issue, no longer an issue. The American philosophy of government had come to dominate the world—democracy, individual liberty, and markets. The whole world was moving in that direction. Now we are 10 years into the next century, and we are challenged again, challenged again. This time the challenge is different: Substantive, significant. Maybe not at the same level that the Soviet Union represented a challenge, because they had the capacity to destroy us, maybe not even at the same level of fights against Japan, fascist Japan and fascist Germany. But the challenges are huge and they will determine our future as a country.

They basically, in my opinion, break into two primary areas: The first is, of course, the threat of a terrorist group using a weapon of mass destruction against us. We must acknowledge that 9/11 fundamentally changed our culture, changed our personality as a nation, and caused us to realize our vulnerability. That threat of terrorism is driven by a fanatical belief in a religious philosophy. We should not deny that. We should acknowledge that. Because in order to defeat that threat we have to understand that.

The second major thrust that I see as our concern as we go forward is clearly of our own making. It is a positive making, but it is still an issue for us, and that is we have a nation which has always been extraordinarily prosperous, where one generation has always passed on to the next generation a better, more prosperous, and more secure country. Yet today we are on the cusp of not being able to do that again, because we have this population, of which I am a member, called the baby boom generation, which is taking our retired population from 35 million to 70 million people. As a result, we and the rest of the world, and in Japan for that matter, because of this demographic shift, find ourselves confronted with governments which are struggling to figure out how they are going to pay for what our entitlement society is. The way I have sort of phrased it is that when a populist government, a government that moves by election of the people—when a populist government meets a massive demographic shift in an entitlement society, you get unsustainable debt. That is something we confront right now and need to stand up to.

Those two streams are our biggest concerns, or at least my biggest concerns as I leave the Senate: How do we defend ourselves against a fanatical movement, which has an asymmetry base, which wants to do us harm,—they are not a nation state, we cannot find them easily—but wants to do us harm and will do us harm if they have the capacity, and will do it with a weapon of mass destruction? And, secondly, how do we deal with this shift in our society—this is driving the populist movement, which is making our structure of government unaffordable in many ways?

America's greatness and our ability to address the issues such as this comes from our people and from our Constitution. It is that Constitution which embraces, basically, the liberties that allow our people to create prosperity and give this Nation its strength.

Our freedom and prosperity is absolutely resilient. There is no question about that. But government can either be an enabler of that freedom and that resilience or it can be a stifler of it. Whether we are going to succeed, I believe, is whether we continue to assert the core values which allow us to govern well, and they all basically arise from our Constitution.

I have the good fortune to sit at the Webster desk. Daniel Webster was a Senator from Massachusetts. New Hampshire, in an act of appropriate stealthiness, had the desk designated to the senior Senator from New Hampshire by statute in the 1970s. It is a great honor to have the right to sit at this desk. Webster and Clay kept this Nation together at a time when had it been torn apart. It would no longer have existed, because we were not capable. We had no Lincoln, and we had no strength of the North to survive.

Webster, in his speech on the Compromise of 1850, said:

> I mean to stand upon the Constitution. I need no other platform. I know but one country. No man can suffer too much. No man can fall too soon if he suffers on or if he fails in defense of the liberties of the Constitution of our country.

At the center of our constitutional form of government, which was designed by Madison and Randolph, which was built on the concept that there should never be an overly powerful branch of the government, at the center of this government is the Senate. It is the cauldron of liberty for our Nation.

Why is that? Because it is the place where issues are aired, people are heard, amendments are made, and no one gets to shut down the minority until a supermajority decides to do so. The rights of the minority are the source of the power of our government. They are the source of the power of our Constitution. They are the source of the power of our liberty.

This is the center, this institution is the center of the rights of the minority. I have been in the minority. I have been in the majority. It is almost irrelevant from the standpoint of the importance of the role of the Senate, because it is the Senate that gives voice to all Americans, that does not allow us to shut out any American or any thought process in America that is legitimate and which can come to the floor of the Senate and make its case.

I have often wondered, what would this government be like if there were no Senate? Well, it would be a parliamentary government, for all intents and purposes, lurching to the left, lurching to the right, and as a result, in many ways, undermining individual rights, but, more importantly, having no continuity of purpose or force.

We play politics in this city and in this country between the 40 yard lines, for all intents and purposes. We are not a government that ever moves too radically left or radically right. That is the way it should be. That is the way it should be. In this institution, compromise is required. To govern you must reach agreement. We are 300 million people obviously of a diverse view. If we are going to govern 300 million people, we must listen to those who have legitimate views on both sides of the aisle.

So as I leave this Chamber, I want to say this, simply: It has been a huge

honor to have the chance to serve here. It is something that is the highlight of our career, Kathy's and mine. We move on with reservations, we hopefully move on to something equally interesting, but it will never have the same status as being in the Senate.

This, to me, is the ultimate job when it comes to the governance of America. I simply ask you who stay here—and I know this will be done—continue to carry the torch. Understand that it is the Senate that is the center of the liberty that leads to the prosperity our people expect. It is the Senate that is the center of our Constitution.

Thank you very much.

(Applause, Senators rising.)

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. Mr. President, I would hope it is not the intention of the senior Senator from New Hampshire to leave the floor. The accolades our friend and colleague, the senior Senator from New Hampshire, has just received from both sides of the aisle are richly deserved. I would hope he might be able to stay a bit longer so some of us have a chance to comment on his extraordinarily distinguished career.

He has devoted his entire life to public service, always served with a deep sense of purpose and with the overriding conviction that we must leave America in a better place than we found it, as he so articulately expressed. He has worked tirelessly for the people of New Hampshire and for all Americans, and he has been a truly invaluable member of the Republican Conference. He is the smartest guy in the room, usually the most strategic, and as witty as they come. Yet even as JUDD's national profile has increased over the years as a result of his many natural gifts, he never lost sight of where he came from or the people he represents back home in New Hampshire.

JUDD grew up in Nashua in southern New Hampshire and was introduced to the world of politics early on. In 1952, when he was just 5 years old, his father Hugh Gregg was elected Governor of the State. JUDD went on to Phillips Exeter Academy for high school in the mid-1960s and to Columbia University after that, graduating with a degree in English in 1969. It was an eye-opening experience being in New York City, particularly in those years. JUDD took it all in. He jokes that his minor in college was subway exploration.

Even as he witnessed all the student demonstrations and clashes with police on campus, he found time to dress up as the school's mascot for a time, the Columbia Royal Lion, working the sidelines at games. JUDD returned north to attend law school at Boston University and got his J.D. in 1972 and then an LL.M. in tax law in 1975. Then he returned to New Hampshire to practice law.

Meanwhile, he began to venture into New Hampshire primary politics, coordinating primary campaigns for Ronald Reagan in 1976 and George H.W. Bush in 1980. It was during this time that he really developed his conservative principles. Over the years, he has stuck to those principles, and the voters have rewarded him for it. He has never lost a race—not one. Part of the reason JUDD wins is that he is not afraid to lose. He would rather lose for the right reasons than win for the wrong ones.

Over the years, he has become something of a political legend in New Hampshire, and for good reason; he is the first person in New Hampshire history to serve as Congressman, Governor, and Senator. He was first elected to Congress in 1980, where he would serve four terms, and then, in what some viewed as a political gamble, he followed his father's footsteps to run for Governor in 1988. He was elected and easily reelected in 1990.

During his second term, New Hampshire, like the rest of the country, faced a difficult recession. But faced with pressure to raise the State's income tax or sales tax, he cut government spending instead. The New Hampshire Union Leader would later credit JUDD as being able to manage the State through the crisis far better than anyone expected, and the Wall Street Journal ranked him ninth in its Good Governor Guide for cutting spending and keeping a lid on taxes during a serious budget crisis.

In 1992, JUDD decided to run for U.S. Senate on his strong record on environmental protection and fiscal discipline. He won a close race. Upon arriving in this Chamber, JUDD immediately set out to work for the people of New Hampshire. I know one of the things he is proud of in his nearly 17 years in the Senate is the work he has done to protect more than 300,000 acres of land in New Hampshire from development. He can also be justifiably proud of the remarkable work he has done as a Republican, the top Republican on the Senate Health, Education, Labor, and Pensions Committee, and, most importantly from our Conference's point of view, on the Budget Committee, where his knowledge and command of the issues always impressed the rest of us. He was clearly the right man for the job. When the budget came up, I think we would all agree on our side of the aisle, when JUDD stood up and had something to say, everybody quieted down and listened. You can't say that about all of us on every issue all of the time. We recognized his talents from the very beginning.

Just 2 years after arriving here, he was selected to serve as chief deputy whip as well as cochairman of Senator Dole's Senate agenda committee, a working group tasked with developing and managing the Republican agenda at that particular juncture. It was the first time in 20 years that a Senator from New Hampshire had served in a Senate leadership role.

He never hesitated to work across the aisle to get things done. JUDD understood that to make something happen in this body, as he just described, it happens between the 40 yard lines, and that means both sides have to participate. He teamed up with Senator Kennedy to coauthor No Child Left Behind. Referring to that particular accomplishment, JUDD once said:

> I don't think any of us ever gave up our basic principles . . . Ted just understood that even though he had strong beliefs . . . he understood you had to legislate to accomplish that. There was no point in just standing off in the corner and shouting.

History will remember that JUDD also played a central role in Congress's response to the financial crisis of 2008 which we all remember very well. With our Nation on the brink of economic collapse, I was to select one person to represent our point of view at that critical moment. The choice was completely obvious, the one person we had who everybody knew had no other agenda and would at the end of the day do what was right for the country. So I made him the top Republican negotiator on the Emergency Economic Stabilization Act, now infamously referred to as TARP. His top priority then and throughout the entire debate over the effort was to ensure that the original package protected taxpayers by including language in the bill that stated all proceeds from the paybacks would go to reducing the debt, and he did a fabulous job.

It was because of JUDD's principles, intelligence, common sense, and ability to work across the aisle, as I indicated, that I asked him to join my leadership team after I was elected Republican leader. I have relied on him heavily these last 4 years. JUDD has been right in the middle of every legislative debate we have had since I have been in this position. He has never disappointed. He has been so effective, in fact, that Senator REID gave him a couple of nicknames late in his career. First he called him the ''see-if-we-can-mess-up-the-legislation guy.'' After that, he described JUDD as ''somebody who comes into a basketball game, not to score points, just to kind of rough people up, just to kind of get the game going a different direction.''

I think JUDD and I would both agree that is a heck of a compliment. In fact, this is Senator GREGG's reaction to those nicknames given to him by the Democratic leader:

> I appreciate the Senator's comments. I take them as a compliment. I have been active legislatively. That is, obviously, our job.

It is funny how people see things differently. I never saw JUDD as a Bill Laimbeer-type player out on the court just to rough people up. I always saw JUDD—sticking with the basketball metaphors for a moment—as the intelligent point guard, as the ideas guy with the extraordinary judgment, as the type of guy who could see the whole floor, the big picture, and could make the unselfish play that would win the game.

Over the years, that is exactly what JUDD did for our team. He has been instrumental in our efforts to hold the line, slow down or call out the Democrats these past 2 years in particular on an agenda that we viewed as deeply harmful to our future. He has been an indispensable member of the team. In fact, I am not sure where we would be now without him, and sometimes I have wondered where we will be a few years down the road without him. But he leaves his example, and he leaves the knowledge he has passed on along the years, and we will all continue to draw on that in the years ahead.

JUDD was recently asked what the hardest thing about being a Senator was, and he answered without hesitation. The hardest thing was being away from his family. It is another principle on which he never, ever hedged.

> I made a decision early on in my career which I've carried throughout my career—that if the choice was between being here and being with something that was important to my family, I would be with my family. Maybe my children feel differently, but I don't think I have missed anything that was really critical in their upbringing.

Which brings us to Kathy, as JUDD indicated, a wife of 37 years, a cherished member of the Senate family. We are so grateful for Kathy's grace and patience with the demands of public life, along with her important work in education, promoting the arts, the environment, and historic preservation, as well as her work in raising awareness about child abuse. Somehow, she and JUDD's three children—Molly, Sarah, and Joshua—managed to put up with JUDD's three decades of public service, and we thank them all for sharing JUDD with us all these years in Washington.

One of JUDD's greatest assets as a Senator has been his profound love for this institution and his gratitude for having had a chance to serve as a Member of it. He never took this place or this job for granted. As he once put it:

> From my first day in the Senate to today, I remain in awe of this fabulously interesting place. When I'm on the floor and I look around and take in its history, it never ceases to hit me that this is the most successful deliberative democracy in history. It's an honor to serve there.

To say that I tried to convince JUDD to stay is an understatement.

But he knew it was his time to move on and to write the next chapter in his life. While Senators come and go all the time, I cannot help but note that when JUDD walks out of this Chamber—when he walks out of this Chamber for the last time—he will leave an enormous void.

So I will close, old friend and colleague, by saying you certainly are going to be missed. We wish you well in your future endeavors. Thank you for your service. You have done an extraordinary job.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I want to say a few words about the Senator from New Hampshire as well.

I have had the pleasure over the years of serving with him and watching him and learning from him, as we did once again today. It is always amazing at these going away speeches that we learn things we did not learn about them during the 18 years they served. So I appreciate Senator MCCONNELL's comments and some new insights there.

But I know Senator GREGG at one time moved from being the chair of the Health, Education, Labor, and Pensions Committee to being chair of the Budget Committee, and that gave me the opportunity to be the chairman of the Health, Education, Labor, and Pensions Committee. For that I will always be grateful, and I hope I have made good use of the things he taught me when he was in that position.

Over the years as we have watched Senator GREGG in action in committee or on the floor we have all learned a lesson or two about how to be a more effective Senator. That is why when I look back on Senator GREGG'S career, I will always think of him as one of the best of my Senate mentors. Over my 14 years in the Senate, I have learned more from him than almost anyone else.

I know no one knows better how this Senate operates and the procedural details than the Senator does. If I were on the other side of an issue and I saw Senator JUDD GREGG getting up to plead his case, I know I would feel a sense of grave concern as I listened to him that would only increase in strength and intensity. It is always a worry for either side when he unfolds, if he might be on the opposite side. But, on the other hand, if he is on the floor to express support for my position, I would sit back, relax, and watch him in action with great relish.

He is a brilliant legislator and orator because he is always one to follow the admonition of Rudyard Kipling to ''keep your head when all about you are losing theirs and blaming it on you.'' Once he had determined the right thing to do and how to do it, he would very calmly come up with a plan of action that made it happen, and then follow his strategy step by step without ever wavering from his plan.

In all my years of public life, as an observer and a participant, I do not think I have ever worked with anyone quite like him. No one speaks better off the cuff than he does. Even in a few casual remarks, his context and focus showcase his natural talent for the art. He knows the right words to say and how and when to say them for maximum impact. That means more often than not he knew how to present the perfect argument that could not be refuted. Year after year, that great talent has shown itself on the floor and in committee as he took a more and more active role in our deliberations on a long list of subjects, including but not limited to budget reform, education reform, and entitlement reform. He has, for instance, been a very strong supporter of the need for Congress to take action to address the problems currently facing Social Security, Medicare, and Medicaid. This has been most recently evident as the ranking member of the Budget Committee and an active member of the President's National Commission on Fiscal Responsibility and Reform.

To put it quite simply, during his service in the Senate, he has been the younger generation's best friend, as he has done everything he possibly could to ensure that our children and grandchildren would have it as good as we did—if not better.

Senator GREGG has been a true leader on budget reform issues for his entire public service career. One of his greatest successes as the chairman of the Budget Committee was the passage of the Deficit Reduction Act in 2005. It was the first time in 8 years that the Congress took the necessary steps to curb entitlement spending and begin to put our country's fiscal house back in order. In his own words, Senator GREGG said the following on December 21, 2005:

> This bill represents a reduction in the federal deficit of nearly $40 billion over five years. Yes, there is more to be done, but it is a step in the right direction . . . It is my hope that the Congress will continue the hard work we have done here, by seeking to reduce the rate of growth of government at every opportunity. By focusing on how to make government programs work more effectively and at a lower cost. And by making fiscally responsible decisions about what kind of economic future we want to leave to our children and grandchildren.

As an accountant, Senate colleague, and his friend, I could not have been more proud of the bold step Senator GREGG took in addressing our Nation's deficit by drafting, promoting, and ultimately enacting the Deficit Reduction Act. We will miss his leadership on the Budget Committee.

As a member of the Health, Education, Labor, and Pensions Committee, it was good to have a chance to see how well he worked to get things done in committee. For example, he worked well with Senator Kennedy on creating and passing the No Child Left Behind Act. He was able to bring together Senator Kennedy and President Bush to work on a common goal for our Nation's children and our country's future.

What he was able to accomplish during those days has made a difference and it will continue to do so for many years to come. Because of the work he has been such an important part of, countless Americans are living better, more rewarding, and more fulfilling lives all over the country.

Needless to say, the people of New Hampshire were very fortunate he was willing to serve in so many posts over the years. I have no doubt his insights on the law and how it affects the people back home come from his experience on every level of our government.

Since he first arrived in the Senate, with every trip home his constituents would tell him how the changes in the law were affecting them and their businesses and, if they are like the people of Wyoming, they also gave him some very valuable suggestions on what we could do in the Congress to address their concerns. I always tell my constituents to share their good ideas with me. It is my secret weapon and it really helps me to make a difference. I am sure it has been the same for him.

I do not know what he has planned for the coming years, but one thing I feel certain about: We have not heard the last from JUDD GREGG. That will be a good thing for all of us, as well as the younger generation who is very concerned about the legacy we are leaving behind for them. As he has pointed out repeatedly, it would not be fair for us to continue to spend their inheritance to such an extent that they will be left with a huge deficit and an economy so slow and weak that they will not have any possibility of paying it off without a great deal of pain and difficulty. They are counting on us to do the right thing to ensure they have the same advantages and ability to access the American dream we have had.

There is an old Native American saying: We have not inherited the Earth from our ancestors, we are borrowing it from our children. If we follow this lead and use that frame of reference as our guide, we will be able to ensure their future will be as promising as they have every right to expect and demand.

As the end of the current session of Congress approaches, I know I am not the first, nor will I be the last to say thank you, JUDD, for your willingness to serve the people of New Hampshire and the United States for so long and so well. Most of all, thank you for your friendship and for serving as such a great resource for us all during your service in the Senate.

Before I close, I know I would be remiss if I did not also say a quick thank-you to your wife Kathy. As we both know from serving in the Senate, there are a lot of late nights, trips both home and abroad with little notice, and a lot of other things we have to deal with because they come with the job. Our wives never complain, but we both know they have every reason to do so. They probably do not because they know, as well as we do, we could not do what we do without them by our side. They are our greatest supporters, our best friends, our most trusted political advisers, and the ones who always make sure we are heading in the right direction.

So while I am thanking you for your service, I think Kathy deserves a word of thanks too. Together you have been a remarkable team, and that is why New Hampshire is so proud to claim both of you as their own.

In the days to come, Diana and I will not be the only ones who will miss you and Kathy. Fortunately, we know where to find you—right near the ocean. We had so much fun there when we had the chance to explore it with you both earlier this year. The fishing was pretty good and the scenery was just magnificent. Just let us know when the fish are biting, and we will be there. Come to Wyoming anytime. Good luck in your future. Thanks for all you have done for us.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mrs. SHAHEEN. Mr. President, I am honored to be here on the floor today to join Senator MCCONNELL and my other colleagues in recognizing the service Senator JUDD GREGG has provided to the people of this country, and for us, importantly, to the people of New Hampshire.

I have had the good fortune to know Senator GREGG since I first got elected to public office. In the New Hampshire political tradition, you learn to work together with people on both sides of the aisle for what is in the best interests of New Hampshire. Senator GREGG has been a fine example of that tradition.

I have enjoyed working with him over the years, and his presence in the Chamber and the Senate halls will be missed both by me and, as we have already heard, by the rest of our colleagues. I think, as Senator GREGG was giving his remarks, the number of Senators who were here to say goodbye shows the respect and how much he will be missed by all of our colleagues.

Throughout my own public life, I have always appreciated the civility and generosity Senator GREGG has shown me. When I was elected to the State senate in New Hampshire, it was then-Governor GREGG who swore me in for the first time. When I was elected to the Senate, he was the first Republican to call me, not just to offer his congratulations but to offer his advice and help in getting started in Washington.

The Senator and I have followed similar paths to the Senate, although his service has been longer than mine, although we are the same age.

So I will not say your service has been older than mine, JUDD.

But I think that experience—both of us having served as Governor, leading New Hampshire—has given us a much more similar mindset than most people would expect. I think it contributes to our concern about controlling the debt and ensuring that this government is functioning in the best interests of all of its citizens. I, again, appreciated his commitment to addressing that debt for future generations in his remarks this afternoon.

While we have not always agreed on the best approach to solve those problems, Senator GREGG's civility has never wavered. Since coming to the Senate, I have noticed that he extends that same civility and courtesy to colleagues on both sides of the aisle. In a town that is not always known for its good manners, Senator GREGG reminds us we can disagree without being disagreeable.

Senator GREGG, of course, is known for his expertise on budgetary matters and his dedication to one of the gravest issues that faces this country; that is, its rapidly ballooning deficit. His expertise will not be easily replaced, especially at a time when our Nation so urgently needs a New Hampshire-style approach—strong, bipartisan, and nonsense. It is a concern about the deficit that we share, and I hope in some small way I can continue his search for solutions to this challenge.

What might be less known to people in Washington—although Senator MCCONNELL mentioned it—is Senator GREGG's passion for the preservation of open lands. He is a conservationist in the fine Republican tradition of Teddy Roosevelt, and he has helped preserve New Hampshire's wonderful legacy of forests and lakes.

For those of you who may some day visit the New Hampshire statehouse, you will be surprised to see that Senator GREGG appears in his formal gubernatorial portrait in the mountains of New Hampshire, as I think is fitting for somebody who cares so much about the environment.

In 2001, when I was Governor and Senator GREGG was here, we worked together to preserve the Connecticut Lakes Headwaters. At more than 171,000 acres, it was the largest contiguous block of land in New Hampshire in private ownership, and with his leadership we were able to ensure that future generations could enjoy the beauty of this beautiful working forest and part of New Hampshire.

As another well-known Senator—again, one that JUDD alluded to when he spoke—Daniel Webster once said:

> We have been taught to regard a representative of the people as a sentinel on the watch-tower of liberty.

In Congress and the Governor's office, in Washington and in New Hampshire, Senator GREGG has served as that sentinel. He will be missed. I join my colleagues and the people of New Hampshire in wishing him and Kathy and their whole family well in all of their future endeavors.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, as I listened this afternoon to Senator GREGG's farewell address, I thought about how much all of us who have been privileged to serve with him will miss his wisdom. But for me, the loss will be even more intense, for there is no one to whom I have turned more often for advice during the past 14 years than my neighbor from New Hampshire—unless, of course, it was his wife Kathy, who also gave very good advice.

JUDD's extraordinary knowledge of so many issues, his keen insights into policy and politics, and his abiding friendship have meant so much to me. I truly

cannot imagine a debate in this Chamber about the budget, spending, entitlement programs, or taxes without his leading it. Given his strong work ethic, his commitment to the prosperity of future generations, and his unwavering dedication to doing what is right, I am confident his clear call for action on our fiscal crisis will continue to be heard and to be influential in the debates ahead of us.

Raised in a family devoted to public service, Congressman, Governor, and now Senator GREGG has always been guided by the principle that the public interest is paramount and the public's trust is essential. As a strong voice for fiscal discipline and a champion of bipartisan solutions, Senator GREGG has always upheld those principles.

Senator GREGG faced up to the looming entitlement crisis and our inequitable tax system by introducing comprehensive, bipartisan bills to address both concerns. His sponsorship of legislation early this year to establish a bipartisan commission on fiscal responsibility brought to the forefront of the national debate our debt—a debt that America can no longer ignore.

Senator GREGG's service on the President's commission demonstrated his determination to present to the American people an analysis of the tough choices we must face and the means to return to fiscal sanity. As always, JUDD has been dedicated to one goal: ensuring that our country's children and grandchildren inherit a just and prosperous nation where the American dream can still be a reality for millions of hard-working families. The idea of saddling future generations with trillions in unpaid bills has always been an anathema to Senator GREGG.

Although fiscal issues have been JUDD's passion, the soaring and unsustainable debt has not been his only focus. For example, two years ago, Senator GREGG helped lead a coalition that called for a bipartisan national summit to develop an energy strategy for our country. He recognized and warned against our over-reliance on foreign oil as a threat to our Nation that forces one energy crisis after another on the businesses and families of our great country. Senator GREGG has been a powerful advocate for a common-sense, achievable energy policy that balances increased domestic production, conservation, and the development of alternative and renewable fuels. As his colleague from New Hampshire mentioned, JUDD's work to preserve open space in New Hampshire has led to the conservation and protection of more than 330,000 acres of sensitive land, leaving a tangible legacy for future generations to enjoy.

Senator GREGG is also committed to strengthening our national security. In 2005, I was honored to join with him and thousands of people throughout Maine and New Hampshire in saving the Portsmouth Naval Shipyard, which is, by the way, in Kittery, ME, not Portsmouth, NH, but it was indeed a joint effort. Standing together under Senator GREGG's leadership, our two delegations, working with the people of our two States, prevailed. In addition to saving the shipyard, JUDD has been in the forefront in strengthening and modernizing it. Thanks to his efforts, the U.S. Navy submarine fleet remains unsurpassed as our Nation's shield and our sword.

As chairman for years of the Homeland Security Appropriations Subcommittee, Senator GREGG recognized the threat we faced from radical Islamic terrorism, and he ensured that the resources were provided to help protect our homeland, while eliminating funding that was ineffective or extravagant.

This is quite a career. Throughout his long and distinguished life in public service, JUDD GREGG has been a champion of good government, an independent and creative thinker, and a bipartisan problem solver. He has fought for the public interests and has earned the public's trust. I know that, not only the people of New Hampshire and Maine, who know him well, but people all across this great country join me today in thanking Senator JUDD GREGG for his exceptional leadership, countless accomplishments, and fierce dedication to our country and the State he loves so much. We wish both JUDD and Kathy all the best.

Thank you.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, during the 1980s, somehow the Senate took a survey among themselves about who was the most admired Member of the Senate, and according to press reports, Senator Howard Baker of Tennessee was the most admired Senator by both Republicans and by Democrats. If such a survey were to be taken today, JUDD GREGG would certainly be at the top of that list for most of us. There is not a better Member of the Senate.

Much has been said about him, so I will say three things quickly because there are other Senators who wish to speak. First, JUDD GREGG is of New Hampshire, not from New Hampshire. Sometimes we say, Senator so-and-so is from Tennessee or from New York or from South Dakota or from Maine, but the Senator whose roots are where roots are supposed to be is ''of'' his State. JUDD GREGG sounds as though he is from New Hampshire. He acts as though he is from New Hampshire. He is from New Hampshire. He votes as though he is from New Hampshire. The Old Man of the Mountain, which was a rock up in New Hampshire, could be seen by those who drove by it. The rock fell down a few years ago and I thought: Well, maybe the best way to replace it is to put JUDD GREGG back up there because he is of New Hampshire.

Second, JUDD GREGG is a very good politician. I know that from direct experience. There is such a thing as the ''Gregg machine'' in New Hampshire. Those who have the temerity to run for President find that out. It was on the other side of my efforts when I was there, and to give an example, one day a reporter asked me: Well, Mr. ALEXANDER, what is the price of a gallon of milk? Of course, I knew what a gallon of milk costs, but I made the mistake of turning around to someone and asking, just to make sure what it was. A press person overheard it, and the next thing I knew, the ''Gregg machine'' had spread that story all over the state that this fellow in a red and black shirt didn't know what the price of milk was. So they are a very intimidating, effective crowd in New Hampshire.

The third thing, the final thing I will say about JUDD is one reason I admire and like him so much is that I so often agree with him. I agree with him on conservation issues, on education issues, on fiscal issues but especially on his view of this body, which he expressed so eloquently many times but especially in his remarks today. JUDD GREGG knows and understands that this body is the Citadel of the protection of liberty in our government. He said that today. It is the place where we avoid the tyranny of the majority. It is a place where the voices of the American people are heard, where we have open amendment and open debate. He has been an effective advocate for that. He understands we are not just a debating society, but that in the end, we are a governing body; that the purpose of our 60-vote majority is to force consensus and a compromise so we can act, so we can do our job.

JUDD leaves a wonderful legacy. He has many friends here. He will continue to have many friends here, this Senator who is of New Hampshire, who is a pretty good politician and with whom I so often agree. My special best wishes to his wife Kathy, with whom I also agree. Thank you.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. CORKER. Thank you, Mr. President. I appreciate the Senator from South Dakota allowing me to speak for about 60 seconds. I don't give long speeches on the floor. I seldom use notes. I know Senator GREGG knows this, but I have been here 4 years, and I can honestly say one of the greatest highlights of my 4 years has been being able to serve with Senator GREGG. I know of no one in the Senate whom I hope to be remembered even close to as far as my service. I know of no one whom I think creates a better example for those of us in the Senate. I know of no one whom I respect more than Senator GREGG. I know he knows that. I know his wonderful wife Kathy knows that.

I think, upon his departure, there will be a tremendous vacuum. I think all of us understand what each of us is going to have to do to try to fill a component of the shoes of the Senator from New Hampshire or the example he has set.

So I just want the Senator to know he certainly has raised my thinking as to what it means to be a Senator in the Senate. Each of us have frailties and each of us have strengths. There are always going to be occasions when Senators cause us to rise because they inspire us. They do things that are inspirational. There are always going to be times when Senators disappoint us because we are human beings, and that is the way human beings are. But I can say that you, more than anybody in the Senate, have caused me to want to be better more times than anyone and have disappointed me fewer times than anybody in the Senate. I will miss you. I wish you well, and I thank you for being my friend.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. THUNE. Mr. President, I ask unanimous consent to speak for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THUNE. Mr. President, I also wish to join with my colleagues today before I speak to the issue of the day and express my appreciation to Senator GREGG for his great service to this institution and to our country. I think it is fair to say there is nobody quite like JUDD GREGG. He truly is one of a kind.

I remember when I first got here, I thought he didn't like me, and maybe he didn't like me, but I concluded that part of that was just his serious demeanor. He is a guy who means business. Once you get to know him, you not only appreciate that side of his personality, but you also gain an appreciation for the incredible wit and sense of humor he also possesses. I have had the opportunity to experience that on many occasions.

I think what the institution is going to miss the most—he is certainly someone who cares a lot about this country's future and the policies we put in place—is his abilities, his great skill and his great talent. It will be a real loss to the Senate because JUDD GREGG has a mind like a steel trap. He is able to analyze with great effectiveness the issues of the day and to explain them clearly. He is someone in whom I have tremendous respect. He has been a great mentor, a great leader, and someone, as I said before, we are going to miss around here.

I can't say enough about how much I appreciate his service and the service and the sacrifice his family has made. He has served in public life for many years, both as a Congressman, Governor, and a Senator. His wife Kathy, similar to many of our wives, puts up with a lot of things. JUDD, similar to me and many of my colleagues, I think, I would say probably married over his head or, as one of my friends said, outpunted his coverage. But we are grateful to his family.

We are going to miss the many contributions he has made, but probably none more than the passion with which he approaches this job and the passion with which he approaches building a brighter and better and stronger and more prosperous future for future generations. There has been no clearer voice on the issue of fiscal responsibility, no clearer voice when it comes to the important task we have in front of us, to insist that we take steps and we put policies in place that will make the country stronger and better for future generations.

So I wish to compliment as well my colleague from New Hampshire. I have heard from folks from other parts of the country. As someone who comes from the Midwest, I wish to say how much I appreciate JUDD GREGG, the incredible contribution he has made, and I, similar to so many others, will miss him greatly.

Mr. President, let me, if I might, speak to the issue before us today. We are debating a tax proposal, and on January 1 of 2011, just 17 days from now, families and small businesses across this country are going to see their taxes go up if Congress doesn't take action on the tax relief proposal that is currently before the Senate. There are elements of this proposal I don't like. I think it is fair to say there are a lot of us here who, if we were able to write this, certainly wouldn't have written it in the fashion we have in front of us today. But letting the perfect become the enemy of the good will result in one thing and one thing only; that is, higher taxes across America in 2 weeks.

It is easy to stand on the sidelines and to criticize this proposal, and it is perhaps even politically expedient to stand on the sidelines and criticize this proposal. But let me make one thing very clear. Advocating against this tax proposal is to advocate for a tax increase, and that is something we cannot and the American economy cannot afford.

It would be great if we could wait a few weeks, until we have a changeover in the Congress. Frankly, I would be very happy to see a bill written a few weeks from now when the newly elected Republicans are going to be sworn in. But that is a luxury that doesn't exist because of this reality that we have—this deadline looming in front of us. If we wait for the perfect proposal, the perfect agreement, then American families and small businesses are going to pay higher taxes just 2 weeks from now. That is not a scare tactic, that is not political posturing, that is simply a fact.

Taking action now to prevent this tax increase would do a number of things. First, it would protect 21 million households from being hit by the alternative minimum tax in the year 2010. It would preserve relief from the marriage penalty. There are many provisions of the Tax Code today—some of which have been addressed in previous tax law, expiring tax law—that lessen the impact of being married. Ironically, in the Tax Code, we punish people for being married in this country. Taking action now would prevent job-killing tax increases on many of our small businesses across this country, and it would protect farmers and ranchers from the death tax that would confiscate over half the value of the family farm.

What happens if we don't pass this tax proposal? Well, according to a number of economists, we would see a drop in the gross domestic product from somewhere between 1.7 percent to 2 percent. That is according to a number of private economists. Even the Congressional Budget Office suggests we would see about a 1.4 percent negative impact in our economy, in the gross domestic product, if we don't take the action necessary to prevent these tax increases.

Failure to act now, according to the Tax Foundation, with regard to my State of South Dakota, would cost the average family in South Dakota about $1,700 a year in higher taxes. The average American household would be faced with higher taxes to the tune of about $3,000. If we don't take the steps that are necessary to address the death tax on January 1, the death tax kicks back in at $1 million—a $1 million exemption—and everything above that would be taxed at 55 percent. So imagine the impact on a farmer, a rancher, a small businessperson in this country, who is trying to pass on that operation to the next generation, and what this would mean in their ability to do that.

As I said earlier, this is not a perfect agreement, but no compromise is. The fact we are dealing with Democrats, who still run both the House, the Senate, and the White House, if we want to stop taxes from going up on everyone, then we are going to have to figure out a way to get that done. And if we stand around trying to debate the perfect, then taxes are going to go up on families and businesses and our economic recovery is going to stall out.

I think it is also important to note that it will send a negative message to the financial markets. If we don't take action to address this crisis looming in front of us on January 1, we can expect the 9.8-percent unemployment rate could go significantly higher.

I would simply argue that inaction is not an option, and advocating against this proposal is no different than advocating for higher taxes. I hope that my colleagues will see their way to support this today and to support it in big numbers. It will go from here to the House of Representatives, and they will look closely at the vote coming out of the Senate. I think it is fair to say, if and when it gets to the House of Representatives, it will pass provided the Senate sends a very strong message—a message I think consistent with the will of the American people. In fact, according to public opinion polls, one as recent as this morning, 70 percent of Americans believe and agree this tax proposal ought to be enacted and signed into law.

The real issue that I think affects our fiscal situation in this country isn't the fact we don't have enough revenue, it is that we spend too much. If we look historically—and it is an empirical fact—at what happens when you lower taxes—look at John F. Kennedy, at Ronald Reagan, and George W. Bush in recent history—anytime you lower marginal income tax rates, taxes on investment, you get more revenue, not less revenue. That is an empirical fact. You also get a growing economy. When you have a growing economy, it is obviously creating more jobs, and that is what we want to see happen. We want to get this 9.8-percent unemployment rate down.

I would argue that the issue we have in front of us with regard to spending and deficits and debt doesn't have to do with the fact we don't have enough revenue, it has to do with the fact that Washington spends too much, and that is where we ought to be targeting and focusing our efforts.

Historically, if you look at the last half century, I think the amount we spend for our government as a percent of our gross domestic product hovers somewhere in the 20½ percent range. Today, it is about 24, 25 percent we are spending on government as a percentage of our total economy.

We have complicated and added to that burden by enacting major legislation in this last year. The massive new health care entitlement program, when it is fully implemented, will cost on the order of $2.5 trillion. We have lots of other legislation that has moved through here. The stimulus bill passed earlier this year was $1 trillion of borrowed money, which didn't have the desired impact. The one thing we know with certainty is that—at least based on history—when you raise taxes, you get fewer jobs; when you lower taxes, you get more economic activity, more jobs for the American people and, frankly, more revenue. That helps to deal with the issue of the deficit and the debt.

In this particular proposal there is some new spending. There are unemployment benefits included. I would like to have seen that offset. I had an amendment that would do that, that would pay for the additional spending in this bill. We are not going to have the opportunity to offer amendments, but there will be a couple of motions offered by my colleague from Oklahoma, Senator COBURN—motions to suspend the rules and pay for the additional $56.5 billion in new spending as a result of extending unemployment benefits in the bill. I think that is important for us to do.

Since we got into this recession, we have spent, I think, about $124 billion, borrowed from future generations for these extensions that we continue to pass for unemployment benefits. This particular one would take us up to almost $180 billion in borrowed money to pay for these benefits. It makes sense, in my judgment, when you are spending new money, you should offset or pay for that. Frankly, I would like to see that as part of this proposal. It is not in there. As I said, I have an amendment to rectify that, which won't be considered because we are not being given the opportunity to offer amendments. But I will support the motion to suspend the rules and pass a pay-for for the unemployment benefit extension the Senator from Oklahoma will offer later.

All that to say again the real issue here, in my judgment, comes down not to an issue of revenue but it comes down to an issue of spending. I think the American people recognize that. I think that is why there is such broad public support for this tax proposal, because the American people recognize that you can't raise taxes in the middle of a recession and expect the job creators in this country—our small businesses—to create jobs. It is counterintuitive and it defies all empirical knowledge and experience that we have to suggest otherwise. On the other hand, the American people do believe that government has gotten too big, that it is growing too fast, and it needs to be reined in. That is where we have to attack the spending side of this equation. I believe when the new Congress is seated next year there is going to be an intense focus on this issue of spending, and it is high time that happen, because it is high time we get the debt and the deficit issue that will plague future generations under control. The real issue doesn't have to do with revenue, it has to do with spending.

So I would urge my colleagues to support this proposal. As I said earlier, it is not perfect—certainly not in my estimation, nor I think in the eyes of many people who have looked at this. But on the other hand, it does prevent us, on January 1, from seeing a massive tax increase—the largest tax increase in American history—start to hit American families and American small businesses. That is why I hope we will pass it out of the Senate with a big bipartisan vote.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. MANCHIN). The Senator from Iowa.

FOR-PROFIT EDUCATION INVESTIGATION

Mr. HARKIN. Mr. President, for more than 50 years, the Federal Government has provided students with grants and loans to help pay for college. That is a public-private partnership between the government and the students, between our taxpayers and students. It is an investment premised on the idea that a higher education will improve life for the borrower and also will strengthen our society by giving more Americans the knowledge and skills to get better jobs and to be able to give back to their communities.

I know firsthand how higher education can transform one's life. I went to college on student loans and to law school on the GI bill. That is why I have spent my career in Congress fighting to ensure that all students who wish to learn, who wish to get a college degree, also have the opportunity to do so. I have worked on the Appropriations Committee to expand funding for Pell grants and student support programs. And now, as the HELP Committee chairman, I have worked to expand Pell grants to make sure our student loan programs are well run.

For the past 2 years, Congress has provided significant resources to help students access and finance a college education. In 2008, we increased the amount of Stafford loans that undergraduates can borrow by $2,000 a year. The Recovery Act of 2009 provided another $17 billion to the Pell grant program. The recent reconciliation law added another $36 billion to Pell grants over the next 10 years. So the Congress has made hard choices to secure these increases for financial aid programs. The money is an investment in our Nation's students and also in our country's future. For that investment to pay off, we must ensure that students are being well educated and that schools are using Federal dollars responsibly. To ensure our investment is paying off, earlier this year I initiated an oversight investigation into for-profit education companies. Education companies that make a profit for shareholders and investors are growing at an astonishing pace. Enrollments, profits, and share of the Federal financial aid budget going to those schools are skyrocketing.

In 2008, these for-profit schools accounted for 10 percent of the students enrolled in higher education, but those students received 23 percent of Federal student loans and grants and they accounted for 44 percent of the defaults. Again, for-profit schools, 10 percent of the students, got 23 percent of the Federal loans and grants and accounted for 44 percent of the defaults.

Confronted with numbers such as these, I became increasingly concerned a significant share of our Federal investment in higher education is being misused and that some companies are using the Federal aid program as a cash machine to drive up profits as their main purpose. Across the country, some higher education companies are using a high-pressure sales force, persuading consumers in search of the American dream to go deep into debt to purchase a product of often dubious value.

Default rates are sky high, taxpayer money is being squandered, top executives walking away with fortunes. You might think I am talking about the subprime mortgage industry, which came crashing down 2 years ago, because that does describe it. But what I have just described is also the situation created by many for-profit colleges. Just as in the subprime mortgage crisis, countless thousands of ordinary Americans are being harmed by the reckless pursuit of profits by a few.

This summer, I heard testimony from Ms. Yasmine Issa, a single mother of

twin girls. Two years ago, she went back to school to earn her degree in medical sonography. She went on line, typed in sonography, and found an advertisement for the Sanford-Brown Institute, part of a chain of for-profit colleges owned by Career Education Corporation, a publicly traded company. The folks at Sanford Brown sold Ms. Issa on the value of their program. They told her how it would help provide for her daughters, so she enrolled and paid out $29,000 for an 18-month program.

The recruiters at Sanford-Brown did not tell her that she could have gone to the local community college and received the same degree for $7,000. They also didn't bother to tell her that her degree at Sanford-Brown wouldn't even allow her to sit for the sonography exam. Nor did they tell her that without passing the exam, she would not be able to work as a sonographer. So after $29,000 invested, 18 months of hard work, Ms. Issa couldn't even sit for the exam.

Ms. Issa is not alone, but she and students like her are the reason I decided we in Congress need to take a closer look at this for-profit college situation. After three hearings, I believe it is an important time to report back to the Senate on what we have found to date. So today I am going to take the time to walk through the findings of each of these three hearings, talk about the problems facing these students and taxpayers, and conclude by talking about where the HELP Committee investigation is going in the coming years.

The first hearing in June asked what are for-profit colleges? We focused on this issue following dozens of troubling reports about students being ripped off by for-profit colleges. The New York Times, Bloomberg News, ''Frontline,'' even Good Housekeeping had reported extensively about the growth of federally funded, for-profit higher education corporations. Our first task was to get a sense of what these for-profit colleges were, how big they were, and how well they were serving our students. Given that these companies receive almost all of their revenue from Federal dollars, one would think all of this information would be easily available to the public and not require a congressional investigation to unearth. But, unfortunately, that was not the case.

First, what are for-profit colleges? For-profit colleges or proprietary institutions, as they are known in the law, are institutions of higher education that provide a program of training to prepare students for gainful employment in a recognized occupation. Essentially, in 1965, we recognized that career or vocational schools, as they were then known—most of them were privately owned—played a valuable role in our education system and that the people who attended the schools should be able to get financial aid to attend them. At the same time, we required these schools to demonstrate that students were being prepared for gainful employment in a recognized occupation—something we do not require of 2- and 4-year programs at public and nonprofit schools.

Today, we find ourselves in a world where proprietary schools offer everything from basic school training to liberal arts graduate degrees, and some for-profit schools enroll not a few hundred students but in some cases a few hundred thousand students. If these schools were providing high-quality education for most of their students, those numbers would be a cause for celebration. Instead, they are a case for concern, and these concerns are longstanding.

Twenty years ago, former Senator Sam Nunn of Georgia held a series of hearings looking at the for-profit sector, and because of the problems he found, he initiated a series of legislative fixes to ensure that for-profit schools were a good investment for students and taxpayers. As with many laws, 20 years has taken its toll, and those reforms have been almost completely rolled back. We find ourselves today facing some of the same problems, with few tools in place to provide genuine oversight of our taxpayers' investment.

What has not changed is that, unlike public or nonprofit schools, proprietary schools are legally bound to operate in the interest of their owners. As the companies have gotten larger, they have been transformed from mom-and-pop operations into high-growth, high-investment, big businesses. Fifteen for-profit education companies that operate 69 schools with an enrollment of 1.5 million are actually publicly traded on the New York stock exchange or on NASDAQ. Another 33 for-profit education companies operating 65 more for-profit schools are at least partially owned by private equity investors or hedge funds. The result is that the vast majority of for-profit schools have prioritized growth over education in order to satisfy the demands of their investors. In fact, growth and return on investment for shareholders is their legal obligation. So it should not surprise us that educating students is taking a backseat to just getting more bodies in the door.

For-profit colleges traded in the stock market are a relatively recent phenomenon that has created a drastically transformed landscape for us here in Congress, the legislators. As I said, in 1992—the last time Congress took a serious look at this sector under Senator Nunn—there were no publicly traded, for-profit higher education institutions—none, zero. In 2010, 15 publicly traded institutions enrolling a million and a half students are in existence. That is just publicly traded. There are many more that are equity owned, owned by equity investors or hedge funds, which also did not exist 20 years ago.

To satisfy shareholders, publicly traded schools must constantly focus on growth, measuring up to Wall Street's laser-like attention to quarterly enrollment statistics. Publicly traded schools must also generate higher revenues while keeping down costs, including teaching costs. These schools do this by raising tuition and increasing the number of enrolled students, which in turn increases the amount of Federal student aid dollars flowing to the schools. But it does not necessarily do anything about the quality of the education received.

A focus on growth at the expense of student outcomes is not just the province of the publicly traded companies. As I said, increasingly, hedge funds and private equity firms invest in for-profit colleges and manage the business end of the operation. For example, how many people know that Goldman Sachs—yes, the same Goldman Sachs—is the owner of more than one-third of the publicly traded EDMC—that is a for-profit college—which is the operator of something called the Art Institute and Brown Mackie? These are colleges; these are for-profit schools. A vice president and a managing director of Goldman Sachs sit on the EDMC board. These firms are interested in short-term profit and have little interest in the long-term educational outcomes of the students attending the schools.

It certainly is not clear to the students that the school is owned by a bunch of Wall Street investors. I had this chart printed. These are not all of them, but these are for-profit schools owned by private equity and hedge funds that we were able to come up with. How many students at Rasmussen College or Morrison University or the Institute for Business and Technology or Beckfield College or Chancellor University or Ashworth College or Florida Coastal School of Law—how many students signing up for this know they are owned by private investors or hedge funds that operate these schools? They sound as if they are just legitimate colleges.

An estimated 1.3 out of 1.8 million students attending for-profit schools in 2008 were attending schools primarily owned by Wall Street investors. Let me repeat that. Out of 1.8 million students going to for-profit colleges in 2008, 1.3 million students were attending colleges primarily owned by Wall Street investors. Again, this landscape was not around 20 years ago. In fact, most of it was not around 10 years ago.

Here is what the hedge fund owners of Westwood College state on their Web site:

> They always keep their eye on the ball of what is best for the business over the long term.

Not the students, not the education of students, but they keep their eye on the ball of what is best for the business, the hedge fund. That is funny, I thought the ball we should be keeping our eye on is how good a job we are doing educating students with taxpayer money.

Westwood is under investigation by the attorney general in Colorado. It has had its operation shut down in Texas, and it was told not to operate online in Wisconsin. No accrediting agency seems willing to acknowledge that it accredits this school, yet Westwood College turned a profit of $46.7 million in 2009. It is owned by a hedge fund.

While we call these schools for-profits to distinguish them from public community colleges and 4-year colleges and the nonprofit universities, it is really a misnomer since they are largely federally funded through student loans, grants, and military benefits. As a group our committee looked at, these publicly traded companies receive at least 85.6 percent of their revenue from Federal dollars of one sort or another. That is for profit?

Under current law, these companies cannot get more than 90 percent of their revenue from student loans and grants. We call it the 90–10 rule. To me, that seems like a lot, but for these companies, it is not enough. According to an internal lobbying document from the Career College Association released by the New America Foundation, one of the top priorities for the for-profit college trade association is to roll back that rule and increase the amount of Federal dollars these companies can get from the government. Ninety percent is not enough. They have clearly done a good job since at least six of the companies—Kaplan, EPCI, TUI, ACC, Remington, and Vatterott—get more than 90 percent of their revenues from the Federal Government.

You might say: Wait a second, Senator HARKIN, I thought you said they were limited to 90 percent by law.

True. Here is how they get around it. The University of Phoenix, for example, in its SEC filing acknowledged it received 89 percent of its revenues from Federal financial aid programs. Document requests that we got indicate they receive an additional 1.5 percent of revenues from other Federal sources, including military benefits. That means even the largest for-profit school—Phoenix—is receiving more than 90 percent of its revenues from Federal taxpayer dollars.

Again, how do they do that? If you get military money, that is not counted in the 90 percent; that is counted in the 10 percent that is private. Let's get that again. If they enroll a military person who gets GI bill benefits and they put it into these schools, that is not counted as part of the 90 percent. That is what their nice lobbying got done for them. Some of them get more than 90 percent of their money from the Federal Government.

So, again, just looking at Phoenix, the University of Phoenix took in more than $1 billion in Pell grants last year and more than $3 billion in Federal student loans—$4 billion in revenue from American taxpayers for just one company in 1 year.

More than 93 percent of the students in these schools take out Federal student loans. The loans go to these schools. By relying so heavily on Federal subsidies, these for-profit colleges have privatized the process of collecting Federal subsidies, but they have left the students holding the bag for the cost of a subpar education at a very high price.

Of course, the term ''for-profit'' is not completely misplaced because, regardless of how poorly students perform, as long as these companies can demonstrate enrollment growth, they remain profitable. In 2009, the same 30 schools that received 86 percent of revenues from Federal dollars generated $3.5 billion in profits for the hedge funds, the equity investors, or stockholders, shareholders.

Last year, together, all the schools had a profit margin of 19 percent. How many businesses in the State of West Virginia have a profit margin of 19 percent, I ask, or Iowa? But that is the average. Some schools have profit margins of 33 percent. The highest we found was a 37-percent profit margin last year. Where did the money come from? Taxpayers. The taxpayers of America. It is not a bad deal if you can get it.

Then look at what happened with the executive salaries. That 85 to 90 percent-plus of their revenues coming in from the taxpayers really paid for some high executive salaries. BusinessWeek recently reported that the CEO of Strayer, one of these schools, was paid $41.6 million last year—that is the president of a school—26 times the highest salary paid to a nonprofit or private university president, probably more than at the University of West Virginia or Iowa or Iowa State.

Combined, the executives at the 15 publicly traded schools received $2 billion from the sale of stock over the last 7 years. Let me repeat that. Over the last 7 years, these executives who run these schools started dumping stock. They started selling all their stock back. Do you know what they got? They got $2 billion in the last 7 years from the sale of their stock.

If they loved these schools so much, you would think they would be investing the money in the schools, to help some of these students, maybe tutoring, some kind of support mechanisms for those poor students who come in who do not have an experience of going to school; that they would be doing everything they could to make sure students who came in stayed and did not drop out.

No. They sold stock and walked away with $2 billion in the last 7 years. The co-CEO of the company that owns the University of Phoenix was paid $11.3 million last year. That is more than 7 times the $1.6 million paid to the highest paid head of a nonprofit—more than 14 times the compensation paid to the president of Harvard.

Boy, they are walking away with money. Well, that was our first hearing. What are these schools? Our second hearing that we had in August, we featured testimony from the Government Accountability Office, the GAO, focused on how for-profit schools go about recruiting students. We had heard companies—these for-profit schools—complain that their rapid growth was nothing more than students voting with their feet.

Unfortunately, the GAO and our witnesses, including a former recruiter at Westwood College, I just mentioned, made clear that for-profit college growth is actually the result of an aggressive, well-funded marketing effort by the schools, including lies and deception.

Using undercover agents and hidden cameras, GAO presented a troubling picture of student recruitment. Undercover investigators from GAO visited 15 campuses of 12 companies and they found misleading, deceptive, overly aggressive or fraudulent practices at every one of those campuses, every single one.

We watched the films. We watched. They had these little hidden cameras and microphones. We watched them in our committee hearing. Startling. Startling. Students were lied to and misled about the costs of the program, about what they could expect to earn, about how many students graduated, whether their credits would transfer, and whether the program was accredited.

They were misled about whether their student loans were dischargeable in bankruptcy and even were prevented from having a conversation with a financial aid officer until after they signed on the dotted line. So you sign on the dotted line. Then you get to talk to the financial aid officer.

That does not happen at West Virginia University or Iowa State. You can see the financial aid officer and see what you are eligible for before you decide to go there.

I wish to digress for a minute about these loans being dischargeable in bankruptcy. That is one thing very few of these students know. Let's face it. A lot of these students come from low-income families—and I will get to that also in a minute—and they have not probably had a good educational experience in secondary school, but they want to better themselves.

So they listen to this high-pressure sales tactic. They get these kids online and stuff and they call them on the phone and they say: Do not worry about anything. We will fill out all the paperwork. We will take care of all the paperwork, and based upon what you said, you are eligible for this much Pell grant—you will get the money—and loans and you can get these Federal loans. We will take care of all the paperwork. You do not have to worry about a thing when you sign up.

What the students do not know is that the loans they are taking out can never by discharged—never, until they die. We talked a lot about the subprime and how many people were left with houses they bought that they could not

pay for. Here is one difference. You can walk away from the house. If you buy a car and you get a loan on a car and you cannot make it, you can walk away from the car. Students cannot walk away from these debts. Once that school gets that money and they drop out, they have that debt hanging around their neck.

You know what happens—and I will get to this letter, too—these students then cannot go on to another school. They cannot get another loan. They cannot do anything until they pay that debt. The Federal Government will be after them on that debt. Even when they get Social Security, they will go after the Social Security payments.

How many students would borrow $29,000 if they knew that, if they knew that debt will be yours until you pay it off? They do not know that. They drop out of school, they borrow the money, they gave it to the school, and that is it. Not true. Schools do not inform them of this.

The committee received recruitment training manuals from several different campuses. They have one thing in common: manipulation. Get this, and this is written up. They encourage their sales staff to identify the emotional weaknesses of prospective students, to exploit the pain, to motivate students to enroll. Again, do not take it from me. A recent Business Week article described a document from Kaplan University that urged the recruiters to focus on ''the fear, uncertainty and doubt of their prospective students.''

These recruitment practices more likely characterize boiler-room sales tactics than trying to get someone a good education. These abusive recruitment practices result in students unprepared for or poorly matched to their academic program, with a high probability of dropping out, leaving school not with a degree but with a mountain of debt.

Some for-profit companies spend in excess of 30 percent of total cost just to fund an aggressive sales force, 30 percent of total cost, just in their sales force.

Those abusive practices, so widespread that GAO found them at every campus of every company it visited, are the symptoms of a very sick industry. While GAO made some minor revisions and clarifications of the long list of misleading practices it documented—and that the industry has now tried hard to use to discredit the work of the GAO—the essential finding stands; that every single school engaged in misrepresentation, deception or outright fraud.

I urge anyone interested to go to our committee Web site, the HELP Committee Web site, and listen to those GAO tapes for themselves. In fact, the 30 companies from which I requested information spent a combined $4.12 billion in marketing in fiscal year 2009, $4.12 billion they spent on marketing.

If you say: Well, what is wrong with that? Just think, 86 percent of that came from the taxpayers. Six companies: Apollo, Walden, Grand Canyon, Bridgepoint, Strayer, and ITT actually spent more than 50 percent of their revenues on a combination of marketing and profit. So you add up their marketing and their profit, over 50 percent of their revenues.

The second HELP Committee hearing made clear to me the problems of the for-profit sector cannot be chalked up to a few bad actors. The opportunity for great profits, in spite of poor student outcomes, has become the business model in this sector. I became worried this approach, characterized by aggressive recruitment, high cost, high debt, low graduation rates, was creating a vortex, sucking in even the good actors in the industry.

Think about this business model. Think about it. If you are one of these for-profit schools, you make the most money by recruiting the poorest students, and here is why. Because if you get the poorest students, they are eligible for the maximum Pell grant. You get the poorest students, they are eligible for the maximum Federal loans.

That is profit. That is profit to these companies. So that is the business model. Since they, the companies, are legally bound to try to increase their returns, either to their equity investors or hedge funds or their shareholders, they have to have this growth. So they keep aggressively recruiting more students. The poorer you are, the better they like it because it gives them more money. Then, if you drop out, it is no skin off their teeth. They do not owe you anything. So the poorer students get recruited. They do not get any support or very little, a little help. They drop out—I have a chart to show you that after a bit—and they have all this debt and the schools have all the money. That is the business model.

The HELP Committee held its third and most recent hearing in September, with a focus on answering the question: What is happening to all the students whom these schools are pushing so hard to bring in the door—the ones I just talked about.

Unfortunately, according to information provided by the 30 schools and analyzed by the HELP Committee, it appears these students are not faring very well. At the 30 companies we analyzed, 54 percent of the students who came in the door in the 2008–2009 school year had left without a degree by the following year. OK. At 30 companies we had analyzed, 54 percent of the students who came in the door that year left the following year without a degree. They vanished—54 percent, one out of every two, they left. That number is striking.

We know from the Department of Education that nearly every student at a for-profit college will take out a Federal student loan. Of course, they will get their Pell grants too. That means more than half these students are enrolling, being saddled with debt, and dropping out without a degree.

The numbers are even worse when we look specifically at students enrolled in associate's degree programs. This chart will show this. The chart shows the 10 associate's degree programs with the worst outcomes for students, these 10. The column in yellow shows the percentage of students leaving—right here. So here is the institution's total students. Here is the withdrawal rate. This is the withdrawal rate in the first year; in the first year, 84.4 percent of students from Bridgepoint who signed up dropped out in the first year. What do you think happened to their loans? What do you think happened to their Pell grants? Students get those back? Not on your life. Bridgepoint kept them, the money went to their shareholders.

In that program, Bridgepoint, 84 percent, nearly all the 7,900 students they have, left before attaining their associate's degree. I am not talking about a master's degree, I am talking about a 2-year degree. Nearly 70 percent at the second school, Lincoln, with the rest in the 60-percent range. So they had 69 percent who did not finish.

Just among those 10 schools, 375,000 students enrolled in the 2008–2009 school year. Nearly 250,000 dropped out without a degree a year later—250,000. These are staggering numbers.

Behind these numbers are students who are fed up with the lack of help or support from the school. They can no longer justify the level of debt they are taking on because they realize the dream job the recruiter sold them on is not waiting at the end.

I should be clear, these are not the complete dropout rates. More students are actually likely to quit by the time we would actually measure that. These are students who are gone within 1 year, many of whom never even register in the Department of Education's annual enrollment count.

Guess where they are counted, though. They are counted by investors looking to value the company and measure its likely profit. So when I say all these students dropped out, that is just 1 year. How many dropped out the second year? We do not know that.

Let me focus, for a moment, on Bridgepoint. Bridgepoint operates Ashford University and is based, sort of, in Clinton, IA. A group of private equity investors purchased a small Catholic school in 2004, when it had about 375 students. In 2004, this small Catholic school in Clinton, IA, had 375 students. They transformed it into a for-profit school. It now has 67,000 students, a 17,000-percent increase in student population in 6 years, 17,000 percent.

Ashford still operates the small campus in Iowa. About 600 students go there. The other 67,000 take classes online. I, obviously, was very interested to know how the heck they can be doing such a good job for students with that kind of growth. What the data we have collected for our investigation can tell us, for the first time, is they

are not doing a very good job for their students.

Eighty-four percent of the students seeking an associate's degree and 63 percent of bachelor's degree-seeking students leave Ashford within 1 year, without finishing their programs.

But look at the growth—17,000 percent growth. This is not terribly surprising because Bridgepoint offers no tutoring or other student services. If a student starts to have difficulties at Ashford online, they have two options: talk to their part-time teacher online or ask the computer avatar, who is the online student resource center.

Should a student succeed in completing a degree at Ashford, they had best not expect a lot of help finding a job. While Bridgepoint employs 1,703 recruiters, they employ just one person to handle career planning. They employ 1,703 recruiters, and one person to handle career planning for the entire student body of 67,000 students. According to a recent study, 60 percent of all community college students need extra help to succeed in school. They need tutoring and classes to make up for what they may not have learned in middle school and high school. For-profit colleges have served a similar population with similar needs. As they often remind us, the for-profit sector serves a group of students that traditionally lack access to higher education. Their students are the ones who are the most vulnerable, the ones who didn't have parents who went to college, who didn't grow up in a fairly wealthy household. And to make it through college, they require a significant support structure that is not available at these for-profit schools.

Like Bridgepoint, schools that have large online programs seem to have particularly troubling outcomes. This becomes clear when we look at a large publicly traded school that has both a large online program and a large campus-based program for associate degree-seeking students. I am talking about a 2-year degree. We can see it on this chart.

Career Education Corporation—that is another one of these for-profit schools—has a withdrawal rate of 44 percent on their campus-based programs, and a whopping 69.5 percent in their online programs. Campus-based program withdrawal rate 44 percent; online withdrawal rate 69.5 percent. Something is very wrong here. To me, this suggests these online students are not getting the support they need. It is inexpensive for a school to enroll a student online, but to ensure those students are learning and succeeding would require a major investment that for-profit schools, obviously, are not willing to make.

What these high dropout numbers illustrate is a phenomenon called ''churn.'' That is an industry term for bringing in students, signing them up for loans and Pell grants, and then leaving them to sink or swim. Then they go out the door, and they bring in more. That is what they call churning through the students because so many students at these for-profit schools come in the door and then leave within 4 months, 5 months, 6 months. Many of these students don't even show up in the data the Department of Education collects.

At Bridgepoint, for example, on the first day of classes in the fall of 2009, there were about 48,000 students signed up. Over the next year, recruiters signed up 77,000 additional students. Let's keep these figures in mind. In the fall of 2009, 48,000 students signed up for Bridgepoint.

In the next year, they signed up 77,000 additional students. Then at the end of that school year in 2010, there were only 67,000 total students enrolled. That means the school's actual head count for that year was about 125,000 students enrolled at some point. But 58,000 students, nearly half of them, didn't stick around. They were out the door. These are the kinds of things people don't know. This is what our investigation has uncovered by getting the documentation that led us to these figures.

The picture is much the same at other for-profit schools. In fact, most schools we analyzed recruit at least the equivalent of their entire starting student population anew each year. That bears repeating. Most of the schools we analyzed recruit at least the equivalent of their entire starting student population anew every year.

This chart describes the University of Phoenix. We have all heard of them. If someone has never heard of them, they don't watch TV or read newspapers or ride a bus or anything else to see all their ads. They do a great job of advertising. At the University of Phoenix, in 2008–2009, the school started the year with 443,000 students. They ended the school year with 470,800 students, so almost a 28,000-student increase, 27,800 to be exact. They grew their enrollment by 27,800. In fact, they actually recruited and enrolled 371,700 new students in that year to get 27,800. Again, these numbers can get a little confusing. Let me try that again.

The University of Phoenix started the school year in 2008 with 443,000 students. They ended the school year with 470,800, a growth of 27,800 students. How did they get 27,800? They recruited 371,700 students just to get that 27,800. That means almost 350,000 students passed through the University of Phoenix in 2009 without anything to show for it. They came in. A lot of them gave them their Pell grants. They turned over their student loans. Then they vanished. The students got the debt and the University of Phoenix got a nice little profit. Actually, a nice big profit.

At another company, EDMC, the marketing and recruiting machine signed up 124,000 new students in the last school year. But they ended up the year with only 19,000 more students than when they started. Recruiters for these schools face the imperative of enrolling large numbers of new students each year to replace those dropping out and eventually reach the point where the number of new students is sufficient to actually cause the enrollment to grow.

That is what the shareholders demand. That is what the hedge funds who own them demand. That is what their equity investors demand. The schools may be very successful as companies, making profits for their investors and their owners and, I might say, huge compensation for their executives and their presidents, but it is hard to say they are successful as educational institutions.

(Mr. BENNET assumed the chair.)

Mr. DURBIN. Will the Senator yield for a question?

Mr. HARKIN. I am delighted to yield.

Mr. DURBIN. I wish to ask the Senator, most people say businesses ought to have their opportunity to make a profit. That is what America is all about. What percentage of the revenues at, say, the University of Phoenix come from Federal taxpayers?

Mr. HARKIN. I am glad the Senator asked that question. I will go over that again. There is a Federal law that says they can only get 90 percent of their revenue from Federal financial aid sources, loans or grants, Pell grants, loans, that type of thing, 90 percent. The University of Phoenix reported last year they got 89 percent of their money from the Federal Government. But here is the kicker. If you are a GI and they recruit you and you are giving them your GI bill benefits and other educational benefits you get through the military, that is not counted in the 90 percent. For some reason that is not taxpayer money. Actually, the University of Phoenix got more than 90 percent of their money from the taxpayers.

Mr. DURBIN. If I might follow up, didn't we ask the GAO to do a study, or the Department of Defense to do a study about GI bill benefits and how much we were actually spending through the GI bill for education through the for-profit schools compared to the public schools, community colleges, colleges and universities? We asked for that number, and we ended up learning these for-profit schools were charging GIs and veterans three times the amount being charged for those who went through other traditional schools, public schools, and universities.

It strikes me we have a legitimate concern. I know the Senator from Iowa and myself have been dutifully and loyally voting for Federal aid to education. I don't know his story. My story is, I am standing here today because of a National Defense Education Act government loan that let me finish college and law school; the Senator from Iowa the same thing. I have thought, goodness' sakes, if that is how I reached this point in my life, other people deserve the same chance. I have

been almost an automatic vote when it comes to that kind of assistance.

I thank the Senator from Iowa. Now that he has had these hearings and I have joined him in investigating it, I find that a growing percentage of Federal aid to education is going to for-profit schools that operate with 90 percent Federal tax dollars and don't end up providing the kind of education these young men and women need to succeed, and many of them end up defaulting on their student loans. So there they are with the debt and nothing to show for it, which I believe is the point the Senator is making.

I ask my colleague, a veteran himself, how can it be fair to the government or the veterans for this kind of exploitation to continue?

Mr. HARKIN. I say to the Senator, who has been a leader in this effort of looking at the for-profit industry, trying to get the facts so we can make reasonable decisions as legislators about protecting both the taxpayers' dollars and protecting students, on December 8 our committee published this report called ''Benefiting Whom, For-Profit Education Companies and the Growth of Military Education Benefits.'' I suggest that he might want to look at that. The Senator is absolutely right. More and more of this money is going to the for-profit schools.

Let me put it this way: Between $640 to $700 million in GI bill benefits went basically to public institutions, public schools—the University of Illinois, Iowa State, University of Colorado, University of Georgia—all that. About $640 to $700 million went to public schools. That supported 209,000 students. About the same amount of money from GI bill benefits went to the for-profit schools and supported 75,000 students.

Mr. DURBIN. So it is roughly three to one.

Mr. HARKIN. Yes. That is about right.

Mr. DURBIN. So for every dollar we spent through the Department of Defense to help veterans in the GI bill, if they went to a for-profit school, they were being charged three times what public schools were charging.

Mr. HARKIN. The Senator is correct.

Mr. DURBIN. And the numbers we found show that, for example, four of the five biggest schools receiving the most post-9/11 GI bill funding have at least one campus with a student loan default rate above 24 percent over 3 years. In comparison—and I don't have the numbers in front of me—I believe when we look at public schools, the default rates are in the 7- to 10-percent range.

Mr. HARKIN. That is correct.

Mr. DURBIN. So more and more students are being charged higher tuition, going deeper in debt, and defaulting at a rate of 3 to 1, being charged three times as much, defaulting three times as much as those who are attending public schools?

Mr. HARKIN. That is right.

Mr. DURBIN. It seems to me, at a time of great national deficits, when we do care about our veterans, this is an unexplainable, indefensible situation. I thank the Senator from Iowa for his hearings on this matter. I ask him: At this point, where do we go from here in terms of these schools and in terms of what we should be asking of them to make sure the students, the veterans, and the taxpayers get a fair shake?

Mr. HARKIN. I thank my friend from Illinois for his focus on this issue for a long time and bringing it to our attention. Again, where are we going? We have some more hearings we are going to be having after the first of the year. Then we are going to be looking at legislation we need to do. We need to take care of this.

As I said earlier, our friend and former colleague, Senator Sam Nunn of Georgia, in 1992, had hearings on this very same subject, and we put in place what we thought were fixes to straighten out this industry and to make sure taxpayers' dollars were better protected. Almost all those have been done away with—the fixes that were made by Senator Nunn and this body, this Congress at that time. We have to reexamine those fixes and others again.

For example, as the Senator knows, in 1992, we put a ban on compensating employees solely for recruiting students; in other words, you could not pay recruiters for how many students they recruited.

Mr. DURBIN. Bounties.

Mr. HARKIN. A bounty. That was rolled back in 2001. We also had a provision that was put in the law then, that at least 50 percent of your students had to be campus based. That was done away with in 2005. So all your students can be online. Since 2005, we have seen this huge explosion in online students going to these private schools online. So those are just two of the things that have been rolled back. I think we have to reexamine that and reexamine how we better protect both taxpayers and students.

Mr. DURBIN. If I could ask one last question of the Senator from Iowa.

So the U.S. Department of Education is looking at this?

Mr. HARKIN. Yes.

Mr. DURBIN. Secretary of Education Arne Duncan is looking into this.

Mr. HARKIN. Yes.

Mr. DURBIN. You cannot escape the reaction of the for-profit school industry. They are buying full-page ads in every newspaper they can get their hands on, claiming we are, by this investigation, trying to deny an opportunity for education for particularly disadvantaged students.

Mr. HARKIN. Yes.

Mr. DURBIN. Isn't the bottom line that we want to make sure that, first, schools are accredited, so when they hold themselves out to offer a training program, certificate, degree, they, in fact, are doing that; second, to make sure they are charging a reasonable amount for the education they are offering; third, if you have so many defaults, it basically says your students are just accumulating debt, not accumulating diplomas, and we have to bring that to an end; and they are asking about whether students end up in a job when it is all over, gainful employment. Are any of these unreasonable if the Federal Government is providing 90 percent of the revenues for these schools?

Mr. HARKIN. I think the Senator is being very reasonable. I think these are the minimum kinds of things we ought to do, as I said, to be stewards of the taxpayers' money, protect our veterans, and protect other students.

One of the tricks in the trade, as they say—I bet if I asked most Senators to describe a semester, what is a semester, you would think a semester goes usually from September to January, one semester; and maybe January to May is another semester; and then there is summer school. That is not it. A semester is what you make it. Some of these schools have a semester that is 5 weeks long. So if you can keep your students in for 60 percent of the semester, you keep all their money. Then they drop out, and you have the money.

This is something else we have to look at, a better definition of what the timeframes are. What do we mean by a semester? How much time is that? How much time does a student have to stay there before the school can keep the grants and keep the loans from the student? But, again, these are things I think our committee and others are going to have to wrestle with, as we go ahead on this issue.

I know others are backed up here to speak. I started a little bit late. I was supposed to start at 3:15. I think I started at 3:30, if I am not mistaken. So I will just take a few more minutes and try to close. I do not wish to keep other Senators waiting.

I, again, wish to close on this, on the cost and debt. At these for-profit schools, many students do not leave with a degree, but most leave with debt. The average student attends for about 128 days before dropping out. That is a little over 4 months. That is the average. For most schools, that is two terms. That is enough time for students to rack up thousands of dollars in debt—anywhere from $6,000 to $11,000, depending on the program and school.

That is because for-profit schools are far more expensive than comparable programs at community colleges or public universities. The average tuition for a for-profit school is about six times higher than a community college and twice as high as a 4-year public school. Average annual tuition for a for-profit school was about $14,000 in 2009, while tuition at community colleges averaged about $2,500, and instate 4-year tuition was about $7,000.

Of the 15 schools investigated by GAO, 14 had higher tuition than the

nearest public college offering a similar program. One that we looked at offered a ''computer-aided drafting certificate'' for $13,945, when the same program at a nearby community college cost $520. The cost of an associate's degree offered by the second largest for-profit is over $38,000, and a bachelor's degree can cost up to $96,500.

Again, I just referenced to the Senator from Illinois the recent study we had done regarding the GIs and what the GIs are coming out with. They are paying three, four, sometimes five times as much going to an online school as they could at a community college or a local public or even a nonprofit university.

On the placement—I know others are here, and I do not wish to again hold them up. I talked about what Senator Nunn had done back in 1992. Let me just respond on one thing on the accreditors. The Senator from Illinois mentioned accreditation. I wish to just respond to that because a lot of people think, if they are accredited, they must be all right. But here is what we found.

All institutions of higher learning are governed by a combination of the Federal Department of Education, State agencies, and private accrediting agencies, which ought to act as a safeguard against the proliferation of high-cost, low-quality educational institutions. A few States have passed strong State authorization requirements, which have made it difficult for some questionable for-profit colleges to set up shop in those States. Unfortunately, those States are the exception rather than the rule. Accrediting agencies are charged with the mission of ensuring educational quality. However, this does not happen at a lot of for-profit schools.

There are two types of accrediting agencies: the so-called national accreditors that focus on accrediting for-profit schools, and there are regional accreditors that accredit most public and nonprofit universities. Increasingly, for-profit schools are seeking regional accreditation. One particular regional accreditor, the Higher Learning Commission of the North Central Association of Colleges and Schools, accredits 18 of the 24 for-profit schools that have regional accreditation and, until recently, was known as the go-to accreditor for for-profit schools.

They have a cozy relationship. We had testimony from a witness employed by one of the national higher education accrediting organizations. He testified:

> Accreditors must hold institutions accountable to ensure that only the highest level of integrity is injected into the student recruitment and admissions process.

The same witness assured the committee that in 629 onsite evaluations of member schools over the previous 2 years, the agency did not find even a single example of ''substantial noncompliance.'' Yet this witness's organization accredits three of the schools documented by the GAO as having engaged in misleading or deceptive recruiting.

So, again, that is where we find ourselves: One-quarter of our financial aid budget is going to a sector dominated by education companies owned by investors and shareholders seeking to maximize short-term profit. Their mission is to grow and to get profits at the expense of positive student outcomes. There are virtually no legislative checks in place, though new Department of Education regulation on incentive compensation is a step forward. The current accreditation bodies in higher education are ill-equipped to deal with the size and relentlessness of the investor-owned companies. As a consequence, as I just said, we have ''for-profit'' companies financed with over 85 percent of taxpayer dollars, reaping $3.5 billion in profits, and millions of students leaving these schools with debt but no diploma.

These schools will receive more than $30 billion in Federal aid this upcoming year—$30 billion. It seems to me it is the obligation of us here and Federal regulators to provide effective government oversight and regulation of Federal financial aid dollars. The public is watching to see whether taxpayers' dollars are being used wisely and effectively. With high-cost schools, and sky-high dropout rates, with limited job placement and services, I have grave doubts that many of these for-profit schools are a good taxpayer investment.

At stake in the debate is the future of millions of Americans who are being aggressively recruited into high-cost programs of often dubious educational quality. For all these reasons—for every Yasmine Issa who has been misled or defrauded by a for-profit college—we have an obligation to make sure these schools are doing a decent job for their students. We need for-profit schools that put the interests of their students first. We need for-profit education companies that strive to serve the needs of the students they recruit and enroll. That is not always the case today. Congress and the executive branch have an obligation, I would say a moral obligation, to provide effective oversight of the for-profit sector in higher education. We owe this to the students, and we owe it to every taxpayer.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. SANDERS. Mr. President, I am aware that yesterday, by a vote of 83 to 15, the Senate voted to ask for cloture on the tax agreement reached between the President and the Republican leadership. I was in the minority, and I wish to very briefly—I spoke on the issue at some length the other day. I will be a little bit briefer this afternoon. But I think it is important to explain why I and a number of us and many Americans think this is a bad agreement and that, in fact, we can do a lot better.

Just a few points. No. 1, this country has a $13.8 trillion national debt. Our middle class is shrinking, and it is unconscionable to me that we are in the process of providing huge tax breaks to the wealthiest people in this country to drive up the national debt, which our kids and grandchildren will have to pay off. I think that is absolutely wrong.

During the Bush Presidency alone, the wealthiest 400 Americans saw their income more than double, while their income tax rates dropped almost in half from 1992 to 2007.

The richest 400 Americans now earn, on average, $345 million a year and pay an effective tax rate of 16.6 percent.

The bottom line is, given all the problems facing this country, lowering taxes for people who are extraordinarily wealthy, whose incomes are soaring, whose tax rates are going down, should not be a major priority of the Senate.

Let's be very clear. If we continue to borrow money now to give tax breaks to those people who do not need it, our kids and our grandchildren will be paying higher taxes in the future. We should not be doing that.

Here is a point I wish to emphasize. I know the President and many of my colleagues are saying: Hey, don't worry about it. This extension of tax breaks for the wealthy is only for 2 years. I wonder if my Republican friends would agree with me that it is not their intention to only make this extension for the wealthy for 2 years. I am quite sure 2 years from now they will be on the floor, maybe along with some Democrats, saying: Oh, no, that is not enough. We have to extend it again. So anyone who thinks we are only extending tax breaks for the wealthy for 2 years I think—maybe I am wrong—is sorely mistaken. I think we are talking about extending the tax breaks to millionaires and billionaires into the indefinite future.

That is not just what I am thinking. Here is what Dan Bartlett, a gentleman who was President Bush's former communications director, said to the well-known columnist, Howard Kurtz, just recently, last week, December 3, 2010:

> We knew that, politically, once you get it [the tax cuts] into law, it becomes almost impossible to remove it. That's not a bad legacy. The fact that we were able to lay the trap does feel pretty good, to tell you the truth.

My Republican friends know it. In 2 years, you will be back to extend it, and that is what we are voting on. Let's be clear about it. We do not know what the future brings us, but if, in fact, we do end up extending the tax breaks for the next 10 years, as our Republican colleagues want it, it will increase the national debt by $700 billion and would give a tax cut of over $100,000 a year to people earning more than $1 million. It doesn't make a whole lot of sense to me.

We should also be clear that this agreement between the President and the Republican leadership also continues the Bush era 15-percent tax rate on capital gains and dividends, meaning that those people who make their living off of their investments will continue to pay a substantially lower tax rate than firemen, teachers, nurses, and police officers. Does that make sense? Well, maybe it does to some people; not to me.

This agreement also includes a horrendous proposal regarding the estate tax. Under the agreement between the President and the Republicans, the estate tax, which was 55 percent under President Clinton, will decline to 35 percent with an exemption on the first $5 million of an individual's estate. This decline in taxes in the estate tax applies to the top three-tenths of 1 percent. This is not just the tax breaks for the wealthy; this is a tax break for the very, very, very wealthiest people in this country. At a time when we have a record-breaking deficit, if that makes sense to some of my colleagues, that is fine. It surely does not make sense to me, nor do I think it makes sense to most of the people in this country.

The Congressional Budget Office has estimated that this estate tax giveaway would increase the deficit by more than $68 billion. And while this extension is for 2 years, there is little doubt in my mind that our Republican colleagues will continue to push for lower and lower estate tax rates in the future, on their way to eventually repealing the estate tax permanently. I would remind my colleagues that last year, some of us brought to the floor an amendment that said maybe at a time when our seniors and disabled vets have not gotten a COLA for the last 2 years, maybe we should give them a $250 check. This is for people trying to live on $14,000, $15,000, $16,000 a year. We didn't get one Republican vote—not one Republican vote—but when it comes to huge tax breaks for billionaires, the top three-tenths of 1 percent, I guess there is a lot of support for that. Again, it may make sense to some people; not to this Senator.

There is also an issue I wish to spend a moment on which I think has not gotten the attention it deserves, and that is that this agreement contains a ''payroll tax holiday'' which would cut over $114 billion in Social Security payroll taxes for workers next year. While on the surface this sounds good, it is actually a very dangerous idea. This payroll tax holiday originated from conservative Republicans. Our Republican friends think this is a good idea, because for many of them—not all—the goal is to choke off money going into Social Security to divert money that should go into the Social Security trust fund and over a period of time weaken the solvency of Social Security. Once again, while this is supposed to be a 1-year payroll tax holiday, frankly, it is hard for me to imagine that it will not be continued next year. I suspect it will go on and on, and for many of our conservative friends who want to destroy Social Security, I think they are feeling pretty good about it. I think they are on their way. Less and less money is going to go into the Social Security trust fund and that, in fact, is what they have on their minds.

While the administration claims the money lost from this proposal will be paid back through the general fund of the government, this proposal would leave Social Security dependent on government revenues rather than the direct contributions of workers who have successfully funded this program for the last 75 years. And once you are into Federal funding for Social Security, let me tell you, it will be cut and cut and cut and you are talking about the beginning of the end for Social Security. So I have very real concerns about that. Frankly, maybe it is a 1-year program. I doubt it very much. I think it will be extended.

Further, while some of the business tax cuts in this agreement may work to create jobs—maybe some won't—economists I think from all ends of the political spectrum believe that the much better way to spur the economy and create jobs is to spend money rebuilding our crumbling infrastructure. No debate. We need trillions of dollars of work to rebuild our roads, bridges, water systems, levees, public transportation, our rail system. I think most economists believe when you put money into infrastructure, not only do you increase the long-term productivity of our country and our international competitiveness, you also create jobs a lot faster than many of these business tax cuts do.

Furthermore, one of the other reasons I am voting against this agreement is that I know the President and some of the Republicans said, Well, we reached a compromise on extending unemployment benefits. Well, I don't believe that was a compromise. The truth is that while it is morally unacceptable that we would turn our back on millions of workers who in the midst of this terrible recession have for a very long period of time not been able to find a job—obviously we have to extend unemployment benefits, but to say it is a compromise that our Republican friends came along with, this is something I don't accept. The truth is that for the past 40 years under both Democratic and Republican administrations, under Republican leadership in the House and Senate, and Democratic leadership in the House and Senate, whenever the unemployment rate has been above 7.2 percent, unemployment insurance has always been extended. In other words, this has been for decades bipartisan policy. Republicans and Democrats have said, You can't leave people to lose everything, leave them to lose their dignity, not being able to take care of their families when unemployment benefits are not allowed. This is not a compromise. This is just an extension of 40 years of bipartisan policy.

Furthermore, there are a number of additional extenders in here dealing with ethanol, dealing with NASCAR, dealing with tax breaks to oil and gas companies, dealing with rum producers in Puerto Rico and the Virgin Islands that I think, to say the least, have not gotten the kind of discussion they deserve.

Are there positive aspects of this agreement? Of course there are. Extending middle-class tax cuts to 98 percent of Americans, the earned income tax credit for working Americans, and the child-in-college tax credits are all extremely important, and that is something we have to do. But when we look at the overall package, we must put it in a broader context. What will the passage of this legislation mean for the future of our country?

The bottom line is, as I think most Americans know, the middle class is in a state of collapse, poverty is increasing, people on top are doing phenomenally well. We need to put people to work and put them to work right now. I think the fastest and best way to do that is to address our crumbling infrastructure.

Second of all, when we have the most unequal distribution of income of any major country on Earth—the top 1 percent earn more income than the bottom 50 percent—giving tax breaks to people who don't need it—and in fact, ironically, there are millionaires and billionaires out there who are saying we are doing great. We don't need a tax break. Use it to deal with the poverty rate among our children. Use it for education. Use it for health care. We don't want it. We don't need it. We are throwing it back.

So I think, and I believed from the very beginning, that we could reach a much better agreement than we have reached right now.

I intend to vote no on this agreement, and I hope as many of my colleagues as possible will do the same.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

DEFICIT REDUCTION

Mr. CHAMBLISS. Mr. President, I rise today to speak on a matter with my colleague Senator WARNER. I understood Senator WARNER and I had the time from 4:15 to 5 o'clock which was generously given to us by Senator SANDERS who had the time before 5 o'clock. Unfortunately, Senator HARKIN has gone over and used some of Senator SANDERS' time. I know Senator KIRK is coming down to give his maiden speech at 5 o'clock, and I hope he will bear with us. We have a number of folks who are going to speak very quickly today on an issue that is of major importance to America.

America's fiscal house is in disarray. Our budget process is broken, and future generations will end up paying the

price if we continue to ignore the difficult decisions required to fix this grave threat to our country's fiscal stability.

Recently, the National Commission on Fiscal Responsibility and Reform has worked in a bipartisan manner to produce recommendations on how to best address our current levels of debt. While these recommendations may not reflect the beliefs of all Members of this body, I commend the Commission's members for having the courage and the open minds to tackle the problem. At the very least, their recommendations can serve as a starting point for a serious debate on how we can ensure a better life for our children and our grandchildren.

Today, spending has reached almost 24 percent of America's gross domestic product, while our revenues were at their lowest levels last year in 60 years. Not too long ago, the debt ceiling was increased by the largest amount in history: $1.9 trillion—nearly twice as large as the previous record of $984 billion. Our current statutory limit on the public debt is now set at $14.294 trillion and is expected to require an increase again sometime this spring.

With that backdrop, Senator WARNER and I began talking this summer about this grave issue facing America and about the fact that if we don't address it now, then it is going to be too late, and that it was incumbent upon us to try to educate ourselves as well as educate other Members of this body about the seriousness of this issue and what is the way forward. So we began talking among ourselves. We expanded our group and expanded and expanded, and we now have a significant number of Senators who are prepared to come forth and say we have to address this and we have to address it next year. Some of the members of that group are going to be here today to give their thoughts on it. We are going to be joined by several Republicans and Democrats to pledge our commitment to addressing this issue and addressing it in the right way.

I wish to thank my friend Senator WARNER for his leadership, for his commitment to do this. It has been a pleasure to work with him. As we move forward next year, this group is going to provide the momentum to carry the ball to make sure we address the issue of reductions in spending as well as major tax reform to get the fiscal house of the United States back in order.

With that, I yield to Senator WARNER.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, let me echo the comments of my good friend, the Senator from Georgia, Senator CHAMBLISS. It is time for us in this Senate—and excuse the language—to put up or shut up. A lot of folks talk about deficit reduction in both parties time and again, but over the next year, there is a growing group of us—and I think folks will see this group in the next 45 minutes, hopefully briefly, each one of us—starting to raise the issue that next year we have to take on deficit reduction and major tax reform.

The country is approaching $14 trillion in national debt. It has been estimated that every day we delay, we add close to $5 billion to that national debt. So whether your issue is the solvency of Social Security, whether your issue is tax rates, whether your issue is making sure we pass on a balance sheet to our kids and our grandkids and allow America to continue to be the economic superpower it has been, unless we take on this issue, we won't be able to accomplish those goals.

While I believe, as imperfect as this compromise between the President and others is in terms of short-term stimulus that we will vote on later tonight, we also have to demonstrate that this body can actually walk and chew gum, that we can do short-term stimulus now, but next year engage in meaningful tax reform and deficit reduction. Because if we act later tonight, we will be adding $900 billion over the next 2 years to our national deficit.

So today—and we will come back on a regular basis—we will hear very briefly from a number of my colleagues on both sides of the aisle, and I think in our new respectful way—we may not agree on the ultimate solutions, but we are going to agree to listen to each other respectfully and recognize that at the end of the day, meaningful tax reform and meaningful deficit reduction has to be a goal of this Senate, of this Congress in the next year.

I yield the floor to my good friend, the Senator from Mississippi.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. WICKER. Mr. President, I am glad to join this bipartisan group today. I see 10 of us on the floor at this time and we all have agreed to speak briefly about this, because we want to make the case that over the next several months we mean business and we intend to do what we can to actually make some tough choices.

I join my colleague from Georgia in commending the membership of the National Commission on Fiscal Responsibility and Reform, and particularly the leaders of this group, Erskine Bowles and Alan Simpson—great patriots, people with a great history of service in their own right. They have come forward with some recommendations in their preamble. They make it clear none of us like every element of the plan, but they put forward a plan that I think is a starting point for us, and we intend to use these next few months—frankly, we intend to use the runup to the vote we will have to take on the debt ceiling around April of 2011—to make real progress.

Let me subscribe to several of the statements made in the preamble of this fiscal responsibility commission. They say: ''We cannot play games or put off our choices any longer.''

I think the American people know that, and they expect leadership from their elected representatives in the House and Senate in that regard. The report and the preamble go on to say: ''The American people are counting on us to put politics aside,'' and that is what we are trying to do on the floor today. And that is what we are trying to do on the floor today with a bipartisan representation—pull together and not pull apart and agree on a plan to live within our means and to make America strong for the long haul.

It has been pointed out that ADM Mike Mullen, Chairman of the Joint Chiefs of Staff, says that the most significant threat to national security today is our national debt. I agree with Admiral Mullen, and I think Americans agree also.

''Kicking the can down the road is not going to suffice any longer,'' to quote our colleague from Oklahoma, Senator TOM COBURN.

The preamble goes on to say:

> The contagion of debt that began in Greece and continues to sweep through Europe shows us clearly that no economy will be immune.

No economy, not even the U.S. economy.

> If the U.S. does not put its house in order, the reckoning will be sure and the devastation severe.

The title of the report of the Commission is ''The Moment of Truth.'' And I think we are here on the floor of the Senate today, on December 14, 2010, to say there is a bipartisan working group that believes we have arrived at a pivotal moment of truth and we intend to get down to the business of rectifying the problem of national spending and our national debt.

I yield to my friend from Montana.

The PRESIDING OFFICER. The Senator from Montana.

Mr. TESTER. I thank Senator WICKER for his remarks, and I rise to share a few words also about the debt and about the bipartisan tax cut compromise we will vote on this evening. Before I get into these remarks, I wish to thank Senators WARNER and CHAMBLISS for their good work in putting together a group of Senators to help address this issue in a bipartisan way.

As far as the compromise tonight, I look forward to voting for this compromise. It is a matter of creating jobs and rebuilding the economy. I think the bill does that. Is it a compromise plan I would have written? No. But it does cut taxes for the folks who need tax relief the most—middle-class families, small businesses, family farmers and ranchers. They are the real job creators in this country, and aiming tax relief at them required compromise and working together, and it happened. It is a victory for all Montanans and especially all Americans.

I wish to point out another example of working together. Over the past few days, a number of my colleagues—Democrats, Republicans, and Independents, 22 in all—teamed up to put forth

the resolution we hope will be a part of this package we will vote on tonight. This resolution puts all of us on record expressing our deep concerns about the unsustainable path of this country's debt and showing our commitment to working together to dig ourselves out of the ditch we are in. To do that, any plan will have to have tax reform, spending cuts, and deficit reduction. It is not going to be an easy process. In order to have a serious debate about cutting our debt, we are going to need to make some tough decisions and not just pay lipservice or play political games.

Much like the report of the President's Commission on Fiscal Responsibility and Reform, there are a lot of things Members of this group and of this body are not going to like in any potential plan. But what is important here is that all of these Members are serious about putting this country on a sustainable path and are committed to devising and voting on a plan to do that within the next 12 months. It is that important an issue.

This is, hands down, the most important issue this Senate will deal with over the next few years—putting our Nation's economy on a sustainable path to control this country's debt and to offer opportunity for the future. I look forward to working with my colleagues on this issue, as I know they share my same commitment to getting something done.

The truth is, we are not going to be able to get anywhere unless we trust one another. This process isn't going to be pleasant for anyone, but we can be successful if we have a bipartisan effort. This bipartisan resolution is more than just lipservice; it is a plan to move forward together.

I yield the floor to my friend, the Senator from Nebraska, Mr. JOHANNS.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. JOHANNS. Mr. President, this is a rather remarkable moment. On each side, Republicans and Democrats are standing to describe a problem that literally jeopardizes not just the future of our children and our grandchildren, but it jeopardizes our security; that is, our runaway spending and our deficit.

If I might, let me put this in perspective. As a former Governor of Nebraska, I used to tell my cabinet, when we were struggling through budget issues, that this is not magic, it is math. That is the reality of what we are dealing with here. We simply have a problem that is so gigantic, it can only be solved in a bipartisan way.

Let me offer a couple of statistics to back up that statement. If you look at the entire Federal budget, this is what you see. If you add Medicaid, Medicare, Social Security, and the interest we pay on our debt, that is 64 cents of every dollar we spend annually. Let me repeat those programs: Medicaid, Medicare, Social Security, and the interest we pay on our debt. Everybody will acknowledge the importance of those programs. Let's compare that to the revenues coming in this year. The revenues coming in don't even cover the full cost of those programs. So if anyone is out there suggesting that a little nip and a little tuck and a tweak here and a tweak there is going to solve this problem, it just fundamentally won't. We literally have a situation where if we just shut down the entire Federal Government—national defense, every single program out there except the ones I mentioned—we would still come up a bit short.

We need to fundamentally change how we are operating this government because, quite honestly, to date we all recognize—Democrats and Republicans—that we have been operating this government on the credit card of our children and our grandchildren. That won't work. It simply can't work any longer.

I conclude my comments today by saying I appreciate the opportunity to work with my colleagues on the other side of the aisle and to work with my colleagues on this side of the aisle to try to solve what I consider the most pressing, most urgent need our Nation faces today.

Mr. President, I yield the floor for Senator WYDEN.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, I wish to commend Senator WARNER and Senator CHAMBLISS in particular for their important work, and tomorrow it will be even more important given that this agreement will pass tonight.

There is always another election around the corner, a big array of special interest groups that need to be satisfied, and the constant scream of public opinion polls that politicians live and die for. Why take action that could offend a group today if you can put it off for a while?

In my view, the agreement that will pass tonight is a victory for the politics of procrastination. At a time when Americans are swimming in debt, more water will be put into the pool. Instead of taking steps to fix the market-distorting, job-killing Tax Code—last overhauled a quarter of a century ago when China and India were blips in the global economy—this vote, tonight, will prop up our broken Tax Code. Millions of Americans are out of work, small businesses are closing their doors, and instead of finding permanent solutions to the problem, the agreement is smiling like Scarlett O'Hara and saying: Fiddle-dee-dee, I will think about it tomorrow.

The agreement doesn't come close to what is needed to get our economy back on track. In many ways, this deal will make the problems worse. For one, it adds more to the deficit than TARP, more than the 2009 stimulus bill—858 billion more dollars will be added to the national debt.

At a time when our economy desperately needs to create more jobs, the agreement continues the same tax policies that failed to create jobs for the past 10 years.

At a time when businesses are saying that uncertainty is keeping them from hiring and investing, this deal increases that uncertainty by essentially turning the entire personal income tax system into a temporary structure that will all expire in a year or two.

And at a time when China is planning to invest a trillion dollars in crucial industries for its long-term growth, there is nothing in this agreement that makes so much as a downpayment for investing in our Nation's future.

It did not have to be this way. As Senator WARNER and colleagues have mentioned, there was a blueprint provided by the deficit commission. I don't happen to agree with everything in it, but clearly it was a very important blueprint.

In the 1980s—and I see Senator ALEXANDER here, who clearly remembers those days—President Reagan and the Democrats worked for bipartisan tax reform to clean out the loopholes, hold down the rates, and keep progressivity. In the 2 years, colleagues, after Democrats and Ronald Reagan worked together, our economy grew by 6.3 million jobs—twice the number created between 2001 and 2008 when tax policy was purely partisan.

I don't think it had to be this way. Senator WARNER and Senator CHAMBLISS tried very hard to add a provision that might at some point insert consequences for inaction. Colleagues—and I will close with this—nothing will happen in this town where there is this culture of procrastination unless there are some consequences for inaction.

There are provisions in this measure tonight that I support very strongly—unemployment insurance, help for the middle class and small business. I was willing to extend the whole Bush-era program for a year if it were done in a way to force action. But that is not going to be done.

Tonight, I intend to vote no. Tomorrow, I will be back with Senator WARNER and Senator CHAMBLISS to build on the good work of the deficit commission, build on the good work Democrats and Ronald Reagan did in the 1980s to give us a model so that finally in this country we tackle the major problems—debt reduction and fixing the job-killing Tax Code—and bring back the middle class to the prosperity they deserve.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAPO. Mr. President, I also am honored and very appreciative of the opportunity to join this bipartisan group speaking to the Nation tonight about the fact that we cannot any longer delay dealing with the most significant threat our Nation faces—our debt and our fiscal difficulties.

I was one of the members of the President's Commission on Fiscal Responsibility and Reform, and I had the opportunity over the past year to work

on a bipartisan basis with people on that Commission who took testimony from experts, evaluated the issues, studied the economies of the world, studied the details of what was happening in the American economy, and came forward with a plan.

This plan got 11 of the 18 votes on that Commission. It was required by the President's order to get 14 of the 18 votes in order to force that plan to Congress for a vote. I was disappointed that didn't happen. But let me make a couple of points of clarification. Eleven of the 18 votes represented over 60 percent of the votes of the members on that Commission. That is enough votes to pass any bill in this Senate. It is enough votes to pass any bill in the House of Representatives and to get that bill to the desk of the President. And 14 of 18 would have been over 77 percent of the votes—a margin that has rarely been met in this Congress.

My point in making this clarification is to say that on a bipartisan basis, we were able to come up with a supermajority of support on the Commission for a plan. Now, did that plan contain everything I wanted and leave nothing out I didn't like? No. There were parts of that plan that caused me great heartburn. But that plan did put America on a path toward a balanced budget. It stopped the erosion. In fact, it stopped the explosion of our debt across this country, and it did so in a way that focused on the right elements. What were those elements? Spending and tax reform.

Many of us were worried at the outset that the Commission would focus on just trying to solve the problem with more tax increases and tell the American people that our spending habits here in Congress were too important to be dealt with and we would simply have to increase taxes in order to keep Congress spending at its breakneck rate. The Commission denied that fact and said: The reality is that the problem in Congress is they spend too much, and it put spending caps on discretionary spending and at least started—not as much as I thought it should do—the debate about how to deal with our entitlements.

One very important addition. It proposed a major reform of our Tax Code—probably the most sweeping tax reform I have seen in my lifetime. If you were to try to come up with a tax code that is more unfair, more complex, more costly to comply with and more anticompetitive to Americans seeking to do business in the world, you probably couldn't do much worse than we have done with our Tax Code. And one of the most important parts of dealing with our fiscal policy is to reform that Tax Code. So that is another reason I am so glad to see we have bipartisan support for that kind of reform.

As I close, I would simply say that I am heartened by the fact that we see Republicans and Democrats alike saying that the time for further inaction is gone. The time for gridlock is gone. We do not have time to continue the kind of gridlock debate we have seen over the years here in Congress as we deal with this issue. And it is my hope that in the near future, we will force process reforms in this Congress that will put votes on the difficult issues we must face as Americans before us.

With that, Mr. President, I yield my time and yield the floor for the Senator from North Carolina.

The PRESIDING OFFICER. The Senator from North Carolina.

Mrs. HAGAN. Mr. President, when the fiscal commission released its report on December 1, it started with the guiding principle on which all Americans can agree: We have a duty to make America better off tomorrow than it is today. But the picture is pretty bleak right now. Let me give a few examples.

In 1982 our deficit had never exceeded $100 billion. By March of 2004, 22 years later, the debt was $3.7 trillion. Today, 6 years have passed, and the debt held by the public has ballooned to $8.7 trillion. The Federal debt was 33 percent of GDP in 2001. It is now 62 percent and on a trajectory to reach 90 percent of GDP by 2020. Interest on our national debt could rise to nearly $1 trillion annually by 2020. That is the entire amount of the individual income taxes we are collecting this year.

It is impossible to look at these numbers and believe this trajectory will result in an America that is better for our children than it is for us.

We cannot continue to just grow the debt and run huge deficits each year with the expectation that our children will pay the bill. This trend of borrowing will eventually have to come to an end one way or the other. The only question is, How are we going to reduce our deficit responsibly and in a bipartisan fashion and in a way that encourages investment and economic growth? Are we going to cruise blissfully along until some external crisis forces us to make these adjustments in the most sudden and painful way possible?

The time for Congress to act is now. There is a mounting chorus growing from all sides that recognizes our current path is unsustainable. Eleven members of the fiscal commission voted for the bipartisan deficit reduction report, including my friends, the Senators from Illinois, North Dakota, Oklahoma, Idaho, and New Hampshire.

Just today, Moody's announcement that it could move a step closer to cutting the AAA rating on our debt is why I am here today joining with my colleagues in vigorous support of concerted bipartisan action on the deficit in 2011 and the resolution introduced by my colleagues, Senator CHAMBLISS and Senator WARNER.

It is past time to get to work. We need to think seriously about reforming the Tax Code and tackling the deficit and the debt in a civil and bipartisan manner, and we need to do it now.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. RISCH. Mr. President, I rise today to speak very briefly about this issue. This easily could be the most serious issue we have dealt with in recent years and in future years. We have an enemy today that is at the door. This is not an enemy that is out there somewhere and we can talk about philosophically. It is an enemy that is at the door.

Last year the Federal Government spent around $3.8 trillion. That doesn't mean anything to me or probably much to anybody because nobody knows what $3.8 trillion is. If we say it is a little over $7 million a minute, it starts to sound a little bit more like we could understand it.

But none of that is important. It is how much do we have. The Federal Government was short 41 percent of that money; 41 cents out of every dollar that the U.S. Government spent it borrowed.

I hope everyone listened closely to the Senator from Nebraska when he said if we funded only Social Security, Medicare, Medicaid, and the interest on the national debt, we would be short of money coming in to pay for that. If we shut down all other aspects of the Federal Government, we still could not put it in the black if we paid for just those.

This moment in history is an absolutely critical moment for the American people. We have gotten jaded because all of our lives we have heard about the national debt, and we have heard about annual deficits. We get jaded about it. But these numbers today are real, they are serious, and they could bring down this government. There is absolutely no question about that.

This Congress has to do something about that, and it is not going to be done by Republicans, it is not going to be done by Democrats, it is going to take a bipartisan effort to do that. I am here today to support that.

I yield the floor for my good friend, Senator UDALL from Colorado.

The PRESIDING OFFICER (Mrs. HAGAN). The Senator from Colorado.

Mr. UDALL of Colorado. Madam President, I am pleased and proud to follow my colleague from Idaho. What we are hearing about is all the challenges that face our Nation, and there are many of them right now. This massive set of budget deficits and overall debt we face—it is a crippling debt—requires probably the most serious and difficult effort we are facing right now as a people.

A strong country—I heard Senator WYDEN say this, in effect—is a solvent country. Conversely, a broke country is a weak country.

I can't help but remember Erskine Bowles, the Cochairman of the Commission we are talking about today. He was asked: Why are interest rates still low? Why are our bonds still desirable? He said: Don't let's fool ourselves. Senator CHAMBLISS would appreciate this

because he used a Southern turn of phrase. He said: Look, we are still the best looking horse in the glue factory. That is the only reason that our interest rates and our bonds are still strong.

What do we do about that? There is a way forward. The bipartisan commission has put in front of us a plan. None of us agree with every single item. It is a way forward. It is important to note of the 11 votes, 5 of those votes were Senators from our body. Five of the six Senators who represented us on this Commission voted to move forward.

That is the way forward—for us to join together, Democrats and Republicans alike. Despite our differences of opinion on many other issues, I think we can agree on one thing; that is, developing fundamental tax reform and addressing, in the process, our long-term debt problems.

Like Senator WYDEN, I am going to vote no tonight. I think this is a misguided effort, and we will add $900 billion to our debt load. But I respect my colleagues who see it otherwise. I am going to vote no, and I am going to come right back to work tomorrow with all of us in the Chamber. We are going to meet this challenge head on. The stakes are too high if we do not.

I yield the floor to the Senator from Tennessee.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. I am here tonight in the spirit of my late friend, the author of Roots, Alex Haley, who lived and died by these words: ''Find the good and praise it.''

I am here to praise Senator WARNER, Senator CHAMBLISS, and the bipartisan group of Senators who have focused their attention on this urgent crisis that our country faces, the national debt.

This is the way the Senate is supposed to work: to see an urgent need, develop a bipartisan consensus to get to work on it, come up with a strategy to deal with it, and get a result—not just make speeches but get a result.

We have heard the evidence. We have had the good example set by five Members of our body—two Democrats, three Republicans—who took a courageous step in their action on the fiscal commission earlier this month. The Senate should follow that example.

I am encouraged by what I hear from the bipartisan group of Senators addressing our debt issue. This is the way the Senate is supposed to work. Let me conclude with just one example from history. I picked up a book the other night called ''The British Overseas.'' It is a British historian's view of the American Revolution.

He pointed this out: At the time of the American Revolution, the interest on the national debt of the British empire amounted to one-half of the national revenue of the British empire. In other words, at the time we fought for and won our independence, Great Britain had an unconscionable debt. The debt forced the British into some imprudent decisions. One was the Stamp Act and one was a little tax on tea, which occurred at about that time.

So big debts force big countries into bad decisions. The leadership we have seen across the aisle is a good start for the serious effort toward dealing with our debt crisis. I am here today to commend those Senators, both Democrats and Republicans, who are part of it.

I yield the floor for the distinguished Senator from Colorado.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BENNET. Madam President, I am so pleased to be here in this room with Democrats and Republicans, talking constructively with each other. It has been a long time since we have seen that. It is one of the things I heard day after day over the last 22 months as I had townhall meetings across the State of Colorado. I too wanted to read something from the words of the deficit and debt commission because I think it is important for people to understand, people who are watching this at home and people working in Washington, that this is not optional.

They write:

> Large debt will put America at risk by exposing it to foreign creditors. They currently own more than half of our public debt and the interest we pay them reduces our own standard of living. The single largest foreign holder of our debt is China, a nation that may not share our country's aspirations and strategic interests.

In a worst-case scenario, investors could lose confidence that our Nation is able or willing to repay its loans—possibly triggering a debt crisis that would force the government to implement the most stringent of austerity measures.

As the President knows, I never ran for office before this election. I spent half my life in the private sector and half working in places such as the Denver Public Schools. The former Secretary of Education is here today. Nothing else in the world runs like this. Nowhere else would we say to ourselves that our theory is, we would look the other way, borrow the money from the Chinese, one of our greatest competitors, and stick our kids with the bills.

The reason this has become so important now is because the size and scope of this debt puts us in the position where one day—I will close with this—where one day somebody may say: I am not going to buy your debt at that price. The day that happens interest rates are going to spike, and this recession is going to look like nothing compared with what we are going to face. We owe it to our kids and grandkids to make sure we are paying our way. I am so pleased we are here today in a bipartisan way to talk about it.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Madam President, I know the Senator from Illinois is going to do his maiden speech in a couple of moments. I ask his forbearance for an extra 4 or 5 minutes.

Our colleagues have been a little bit over subscribed, which I think is an indication of the enormous interest in this issue and Senator SHAHEEN, Senator CORKER, Senator KLOBUCHAR, and Senator NELSON wanted to speak briefly on this issue. If the Senator from Illinois would grant us those couple of minutes, we would all be very grateful because I know, once he makes his maiden speech, he will be part of this effort as well.

With that, to Senator CORKER.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. CORKER. Madam President, I rise to speak on the topic that has been discussed over the last hour. I thank my colleagues for focusing on this issue. Yesterday's and tonight's votes are tough votes for me. I think they are tough votes for each of us. We have a bipartisan compromise that has come forth. There are things in this bill that trouble each of us for different reasons. But I think all of us understand our deficit issue is the biggest threat to our country's economic security and in many ways to our sovereignty.

Over this summer I had 46 deficit presentations around the State of Tennessee. I think what people walked away with from these meetings—and they were large meetings—was the severity of this issue. Most Americans have not focused on the severity of our debt issue. Most Americans think it is going to affect a neighbor, might affect another generation. I think a lot of Americans think if we would do away with things such as earmarks—and I don't earmark—we would solve our problems.

That is what I hoped to accomplish this summer in Tennessee, was to make people aware of how big this issue is and that the steps we are going to have to take are Draconian. I applaud those who have been involved in the process that has just taken place at the deficit reduction commission. I am hopeful that sometime very soon, in the next few months, we will have the opportunity to vote on something similar in nature that deals with real spending constraints.

I think all of us know spending as a percentage of GDP is at an all-time high in modern history. I think we know spending has to come under control. At the same time, we understand in our Tax Code each year we give away $1.2 trillion. I think that shocks people. If we were to eliminate those—I know Senator WYDEN and others have worked on this—if we would eliminate those, everybody's tax could be less. We could lower individual rates, we could lower corporate rates, we could help our economy and spur it on.

I know it is irresponsible, when a debt ceiling comes before us, to not vote for a debt ceiling in that it is like running up a credit card tab and not agreeing to pay the bill. But I heard a great Senator getting ready to retire, and I won't say what his name is, say

it is also irresponsible to not be responsible prior to voting on a debt ceiling increase.

It is my hope that sometime between now and April or May or early June, whenever this vote has to take place, instead of us just talking about this today—and I applaud all of those who are; I thank them for that—we actually vote on something of substance that deals with this issue in a real way and does not kick the can down the road.

This is the issue that could create the greatest crisis in our country, something that, by the way, is totally within our control. Many of the problems we face as a country we cannot deal with solely ourselves; it involves lots of other people. This is one of those issues that we have totally in our control, and all it takes is the courage to deal with this issue. The reasoning, that we are not going to get everything exactly the way we want it, but as a group, we have got to have the courage to actually deal with it.

So I hope that we move more than just to a construct but to a real vote. I have a bill on the floor, and I am thankful that CLAIRE MCCASKILL has agreed to cosponsor an amendment to actually this tax bill, that I know is not going to pass, probably is not even going to have a vote but to build momentum toward there actually being a construct in place that sequesters spending to drive us from where we are today to a more responsible place, a place where we have been over the last 40 years.

I thank the Senator from Illinois, who I respect. Thank you for your forbearance.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mrs. SHAHEEN. Madam President, I am pleased to be here on the floor this afternoon to join my colleagues on both sides of the aisle, to talk about the need for us to deal with our deficits and our debt in this country.

I made the decision to vote for the tax cut package that we are going to be voting on this evening. I did that with some sense of ambiguity, because it does not adequately put in place a plan to address our debt in this country. All the economists, however, I have spoken to have indicated that this is important for us as we are looking at continuing to stimulate our economy and provide the relief that middle-class families and small businesses need.

So despite the fact that there are things in it that I do not like, I am going to support it. But I would feel a lot better about it if it contained language that all of us have talked about, that says, as part of doing this, once we get this economy moving again, we have also to address the long-term debt we face in this country. And make no mistake about it, we have to do that both by addressing spending and by addressing tax reform.

I was at a small business in Salem, NH, yesterday, at a company called MSI. They do HVAC systems. They are a small business. They have about 25 employees. I asked them what they were looking for from us in Washington, and they said, a fair, simple Tax Code.

So we have to get serious about this problem. All we have to do is look at what is happening in Europe to know that we are headed that way if we do not get this debt under control. We have to make some tough decisions that include both tax reform and fiscal restraint. I would feel better if this language were in the legislation that we are going to be voting on, but I think it is clear it is the sense of the Senate—if we can get this resolution done, it will be important to send that message to everybody in the country about what we need to do.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. Madam President, I want to say to the new Senator from Illinois, thank you for your forbearance. 10 years ago, this Senator made his maiden speech on the floor, and it was about this very same issue. Because then, a decade ago, we had the privilege of having surpluses. My maiden speech was about exactly if we did not watch out, what was going to happen is those surpluses were going to go into deficits. If we had been good stewards of our condition, we could have paid off the national debt over the course of 12 years. But we took a different direction.

I am to be followed by the Senator from Minnesota, and the Senator from California.

I think what we are hearing here, in a bipartisan way, after we are swallowing a bitter pill of what we are going to vote on tonight, that is going to increase the debt $900 billion, because under these economic circumstances it is the right thing to do to jump-start the economy—

I think what we are hearing now is a confluence of events that is going to bring us starkly face to face, that we are going to have to reduce the debt and we are going to have to do tax reform. Because the conditions are so raw now, it is our responsibility to explain what we see as the economic circumstances of the country, explain it to the American people, and then act on it.

When emergency conditions arise, there is opportunity, and that is the opportunity to make change for the good.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Madam President, I also want to acknowledge the new Senator from Illinois and thank him for the time. But I also want to acknowledge the senior Senator from Illinois who is here, who just spent the last few months serving honorably on the debt commission on the National Commission on Fiscal Responsibility.

They came out with some recommendations. A number of us in this Chamber, while we may not support every one and disagree with some of them, think that is something we must pursue. As they wrote in their report, ''Every modest sacrifice that we refuse to make today only forces far greater sacrifices of hope and opportunity upon the next generation.''

They are right. The longer we wait, the more wrenching the choices become. And guess who is going to have to make those painful choices. It is our children and our children's children. But you know what else. It is ourselves. As the Senator from California pointed out about an hour ago, 6 percent—6 percent—of our spending is interest on that debt.

So there are some commonsense suggestions in that report. That is what we have to do next year. When you look at this idea, people making over $250,000, the fact that going back to the Clinton levels—the Clinton tax levels—when our country was incredibly prosperous, that that would bring in $700 billion to bring down the debt, that is why the majority of the people in this country, the vast majority of the people in this country, want to see it as one of the options for the long term.

For the short term, we know that our country is still in a fragile state. We know we cannot sock the middle class with a $3,000 tax increase. We know that we have 200 million who are unemployed, through no fault of their own, who are still looking for work. That is why we are passing this bill tonight.

But beyond that, as we go to the next year, we must work together, as you see what is going on today in a bipartisan way, to put a plan in place. Because the markets will respond to that. It will be good for our economy. We will show we mean business, and we will not turn into one of those countries overseas that is experiencing what they are experiencing now because they did not make that long-term commitment.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Madam President, I also am one of those who worried over this vote over the weekend that we passed yesterday. I spoke on this very floor about the fact that I did not like the estate tax. I did not think wealthy Americans needed a sustained tax cut. Then I began to make some calls to economists. What I found was a kind of double-edged sword. One, they did believe the package had a stimulative nature of anywhere between .6 and 1.1 percent, .6 being about 600,000 jobs—so 600,000 to 1.2 million jobs; unemployment insurance was stimulative; the payroll tax cut was stimulative, et cetera; and that we needed to do this.

But then the flip side. And the flip side was, we are now reaching 63 percent of GDP in debt. What will happen is one day, if this continues, we will go off a cliff economically.

Some time ago, during the end of the Bush administration, many of us were on a phone call. We heard Secretary Paulson and Federal Reserve Chairman Bernanke say that we are on the brink of a major collapse of this economy. Everything could go down—banks, credit institutions, et cetera.

I never thought this could ever happen in America. I now know that the unprecedented can, in effect, happen in America, and that when we vote for a package that puts almost $1 trillion additional on debt and deficit, we had better have a way to make a pivot, as some people have called it, and do those things that can curb expenditures.

We are fortunate. This National Commission on Fiscal Responsibility outlines a course. Not everything do I agree with, just like the tax bill. But, nonetheless, it is a course of action which can bring down this debt and bring down this deficit. I am very proud of those Members who voted to sustain this report. Even with 11 Members, I think it gives the kind of substantial ability to this report to bring it before this body.

I would hope that before we have to raise the debt ceiling, we would have before us a package, that we would set limits on spending, that we would freeze pay across the board, that we would make substantial across-the-board cuts in travel, in printing, and those things, not because that is a big item but because it is an item that wakes up people. I found that on a city level. It exists on a State level, and it exists on a Federal level.

There is much we can do, and I think at 63 percent of GDP, this debt and deficit says to America: America, be concerned. America and American business, come home. Build your plants here. Help us rebuild this great country. Help us build the industries of the future. But at the same time, right now, we have got to make very deep cuts across the board.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. BEGICH. Thank you to the Senator from Illinois for giving us a little time before you have your maiden speech. I appreciate that. Thank you very much.

Let me echo and associate my comments with all of the Members who have spoken previously, and thanks to Senator WARNER and Senator CHAMBLISS for their work in bringing truly a bipartisan approach to how we start the discussion and move forward on deficit management and tax reform, which is critical for this country.

You have heard all of the statistics, all of the numbers, all of the reasons why we should do it. But pretty simply, the way I look at this, if there is one issue in my 2008 campaign that I talked about at the very beginning of the campaign it was about the deficit and what was happening, how much of your tax dollars are going toward paying the debt, paying the interest.

I know, Madam President, you spoke about it, the interest costs that are absorbing the amount of the budget here. But in reality, I remember in 2008, no one paid much attention. Then suddenly the crash occurred at the end of 2008 and then everyone wanted to talk about it, because it affected them and they now saw the picture.

But where we are today is an important point. Tonight we will have a vote on a tax package that will be temporary, a 2-year fix to a much more complicated problem. When I came to the body here, I sat down with a couple of Senators, both on the Republican side and Democratic side, talked about the issue of reform, and recognized that we are truly going to change the way our Tax Code works. We cannot do these in bits and pieces. It has to be true reform.

So as we move into this next year, 2011, not only do we have to take the tough decisions regarding the deficit, we have to be aggressive about tax reform if you want to create certainty to the business community and our economy. A 2-year fix does not do that.

I know there are many who have spoken before me on all of the data points. But purely and very simply put, if we do not deal with this now—and ''now'' is in the next few months—we will hit that crashing wall, we will hit it hard, and we will not have choices because we have not made a plan regarding the deficit and tax reform.

I thank the people who have put this together, Senator WARNER, Senator CHAMBLISS, and thank all of the Members, over two dozen, Republicans and Democrats, who are here tonight talking about the need for serious attention to the deficit and tax reform. I look forward to next year.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Madam President, I again thank my colleague, Senator CHAMBLISS. There will be more to come. There were a number of other colleagues who couldn't be here. The Senator from Illinois has been more than kind. He will be part of meeting this challenge as well.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

ILLINOIS SENATORS

Mr. KIRK. Madam President, almost 30 years ago, I worked in the House of Commons in London. In Parliament, a new member's maiden speech is given great weight. Traditionally, this speech is used to highlight what a member's priorities are and sets the tone for his tenure. My experience in London guided my thoughts 10 years ago when I was elected to the House of Representatives. My maiden speech focused on the unique political history of the 10th Congressional District of Illinois and its tradition of electing thoughtful, independent leaders.

As I stand here today, newly elected by the people of Illinois to represent their interests in the U.S. Senate, I recall my first speech in the House and how humbled I was to follow such a distinguished group of men and women in office. I am equally humbled as I assume the office of United States Senator from Illinois.

Since our admission to the Union in 1818, Illinois has sent a diverse list of Senators to this Chamber. Many of my predecessors served in uniform valiantly, others had brilliant legal careers, while still others excelled in international diplomacy. As I take office, I want to reflect on those who represented Illinois in the Senate before me, their accomplishments, and the imprint they left on our great Nation.

One name hangs above all others. He never served in the Senate but ran for the office in 1858. Abraham Lincoln was defeated in that election but won the Nation's support for a higher office during the Lincoln-Douglas debates. His story also reminds the Republican and Democratic opponents of the current Members of the Senate that their best days in public life may still be ahead.

With regard to our Senators, one of the first was Ninian Edwards, a pioneer at a time when Illinois was actually the frontier. First elected in 1818, he served until 1824, when he stepped down to become the United States' Minister to Mexico. He had the distinction of being the Governor of both the territory and State of Illinois. A true servant of the people, he died in 1833, while he helped treat victims of a cholera epidemic carried by soldiers serving in the Black Hawk War.

Senator James Shields reminded us that we are a State and Nation of immigrants. Born in Ireland, he became a naturalized citizen in 1840. He served in the Mexican-American war under General Zachary Taylor, commanding a brigade in the battles of Vera Cruz, Cerro Gordo, Contreras, Churubusco, and Chapultepec.

Already one of America's leading Irish-Americans, Brigadier General Shields would later command a division during the Civil War, taking his men against Stonewall Jackson in the Valley Campaign of 1862. He was twice elected to the Senate in 1849—first in March, and again in October. But his first election was voided on the grounds that he had not yet been a U.S. citizen for the required 9 years. Eight months later, he won election again and finally was seated. Senator Shields is the only Member of this body to have served in the Senate from three States—in addition to Illinois, he was elected in Minnesota and Missouri.

Senator Shields also nearly changed the course of our Nation. In 1842, a young Abraham Lincoln wrote an anonymous letter to the Sangamon Journal criticizing then State Auditor Shields for his decision to require the payment of taxes in silver or gold. When Lincoln's future wife, Mary Todd, and her friend got into the act by writing additional missives, Shields

asked the editor to reveal the identity of the letter writers. When Lincoln claimed responsibility for all the letters, Shields demanded satisfaction and challenged Lincoln to a duel.

Lincoln chose broadswords as the weapon of choice, and the two made plans to travel to Missouri as dueling in Illinois was illegal at the time. Luckily, cooler heads prevailed and the duel was called off, averting a potentially history-changing event.

Serving from 1847 to 1861, Democratic Senator Stephen Douglas was known as the ''little giant'' due to his short stature but powerful hold on the Senate. While accomplished, he was overshadowed by Lincoln despite Lincoln's loss to Douglas in the 1858 Senate election. Douglas served as the architect of the Kansas-Nebraska Act of 1854 that repealed the Missouri Compromise, allowing settlers in Kansas and Nebraska to determine whether or not they would allow slavery. Douglas's reputation waned in later years as he led the Democratic Party to defeat in the election of 1860 by defending slavery in the southern States. His miscalculation dealt a blow to the ruling Democrats, allowing the new antislavery Republican Party to win the White House.

Another Illinois Senator, David Davis, holds a unique distinction, having served as an Associate Justice on the U.S. Supreme Court prior to his Senate service. In his nearly 15 years on the Court, Davis is best known for writing the decision in Ex Parte Milligan, holding that a death sentence handed down by a Civil War military commission against a civilian was unconstitutional, as civilian courts were functioning at the time.

The Illinois Legislature elected Davis to the Senate in the midst of the disputed 1876 presidential election between Rutherford B. Hayes and Samuel Tilden. Because of his service on the Supreme Court and his long reputation for fierce independence, Senator Davis was elected President pro tempore of the Senate following the assassination of President Garfield. Under the law at the time, this placed him next in the line of succession to President Chester A. Arthur, even though he was a freshman Senator.

One of our greatest Senators was the ''man from Pekin,'' Senator Everett McKinley Dirksen, who served for nearly 20 years in the middle of the 20th Century. His leadership was apparent early in his life. During the First World War, he entered service in the field artillery as a private and left a second lieutenant. While in the Senate, he worked his way to lead his party as Minority Leader and developed a reputation as a pragmatic, thoughtful legislator. He is perhaps best known for his role in passing the Civil Rights Act of 1964. It was Dirksen who said on the floor of the Senate:

> The time has come for equality of opportunity in sharing of government, in education and in employment. It must not be stayed or denied. It is here!

It was Dirksen who helped gather the votes for cloture on the ground-breaking legislation, ending the longest filibuster in Senate history at 534 hours, 1 minute, and 51 seconds.

If there is one of our Illinois Senators whose spirit hangs closest to me as I begin my service here, it is Dirksen's. Senator Dirksen's reputation as a fiscal conservative and a social moderate is one I hope to follow in my service in the Senate. He died after a bout with cancer in 1969, but his legacy lives on. One of the three Senate office buildings bears his name, as well as Chicago's federal courthouse.

Senator Charles Percy entered the Senate in 1967, serving alongside Senator Dirksen for 2 years. He was a ''Rockefeller Republican,'' representing the moderate wing of the Republican Party in the Senate and went on to chair the Senate Foreign Relations Committee. In addition to his work on foreign relations, he worked on legislation to provide home ownership to low-income families. Senator Percy and I also share a similar background. Both he and I are graduates of New Trier High School in Winnetka, IL, and we also both served in the United States Navy.

Senator Percy's greatest legacy for Illinois was his work to eliminate the corrupt practice of nominating Federal judges from the Chicago political machine. I wish to follow in Percy's footsteps, by ensuring all judicial nominations go through a rigorous advisory process.

Alan Dixon served Illinois in the Senate from 1981 to 1993, but before he came to Washington, he served in both the Illinois House and Senate, and later won statewide elections for treasurer and secretary of state. He earned a reputation as a thoughtful, moderate Senator who served the people of Illinois with a quiet dedication. After leaving the Senate, he went on to chair the Defense Base Realignment and Closure Commission in 1994 and 1995.

Born in Eugene, OR, Senator Paul Simon served from 1985–1997 as a staunch fiscal ''pay-as-you-go'' Democrat. Simon worked with Senator ORRIN HATCH of Utah on a balanced budget amendment that, although unsuccessful at the time, deserves renewed attention now in light of our crippling Federal debt. Although he did not win the Democratic presidential nomination in 1988, his greatest legacy will be the creation of the Paul Simon Public Policy Institute at Southern Illinois University where he served as director until his death in 2003 following heart surgery.

Senator Carol Moseley Braun is a true daughter of Chicago. She was born in the city, attended Chicago public schools, and received degrees from the University of Illinois at Chicago and the University of Chicago. She remains today the only African-American woman to serve in the Senate. After she left the Senate she served as Ambassador to New Zealand, and she remains committed to public service, as she is currently running for Mayor of Chicago.

Senator Peter Fitzgerald came to Washington 2 years before I began service in the House. I was honored to serve in the Illinois delegation with him for 4 years. When I took the oath of office here in the Senate, it was with Senator Fitzgerald and Senator DURBIN at my side, recognizing that leadership for our State requires a firm commitment to bipartisanship. Senator Fitzgerald was born in Elgin and raised in Inverness. He represented the northwest suburbs in the Illinois State Senate before his election to the U.S. Senate. Senator Fitzgerald's legacy in Illinois will forever be remembered for bringing one of our Nation's most dedicated crime fighters to our State. Senator Fitzgerald is the reason why the Northern District of Illinois is home to one of the best prosecutors in America, U.S. Attorney Patrick Fitzgerald. Patrick Fitzgerald, who is of no relation to the Senator, has done more to fight public corruption in our State than any other person. Senator Peter Fitzgerald fought a tough battle to recruit and appoint Patrick Fitzgerald. Before his arrival, Illinois was the wild west of politics, and one of the most corrupt in the Nation. Under his tenure, U.S. Attorney Fitzgerald convicted two Governors of corruption and countless other State and local officials. We will forever live with the embarrassment of convicted criminals like Governor Blagojevich, but with the leadership of Senator Peter Fitzgerald, we found the right prosecutor to slowly restore integrity and honesty to our State.

Now I have spoken about the past greats who have represented Illinois in the Senate, but our recent Senators have been champions in their own rights. I am honored to call Senator DICK DURBIN my colleague, and while we hail from different parties, we have pledged to work closely on issues that will benefit the people of our State. He, like me, came to this body from the House and quickly became known as a champion of infrastructure improvements, including the critical O'Hare Modernization Program and mass transit. His knowledge of the process of government is unmatched, and he is quick to tell tales of his time as the parliamentarian for the Illinois General Assembly. His father died of lung cancer when he was 14, and he has since fought tirelessly to protect kids from tobacco. We fly in smoke-free airlines because of Senator RICHARD DURBIN of Illinois.

Recognizing his leadership, his caucus has voted to make him majority whip the past 4 years, one of the few Senators from Illinois to hold such a position of distinction.

This brings me to perhaps one of the best-known Senators, and the man whose term I complete—Barack Obama. The first time I had heard of now-President Obama was in Springfield, IL, in 2000.

I was filing petitions to run for my first term in the House, and in front of me in line was a young staffer who worked for a State senator from Chicago who was running for Congress. It is highly ironic that I won my election that year, as state senator Obama lost his, but 10 years later Illinois had its favorite son in the White House.

Despite the media spotlight upon him, then-Senator Obama sought out a low initial profile in the Senate and worked with Senator DURBIN and the rest of our congressional delegation to quietly advance some projects. While his tenure in this body was brief, he and I successfully worked together to secure Federal school funding for military families in north Chicago, IL, fulfilling an important promise to take care of those who take care of us. In 2008, Barack Obama was elected the first African-American President of the United States, creating a vacancy that was filled by Roland Burris. It was the greatest honor of my life to win election to both Senator Obama's unexpired term and a full six-year term.

As I enter the Senate and open a new chapter in the rich history of this body, I stand before you a fiscal conservative, a social moderate, and a national security hawk.

I bring a commitment to fiscal responsibility, spending restraint, lower taxes, tolerance, a strong national defense, and, above all, thoughtful, independent leadership.

Today, we face great challenges both here and abroad.

Here at home, runaway spending and unsustainable borrowing threaten the future of our economy. Unemployment remains high, economic growth slow, and small business employers are crippled by the tax and regulation decisions of an ever-growing government.

As we look abroad, our challenges are no less complex.

We remain a nation at war with a terrorist enemy that seeks our destruction.

As America winds down our mission in Iraq, our mission in Afghanistan grows more challenging by the day.

Iran continues its pursuit of nuclear weapons, as terrorists in Gaza and Lebanon threaten the security of our strongest ally in the Middle East.

At home and abroad, our country faces threats from Iran, North Korea, and a number of terrorist cells based in Pakistan, Yemen, Somalia, and elsewhere.

In times of great uncertainty, we need to come together—Republicans, Democrats, and Independents—to build consensus, find solutions, and meaningfully improve the lives of the people we represent.

In that spirit, I look forward to working with our senior Senator, Senator DURBIN, to complete the O'Hare Modernization Project, ban sewage dumping in the Great Lakes, and expand high-speed rail across Illinois. From Rockford to Cairo, we will work to expand employment and opportunity wherever possible—always seeking practical, bipartisan solutions to the everyday challenges facing families across Illinois. I am confident we can build a bipartisan, pro-Illinois agenda that delivers for our State.

Ninian Edwards, James Shields, Stephen Douglas, David Davis, Everett Dirksen, Charles Percy, Alan Dixon, Paul Simon, Carol Moseley Braun, Peter Fitzgerald, Roland Burris, and Barack Obama—I enter this Chamber with all humility, and with the knowledge of those who came before us. They fought for a better future for the next generation, as we shall fight for those who follow.

I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Madam President, I am sorry to barge in here, but all day I have been trying to speak about one of our colleagues. So I appreciate everyone's attention. It is a short speech, but I have been trying to get over here all day.

TRIBUTES TO RETIRING SENATORS

EVAN BAYH

Madam President, I first met EVAN BAYH when UNLV played for the National Championship at Indianapolis. But one of the most remarkable speeches I have ever witnessed was in the Capitol Rotunda, when we were there meeting the new Senators. It was the first speech I know of that Senator EVAN BAYH gave in the Capitol complex. He spoke without a note. It was a speech laying out his philosophy of government, and it was truly spellbinding. I could not imagine the talent he had and I have witnessed since that time.

The State of Indiana is losing a superb Senator in EVAN BAYH. Senator BAYH announced his retirement earlier this year and is wrapping up his second term, where he has been a consistent fighter for the Hoosier State.

That fight, however, did not begin when he was first elected to the Senate. Not long after earning degrees from Indiana University and the University of Virginia, he was elected Indiana's secretary of state—the first of five statewide elections he would win.

He served the people of Indiana for 8 years as Governor and led the State to its largest budget surplus ever, while creating thousands and thousands of jobs. He also created the 21st Century Scholars Program that other States soon replicated, to ensure that all Hoosiers—rich, poor, Black, White—would receive a quality education.

He was later elected to the Senate, where he has admirably put partisan politics aside and fought for the best interests of Indianans. He has been a champion for education, for energy, and for fiscal responsibility. He has supported our troops fervently. Senator BAYH was not afraid to call out leaders when he felt an injustice was being done, and he spoke up often for our men and women overseas when necessary.

Of course, being a public servant was nothing new to him. His wonderful dad, Birch, held this very same Senate seat and set a fine example for his son.

Senator BAYH has achieved an incredible amount for the people of Indiana in his relatively short career, and he is not done yet. I know he will continue to work to improve the lives of the people of Indiana and all Americans.

Senator BAYH is relinquishing the title of Senator, but the role he cherishes more than anything is that of father. His twin teenage boys, Beau and Nick, are the joy of his life, and I am confident they are very proud of their father. I wish Susan, EVAN, and the boys the very best in all their endeavors.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. ENSIGN. Madam President, I rise to talk about the tax bill that is before us. I was one of just a few on our side who happened to vote against a procedural motion last night, and I wish to talk about why I will be opposing the final passage of this bill.

This threat that is facing our country today is greater than any external threat we have faced for some time. It is an internal threat that is stemming from our own government that threatens the very future of our country. In the words of ADM Michael Mullen, the Chairman of the Joint Chiefs of Staff—this is exactly what he said:

> The biggest threat we have to our national security is our debt. . . . It's not sustainable.

Our country is heading toward fiscal ruin. Nail after nail after nail is being put into our coffin of economic catastrophe. The Senate is now gearing up to put hundreds of billions of more debt onto our already debt-laden country. I fear our country's fate could be sealed. So what should we do? Is it too late for the United States to reverse its course? To best answer this question, I am reminded of a famous quote: ''Those who cannot remember the past are condemned to repeat it.''

In order to best determine the path our country will take in the future, we need to examine the road we have already gone down.

This chart I have in the Chamber is from the Great Recession of 1920 that most people in America have never heard about. It shows that in 1920 we had a fairly healthy economy, with a little over 5 percent unemployment. The next year it shot up, it over doubled, to almost 12 percent. Well, during that same period of time, the economy declined by nearly 7 percent. In other words, GDP went down by almost 7 percent. From May of 1920 to July of 1921, automobile production declined by 60 percent and industrial production in America dropped by almost a third. The stock market also fell dramatically. As a matter of fact, it lost half its value. So you can see the economic time of 1920 to 1921 was dire, maybe even more dire than what we face today.

Well, we had a Federal Government that decided to take a different course.

Instead of spending money, what they decided to do was to cut tax rates and cut spending at the same time. President Harding actually proposed—and it was enacted by the House and the Senate—a dramatic cut in Federal spending by one-third. To cut the Federal budget by one-third—can you imagine that today, cutting the Federal budget by one-third? Tax rates across the board, marginal tax rates across the board were slashed. The top rate at that time was 75 percent. They cut it to 25 percent. So they did not just cut taxes and raise spending so you balloon the deficit, they cut taxes and cut spending at the same time.

What were the results? Well, what do we know about the 1920s? What is the common term we hear about the 1920s? It is called the Roaring Twenties. It is because the economy boomed during the 1920s. This unemployment rate that was 11.7 percent—within a year and a half, that fell to a little over 1 percent. OK. So it went from 5.2 percent to 11 percent. They cut taxes and Federal spending and, boom, the unemployment rate plummeted—people had jobs.

Guess what happened to the national debt—not the deficit—the national debt. The national debt was cut by one-third during this time.

So if you cut taxes, you cut spending, you incentivize the private sector to create jobs. Guess what happened. When more people make more money and more people are employed, more money comes into the Federal Government to actually not only reduce the deficit but, in this case, actually pay down some of the national debt.

Well, let's move forward just a little bit.

The Great Depression. Many people have said we need to spend money to get us out of an economic downturn. During the Great Depression, we had a President, a Republican President, who started this. He was very much an interventionist President. During the Great Depression, he came in, had trade protectionist policies, raised taxes, and increased Federal spending with all kinds of different government projects on infrastructure.

We always hear about how infrastructure is going to help take the economy out of the recession if we spend more and more money. Well, I will have another point about spending on infrastructure and government spending in another country in just a minute. But we have to remember—and I ask this simple question to audiences back in Nevada whom I talk to: If government spending was going to take us out of that Great Depression, why did the Great Depression last as long as it did?

I actually posed that question to the new OMB Director. The new OMB Director said he has actually studied the Great Depression at length. So I asked him the question: Why didn't government spending take us out of the Great Depression? His answer was this: He said we did not spend enough money. I was flabbergasted by that statement. But that was his belief, that we did not spend enough money.

Many people believe the stimulus bill we had here almost 2 years ago was not large enough and that is why we have not had an economic recovery. Well, the reason we came out of the Great Depression was not because of government spending. It was because we kind of forgot about the Great Depression because of World War II, and our country completely focused on World War II. The stock market did not recover to 1929 levels for 25 years. FDR was a great wartime President, but his economic policies were not good for this country.

Well, where else can we look in history to find whether government spending actually works to take you out of an economic downturn?

In Japan, during the 1990s—this chart actually shows 1988 to 1998—they had government spending as a percentage of GDP go up. Yet in Japan—this is the red line. The blue line is spending; the red line is unemployment—it kept going up. Japan tried six different stimulus bills—a total of $6 trillion on infrastructure on all kinds of road projects, bridge projects, everything you hear about that is supposed to be good to take you out of an economic downturn.

Well, the 1990s in Japan is called the lost decade. They had basically zero growth during the 1990s. Actually, they have had another decade of lost economic output. So Japan certainly is not a good example of a place you can point to where government spending actually takes you out of an economic downturn.

As a matter of fact, if you think about the $6 trillion Japan spent—which is much larger than any economic stimulus we have tried, much larger as a percentage of an economy than what we tried during the Great Depression—so if it was going to work, why didn't it work in Japan? Why didn't it work during the Great Depression? Why didn't it work for the stimulus bill we tried? By the way, President Obama tried a stimulus bill close to $800 billion. President Bush 2 years before that tried an economic stimulus bill of $150 billion, basically sending checks to people hoping to get them to spend it. We need good economic policy to get us out of an economic downturn, and these temporary little spending bills are not the way to go.

So to continue on with this, let me explain a little bit about what else happened in Japan. First of all, Japan's public debt in 1997 grew to over 100 percent of GDP. By 2009, it is now almost 200 percent of GDP. So this spending not only didn't take them out of an economic downturn, it added to their future problems, and that is, unfortunately, what we are threatening to continue to do today.

Let me talk about the tax extensions before us today. Let me clearly state: I believe it would be a huge mistake for us to raise taxes on anybody during an economic downturn. I am for extending the current tax rates and making sure those tax increases don't go into effect. It has been argued by the other side that especially the top rates were the reason we ran up the debt and the deficits during the Bush years. Well, if my colleagues remember when President Bush came into office, similar to what happened when President Obama came into office, he inherited a recession. Then we had 9/11 happen, and it sent us into an even worse recession. In 2001, to stimulate the economy, we did cut taxes. The mistake we did make is we didn't cut spending at the same time, but at least we cut taxes. The blue line are revenues. So when the recession hit, we cut taxes and it takes a little while to recover, but after that, revenues—and these are the 2001 tax cuts and these are the 2003 tax cuts—actually went up.

The reason for our deficit was not that we didn't have enough money coming in to the Federal Government. The reason for our deficit is we spent too much money. Republicans were thrown out of office because we spent too much money. But the deficit was not caused by the tax cuts of 2001 and 2003. So it would be a mistake to raise taxes during this economic downturn.

However, I believe we need to cut spending, based on the economic models I have already talked about during the 1920s and how they actually worked. When you cut taxes and cut spending at the same time, it can actually pull your country out of an economic downturn.

There are businesses across my State—I spent a lot of the last couple of months touring around my State talking to businesses. There is one small business owned by two women in Nevada called ''Nothing Bundt Cakes.'' They make little bundt cakes. Unfortunately, they are really good, because I like to eat them and it is not good for my waistline, but they have a great product. I was talking to them and they would love to expand their business right now. Do you know what they said to me? They said, We can't. Two reasons: One is we think our taxes are going to be going up so we can't plan for it; and No. 2 was the effects of the health care bill. We don't know how much that is going to cost us. So it is the uncertainty out there of why they would not expand their business, and they probably could have created another 20, 30, 40 jobs. Those jobs didn't get created because of the uncertainty of what is going on.

So extending the tax cuts, I believe—extending the current tax rates is a better way to say it—is very important to give businesses some certainty. It is not the only thing we need to do to give them certainty, but it is certainly one of the things that is important.

In this bill—which I agree with; I think it is good we are not going to let the death tax go back up to 55 percent. There are a lot of small businesses out

there—try to imagine trying to plan estate planning and things such as that, especially in a small business where you want to see it continue. All of a sudden, maybe it is going to go down. Well, now we are going to do a 2-year extension. It is very difficult to plan for those things for the future. We need to give more certainty. Two years in this bill is better than nothing, but we still need to make that longer term so you can do estate planning and business continuation planning. Because think about this: If a small business is owned by a family versus a business that is owned by a corporation, if somebody dies in the corporation, the business continues. If somebody dies in a small business where the principal owns the business, they may have to sell the business to pay the taxes. That business actually may end up getting closed down and those jobs are lost.

So it is important to give some certainty when it comes to death tax planning, estate tax, whatever term you want to use with it; that is important, especially for small businesses, ranches, and farms across America.

The top rate we keep hearing criticized as far as extending that, they say it is only 1, 2, 3 percent of the people, whatever number I have heard tossed out from the other side. What people fail to realize, though, is that is 25 to 35 million people who are employed by those very small businesses that make the top rate. So if you raise taxes on those people, they have less money to spend to buy that next piece of equipment. Somebody had to make that—if it is in America, that created jobs in America—or they can't hire that next employee. So we don't get the job creation we want. Raising taxes on small businesses would be a mistake. Raising taxes on the middle class would be a mistake. Especially if they can plan long term, if the rates they know are going to be there for the long term, they can put that in part of their budget. If it is just a one-time check, they can't plan for the future. I actually disagree with the payroll tax that is in here, at least the way it is structured, the same way that in President Bush's stimulus package a couple of years ago where we sent $600 back to individuals. This isn't the long term solution that we need.

Think about the mentality of families. If there is a difficult time that families are going through, if they get a check in the mail, and they know they may be losing a job or they are barely getting by as it is, if they get a little money in the bank, are they going to spend that? Or are they maybe going to pay down debt or save it because of the uncertain economic future? A lot of families are making the decision to save it or pay down debt. So it is not stimulating the economy as people think it will. The other problem also with the payroll tax and some of the other taxes in this bill that are extended is adding to our national debt.

The Bush economic growth package, his stimulus bill he put together, we have heard about this being a bipartisan agreement. The bill was passed 81–16. Every single Democrat actually voted for that bill. Sixteen Republicans voted against it, but it was a bipartisan bill. People grabbed hands and added more money to our debt.

People talk about this bill being a compromise. Democrats wanted certain things; Republicans wanted certain things. Here is what a compromise is around this body. A compromise is: You want certain things; I want certain things. We will get what we want and we will pass that debt on to our children and our grandchildren. That is how this body is operating right now. We are being fiscally irresponsible with the bill before us today. Yes, we need to extend the tax rates. But we should have at least sent a message to the rest of the world that said we are going to do something about the debt.

Let's put up the chart. We just had the debt commission a few weeks ago come out with their report—the President's debt commission. This is one of the quotes from it: ''America cannot be great if we go broke.'' That is exactly what we are doing: We are going broke.

Harken back to the first chart, Admiral Mullen. Remember what the Chairman of the Joint Chiefs of Staff said. I want to repeat this. This is so important: ''The biggest threat to our national security is our debt.'' He said, ''It's not sustainable.''

This debt is real. It is a very huge threat to the future prosperity of America.

This bill before us is sending a message to the markets. It is saying, even though the debt commission came out and said we need to trim this by at least $4 trillion, this spending and this deficit we have going, you know what, we are just going to add hundreds of billions more to that problem. So I believe what we have before us is even going to get worse. Before this bill we will vote on today, these are the President's projections: The red bars are interest we pay on the national debt, such as interest on your credit card. A family pays interest on a credit card and doesn't get anything for it. It is because of their overspending habits. Well, this is the result of Congress's overspending habits.

Next year, in 2011, it is going to be close to $250 billion. We get nothing for that. We get no roads, no schools, no veterans benefits, no anything. That is just money we are paying to the Saudis, the Chinese, and other foreign governments who have bought our debt. In 2012 it goes up further and further. In 2020, it is over $900 billion a year in interest on the national debt. That is more than we pay for Social Security, Medicare, Medicaid, or national defense, and we get nothing for that. This path we are on is unsustainable.

We saw what happened to Greece earlier this year. Within 48 hours, there was an economic implosion, and if they hadn't had the European Union to bail them out, their country literally would have gone bankrupt. Not too long ago in Ireland, within about 7 days, the same thing happened. Once again, they had the European Union to bail them out. What happens if the same thing happens in America?

Just this morning, this is what Moody's, one of the rating agencies, said:

Unless there are offsetting measures—

That means spending cuts—

the package—

The package is the bill we have before us today—

will be credit negative for the U.S. and increase the likelihood of a negative outlook on the U.S. Government's AAA rating during the next 2 years.

In common language, what does this say? This says we are becoming a bigger risk and it is threatening our AAA rating which means if this AAA rating goes down, we pay higher interest rates. Just like an individual, you are more of a risk. When you borrow money, you pay a higher interest rate. This number here is based on a AAA rating. These numbers all get much worse if we lose our AAA rating.

The bill we have before us—we should have sent a message while we were continuing the current tax rate, if we wanted to do the unemployment benefits, which I believe we should have extended. We should have done that with spending cuts in other places.

Senator COBURN has a package to vote on that has real spending cuts. I have offered amendment after amendment after amendment on this floor on spending cuts. We always hear during campaigns: I am for fiscal responsibility. I am for this, I am for that. When it comes time for voting, we never seem to get the votes. When are we going to actually show some fiscal responsibility around this place?

This bill should have at least $100 billion, $200 billion in offsets. The Congressional Budget Office and the Joint Committee on Taxation said this bill is going to add $900 billion to the debt—$900 billion. Shouldn't we at least have offset some of that to show the world that we are actually serious about fiscal responsibility? That is all I am saying we should have done and why I am voting against this bill, because I don't think we can continue to add more and more and more debt. The debt commission had it right: America cannot be great if America is broke.

Let me conclude. The 1920s showed you can have economic recovery without adding to the debt actually because the economy grows and you have held the line on spending, and you can actually pay down the debt. That is what we did in the late 1990s. We didn't actually cut spending then, but we at least slowed the rate of growth of spending, with the Republicans in Congress and a Democratic President, and we had economic growth, which got us to not only a balanced budget, but it got us to where we were paying down some of

the debt. That is what we need to do now—start going back to 2008 spending levels. Spending has increased well over double digits over the past couple of years around this place, and we were spending plenty of money in 2008.

So let's go back to 2008 levels—that will save us a couple billion dollars—and then let's work on eliminating some of what Senator COBURN has identified as a lot of wasteful spending programs in this country, which is at least another $150 billion in wasteful programs he has discovered. If this country is actually serious about debt, then we will continue to be the leader of the world, our economy can continue to grow, and America's best days really can be ahead of us. But if we choose to continue to be fiscally irresponsible, then I am afraid we could be headed down a path that we cannot reverse. If what happened to Greece and what happened to Ireland happens to the United States, there is no one to bail us out.

So we need to start acting in a fiscally responsible way, not as Republicans, not as Democrats, but as Americans, and say to these young people, like we have sitting before us here today, we care about you, we care about your future, and we want America to be as great for you as it has been for us. The only way to do that is to make sure we get our fiscal house in order and quit passing so much debt on to future generations.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. UDALL of Colorado). The assistant majority leader is recognized.

Mr. DURBIN. Mr. President, I ask unanimous consent that after I have completed my remarks, the Senator from Rhode Island, Mr. JACK REED, be recognized.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I have listened carefully to the remarks of the Senator from Nevada, and I respect him, although I must disagree with him on several particulars.

When I look back at history, I see it differently. What I see is a Great Depression facing America that led to record unemployment, business failures, farm failures—one of the worst economic conditions faced by America in modern times.

The election of Franklin Delano Roosevelt in 1932 and his ascension to office in 1933 ushered in a new approach, an approach that was called the New Deal. That basically said: We are going to take control of the situation. We are going to stand behind your deposits in the bank to make sure you don't lose them. If the bank fails, you won't be broke—the Federal Deposit Insurance Corporation. We are going to put the watchdogs on Wall Street to make sure people don't do things there that are basically, if not illegal, unwise, and so we are going to make certain we have good business practices there. We are going to stand behind the farmers. Before we let them lose their farms, we are going to try to get them through a difficult year so they can be there to fight again. We are actually going to create jobs across America. First, for those who are working, we are going to create the minimum wage so that people know they can get a basic salary to live on. And for those who couldn't find work in the private sector, Franklin Roosevelt said: We will create WPA jobs and other jobs across America building things that will serve us for generations to come.

The New Deal was launched, and not long after it was launched, voices similar to ones we have heard this evening came forward and said: Wait a minute, we are spending money we don't have. We are going into debt as a nation.

Those voices started to prevail. So Franklin Roosevelt and the New Deal started to back off. They backed off the stimulus to the American economy, and the unemployment rate, which had gone down from over 20 percent to 13 or 14 percent, went back up again to 19 percent and languished because, with the lack of stimulus into the economy, America was not getting well and strong.

Then something came along which the Senator from Nevada failed to mention. He spoke about how government spending really doesn't invigorate an economy. I would suggest to him that he left out one phrase in a speech I would like him to look up—World War II. When we went into that great war to stop Hitler, to stop the forces of nazism and fascism across America, we mobilized this country and put it to work building the war machine. Great sacrifices for families across America—Rosie the Riveter. Mom went to work because Dad was off fighting the war. Everybody pitched in. We went in debt as a nation, but we won that war and came out of it with a strong, thriving economy, one of the strongest in the world. So to argue that government spending—which there was a lot of during World War II—didn't have anything to do with economic stimulus is to ignore the obvious. It did.

Let's fast-forward to where we are today and where we are tonight.

I see my colleague, the Senator from Rhode Island, is here. He has been chairman of the Joint Economic Committee, and he understands the economic conditions better than most of us who serve in the Senate. But I got a little insight into our economy by serving on the President's deficit commission for the last 10 months. We met week after week, month after month, and we talked about the state of the American economy and the debt of our Nation.

I came to the conclusion—which 11 out of the 18 members of the deficit commission agreed with—that the current situation is unsustainable. We are, in fact, borrowing 40 cents out of every dollar we spend. Whether that dollar is spent for a new missile system for the Pentagon or whether it is spent for food stamps for the poorest of the poor in America, we borrow 40 cents out of every dollar spent, and we borrow it from countries that are becoming our creditors, our mortgagors, countries such as China, the OPEC nations, Korea, Japan, and Saudi Arabia. They are the ones loaning us the money. Of course, it calls into question whether they think we are creditworthy. That is why we need to do something about our debt as we get more deeply into debt.

The Senator from Nevada talked about the state of the economy and the debt we are facing, but he failed to tell the whole story. I always say the story should begin with what the state of the economy was the day President William Jefferson Clinton left office. At that moment in time, the accumulated debt of America, from George Washington through President Clinton's 8 years, was $5 trillion. At that time, we were in surplus on our annual budgets, and President Clinton turned to incoming President George W. Bush and said: Next year, we project a $120 billion surplus for your budget, so we are leaving you in good shape, not with red ink but with black ink—a $5 trillion debt, $120 billion surplus in the coming year.

Eight years later, at the end of George W. Bush's administration, the national debt had grown from $5 trillion to $12 trillion—more than doubled in 8 years—and President George W. Bush said to incoming President Obama: I am not leaving you a surplus; I am leaving you a $1.2 trillion debt for the next year.

George W. Bush inherited a $120 billion surplus when he came to office, but he left behind a $1.2 trillion debt. How did we reach such a sorry state in a mere 8 years? President Bush was the first President in history to cut taxes in the midst of a war. It is counterintuitive, and he did it. He believed the economy would grow, and it didn't work. As a result, we got more deeply into debt. He gave tax cuts to the wealthiest in America, and they are the least likely, from an economic point of view, to invigorate our economy. And then he turned around and had several programs he signed into law that were totally unpaid for, just adding to our debt.

That is where we find ourselves today. That is where the deficit commission finds itself. So just a few weeks ago, we reported—11 out of 18 members voting—in favor of the deficit commission. Two weeks later, here I stand on the floor of the Senate, and we are considering a bill which will add $858 billion to the national debt. That isn't something we anticipated when the deficit commission labored for 10 months trying to figure out ways to cut $4 trillion out of the debt over 10 years. Here we are, 2 weeks later, adding this money to our debt.

I will tell you that I vote for it, and I do with a specific reason in mind. I

believe that unless we do something definitive and decisive, we are not going to come out of this recession as quickly as we should, more people will lose their jobs, and our debt will get worse. We need to stimulate and invigorate this economy.

I think President Obama was right 2 years ago when he had a stimulus package. I might remind my friends on the other side of the aisle that a third of it was tax cuts—which is their mantra in good times and bad—a third of it was tax cuts, a third was a safety net, and a third was basically designed to build the infrastructure of this country. I thought it was a good stimulus package, and I do believe it created millions of jobs or at least saved millions of jobs that would have been lost. The same holds true today. We need to invigorate this economy and move it forward. That is why I support this package.

Let me tell you something else. There are things in this tax package which will be voted on tonight or early tomorrow morning which I find awful and indefensible—two in particular. First, that we would extend tax cuts to the wealthiest people in America at this moment in our history I think is indefensible. Second, that we would segregate a small group of the wealthiest people in America and say we are going to give them blessed treatment when it comes to the estate tax they pay I think is mindless. It is not going to invigorate the economy. In the name of justice and fairness, these people, who have done well, should pay back some of it to the country that has allowed them their prosperity. Instead, the Republicans have insisted that the wealthiest of the wealthy in America should receive more.

This chart really tells you what is happening in this country, and it is a scary story—not just sad but scary. The accumulation of wealth for the richest 1 percent of the population in America—in 1976, the richest 1 percent of Americans had 8.9 percent of the wealth in America. In 1976, the top 1 percent had 8.9 percent. Now go to 2007. The top 1 percent population in America has 23½ percent of the wealth.

I don't begrudge anyone prosperity, wealth, and comfort, but they are getting wealthy at the expense of a society which is not providing for those in lower income categories. The people in lower and middle-income categories are falling further and further behind. That is why we cannot allow this tax cut that otherwise would have been reimposed as a tax increase on January 1 on them to occur. That is why I have swallowed hard and said I will vote for this package even though I think the breaks for the wealthy really can't be justified from an economic or justice viewpoint. I just don't think they can. But that is the reality we face.

I do want to say one thing before I yield to my friend from Rhode Island. Mark my words, write them down, put them away in a desk drawer, and pull them out April 1, and they are these: When the Obama administration comes to Congress and says, now that you have voted for additional tax cuts and spending, Members of Congress, you must now increase the debt ceiling of America because we need to borrow the money to cover what you voted for, including the vote that took place this December, which creates $858 billion more in debt, you will hear the other side of the aisle screaming, wailing, whining, and crying that there is no way they can vote to increase the debt ceiling of America. The same people who will have voted for this tax package increasing the debt of America by $858 billion will refuse to pay the check when it comes to the table after the dinner. They had the big banquet, they announced the tax cuts for the wealthy, but when the check comes to the table that says, incidentally, now we have to borrow that money, they are going to say: No way. We are fiscally conservative. We don't borrow money. No, but you spent it. And they have spent it either directly on spending or indirectly on tax cuts. That will come between April 1 and July 1.

I am sorry that as part of this tax package we do not have an increase in the debt ceiling. Those who are going to want to wave the banner of tax cuts and claim all the credit for tax cuts should also stand up and take their medicine because we are going to have to borrow the money to pay for it, and we will need their votes when it comes time to address the debt ceiling.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. REED. Mr. President, I understand there is unanimous consent that I be recognized and then Senator MCCAIN; is that correct?

The PRESIDING OFFICER. The agreement was simply to recognize the Senator from Rhode Island.

Mr. REED. Mr. President, I ask unanimous consent that Senator MCCAIN be recognized as soon as I make my remarks and then Senator BINGAMAN at the conclusion of Senator MCCAIN and then Senator CARDIN, and that if there is a Republican seeking recognition between Senator BINGAMAN and Senator CARDIN, that Senator be recognized at that time.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REED. Mr. President, I rise to discuss the tax proposal before us. We are in a critical moment. Our economy is slowly climbing from the depths of a deep recession but without additional support it could easily backslide. We cannot afford to let that happen.

There are still too many Americans—15 million—who desperately want the opportunity to work but cannot find a job in this difficult environment. My top priority is creating jobs and sustaining demand to continue job growth in this country.

I have serious concerns about several of the provisions of this bill that will not help us accomplish that goal of creating and sustaining jobs, but I will support this package because right now, back in my home State of Rhode Island, there are approximately 65,000 men and women from all walks of life who are unemployed and need this bill. Many of them are individuals in the middle of their careers who have worked since they were 18 or 21 continuously, productively, and now they find themselves for the first time in their lives without any job. If we do not act, they will be without the means to support their families and provide for their children.

This bill preserves emergency unemployment insurance to help these individuals make ends meet and help them to hold their families together. It will help ensure they can buy the groceries, pay the utility bills, and literally keep a roof over their heads in many cases. Their situation is one of my primary concerns in these difficult times.

Moreover, these unemployment benefits don't just help the jobless, they boost the entire economy as the unemployed spend their benefits at local businesses. Americans want us to focus on creating jobs and generating economic growth. Indeed, for much of the past 2 years, Democrats proposed many things that would help middle-class families and small businesses only to be thwarted or slowed by procedural roadblocks and sometimes disingenuous claims.

Just two Saturdays ago we could not break filibusters of two bills that would have passed the middle-class tax cut and also renewed unemployment benefits without un-needed additions. On several occasions over the past few months we have had legislative initiatives for tax extenders that would have included key elements such as a national housing trust fund and key infrastructure incentives. Again, those two were thwarted by procedural roadblocks.

But now we are faced with the specter of a tax increase on the middle class during this dispiriting economic time if we do not act. Perhaps we could have avoided this situation. The Bush tax cuts, which I opposed, had an artificial termination point in order to fix them into budget projections. But, again, we are here today at the last minute, and it appears the only path our Republican colleagues will accept is the one before us. Indeed, Republicans will not let this train leave the station unless the very wealthiest hitch a ride too.

The challenge we face is the need to sustain and accelerate growth so employment increases while also recognizing the need to reduce the deficit once the economy is stable again. That is no small challenge. As a number of budget deficit commissions have suggested in recent weeks, we may have to consider reforms to Medicare, Social Security, defense funding, tax expenditures, and investment in domestic programs—all of them to stabilize the deficit in the long term. I do not relish

those tasks, and I do not imagine America's families relish it either. However, this is a reality we must confront as our economy improves. It is a reality that will be difficult. It is a reality that will be a great challenge, but it is one we must face.

This bill includes many provisions that will provide economic growth. As I have mentioned before, the effect of an unemployment insurance extension is not just on the individual recipients, it is estimated by nonpartisan experts that nearly $2 of economic activity is generated for each $1 in benefits. That is a very effective stimulus for the economy.

The bill also includes a 2-percent cut in the payroll taxes paid by workers, and after local or State sales taxes, reductions in the payroll tax have the biggest impact on families living on the average wage. Again, this provision is estimated to create more economic activity than it costs, and it will, in essence, be the first raise many workers have seen in several years.

In addition, the proposal contains a host of other benefits for working- and middle-class families—by extending the child tax credit for 10.5 million families as well as an extension of a partially refundable tax credit of up to $2,500 for the cost of college tuition. All of this economic activity means jobs and more money in the pockets of hard-working Americans.

These are targeted, well-designed provisions worthy of support. Indeed, private sector forecasters as well as economists such as Mark Zandi suggest this bill will help maintain the fragile recovery and could lead to a 1-point drop in the unemployment rate and perhaps as much as a 1 percentage increase in GDP in 2011 as compared to previous baselines that took into account only the extension of the middle-class tax cut and expiring provisions such as the AMT.

There is, from experts, considered opinion that this legislation will help grow the economy, reduce the unemployment rate, and put people back to work. The bill also recognizes the need to build on the small business lending and tax credit bills we enacted this summer and fall. Indeed, the provisions to allow businesses to expense 100 percent of all their investments in 2011 is expected to generate more than $50 billion in additional business investment next year. That is private companies investing in private enterprises to put people to work on a private payroll.

The bill also encourages businesses to invest in future products by extending the research and development tax credit to keep us competitive in a very competitive world.

The bill also recognizes the need for clean, domestic energy by continuing the renewable energy production grants for wind, solar, geothermal, and a host of other technologies.

This legislation responsibly ensures that the tax rates in place for lower income and middle-income families stay as they are today. It maintains the middle-class tax cut. Indeed, the great bulk of the benefits of this bill will be directed at stimulating the economy and assisting the average American family.

But in the face of this deficit, it is very difficult to justify the provisions of the bill for the wealthiest Americans because they provide negligible economic growth while adding to the deficit. In fact, these provisions work against the two great issues we must grapple with, stimulating growth and beginning to control the deficit. According to the nonpartisan Congressional Budget Office and other experts, the decision to provide millionaires and billionaires with tax breaks will not generate many jobs because they are more apt to save these benefits than circulate them in the local economies throughout the United States.

In particular, the decision to insist on such an aggressive estate tax proposal is very difficult to justify. Instead of adopting a commonsense proposal that would have exempted well over 95 percent of all estates, our colleagues on the other side of the aisle demanded that the bill contain a tax break worth more than $25 billion over the next 2 years for the top one-quarter of 1 percent. Let me repeat that, a $25 billion provision that benefits one-quarter of 1 percent of all estates.

It is a slight comfort that these provisions are not permanent. While I would gladly support an effort to remove or modify these provisions immediately, at the very least they have to be the first on the list of those tough decisions we have to face in order to reduce the deficit in the future. We do have to address the deficit and part of that effort must clearly be through tax reform and eliminating tax expenditures.

I think there is too often a perception that tax cuts are free. As my colleague from Illinois suggested, failing to link the debt ceiling with this particular legislation could give the impression that we can cut taxes with no effect on the deficit. These tax cuts do add to the deficit. We have to recognize that. When we come back to face the difficult issues as we did in the 1990s—I supported President Clinton's efforts which led to a balanced budget, which led to a surplus, which led to employment gains—those decisions involved revenue, cutting entitlements, cutting defense spending, and making a lot of difficult choices. We will have to face those choices again.

We are at a point where the benefits of this bill are necessary to accelerate economic growth and to help the unemployed and struggling middle class families. That is why I will support this bill.

Thank you, Mr. President.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

OMNIBUS APPROPRIATIONS

Mr. MCCAIN. Mr. President, according to my calculations, it has been 42 days since the people of this great Nation of ours spoke, and they spoke in a very strong fashion. It was described by the President of the United States as a ''shellacking.'' It was described by others as a tsunami.

The House of Representatives, as we know, passed to Republican hands. In this body there were six additional Members from my side. I thought the message was pretty clear—that the American people said: Enough with the spending. Enough with the porkbarrel earmark spending. Enough of mortgaging our children and our grandchildren's futures.

I do not know of a single pundit or observer of the chattering class who did not say the message was clear from the American people. The phenomena of the tea party was ''taxed enough already,'' but they were against the spending, the earmarking. The approval rating of Congress is somewhere at, depending on which poll you look at, 10, 12, 14, 16 percent—overwhelming disapproval of the way we do business.

At 12:15 today my office received this appropriations bill, 1,924 pages long, and containing funding for all 12 of the annual appropriations bills, for a grand total of $1.1 trillion. It is important to note of this 1,924 pages is only the legislative language and does not include the thousands of pages of report language which contains the details of the billions of dollars in earmarks, and I am sure major policy changes written without a hearing, written without scrutiny, written without the input of the majority of the Members of this body, written by a handful of Senators who happen to be members of the Appropriations Committee.

The American people said just 42 days ago: Enough. Are we tone-deaf? Are we stricken with amnesia? What is going on? We have just begun to look at this monstrosity, and we are beginning to uncover which earmarks the appropriators decided to fund.

Thanks to a new online data base, we at least know what earmarks were requested by Members and how much those projects would cost the American people if they were all funded. Organizations such as Taxpayers Against Earmarks, Washington Watch.Com, and Taxpayers for Common Sense joined forces to create a database. According to the data they compiled for fiscal year 2011, Members requested over 39,000 earmarks totaling over $130 billion—those were requested.

I encourage every American to go to the Web site, endingspending.com, study it, and make yourselves aware of how your elected officials seek to spend your money.

In the short time I have had to review this massive piece of legislation, we have already identified approximately 6,488 earmarks totaling nearly $8.3 billion when we are running record deficits. When there is a $40,000 debt for every man, woman, and child in America, we are going to have 6,488 earmarks totaling nearly $8.3 billion. Here

is a small sample: $277,000 for potato pest management in Wisconsin—you will notice there is a location for every one of these earmarks—$246,000 for bovine tuberculosis in Michigan and Minnesota; $522,000 for cranberry and blueberry disease and breeding in New Jersey; $500,000 for oyster safety in Florida.

One of my favorites that pops up all the time is $349,000 for swine waste management in North Carolina. Another one of my all-time favorites that is always in there, $413,000 for peanut research in Alabama; $247,000 for virus-free wine grapes in Washington; $208,000 for beaver management in North Carolina; $94,000 for blackbird management in Louisiana; $165,000 for maple syrup research in Vermont; $235,000 for noxious weed management in Nevada. That is another one that, when you total it up over the years, comes into millions.

One hundred thousand dollars for the Edgar Allen Poe Cottage Visitor's Center in New York. Another of my all-time favorites that is always on here every year, $300,000 for the Polynesian Voyaging Society in Hawaii. If some people are watching, you are thinking I am making this up. I am not making it up. Three hundred thousand dollars for the Polynesian Voyaging Society in Hawaii; $400,000 for solar parking canopies and plug-in electric stations in Kansas.

Additionally, the bill earmarks $720,000 to compensate ranchers in Wisconsin, Minnesota, and Michigan whenever endangered wolves eat their cattle. As my colleagues know, the U.S. Fish and Wildlife Grey Wolf Program is under intense scrutiny for wasting millions of taxpayers' dollars every year to ''recover'' endangered wolves that are now overpopulating the West and Midwest. My State of Arizona has a similar wolf program. But ranchers in my State are not getting $727,000 in this bill.

I will have a lot more to say about this bill this week. I assure my colleagues, we will spend a lot of time talking about this bill and the outrageous number of earmarks it contains. But let me say this: It is December 14, 22 days away from the beginning of a new Congress, and nearly 3 full months into fiscal year 2011. And yet we have not debated a single spending bill or considered any amendments to cut costs or to get our debt under control.

Furthermore, the majority decided that they did not feel like doing a budget this year. How is that responsible leadership? This is the ninth omnibus appropriations bill we have considered in this body since the year 2000. That is shameful. We should be embarrassed by the fact that we care so little about doing the people's business that we continuously put off fulfilling our constitutional responsibilities until literally the last minute.

One thing is abundantly clear. The majority has not learned the lessons of last month's election. The American people could not have been more clear. They are tired of the wasteful spending. They are tired of big government. They are tired of sweetheart deals for special interests. They are tired of business as usual in Washington. And they are certainly are tired of massive bills, like this one, put together behind closed doors, and rammed through the Congress at the last minute, so that no one has the opportunity to read them and no one knows what kind of waste that is in them.

Let me be clear about one thing: If the majority leader insists on proceeding to this monstrosity, the American people will know what is in it. I will be joined by many of my colleagues on this side of the aisle to ensure that every single word of this bill is read aloud here on the Senate floor.

I encourage my friends on the other side of the aisle to rethink their strategy. Let's move forward with a clean, continuing resolution, keep the government in operation for 45 days, let the new Congress, that reflects the will of the American people, address these issues in the long term. Let's not go out the door of this Congress with a whole bunch, 6,800-some earmark projects that the rest of us have not read. I encourage my friends on the other side of the aisle to rethink their strategy. Let's move forward with a short-term continuing resolution, 45 days. Senator GREGG has an amendment pending to do that.

The majority may be able to strong-arm enough Members into voting for this omnibus, but they will not win in the end. The American people will remember, and I predict we will see a repeat of last November 2 in the very near future.

Here we are on December 14, after last year being in session on Christmas Eve. Apparently we may be in session again on Christmas Eve. If I might point out, having not been in session a single Friday the entire year—not being in session a single Friday the entire year—yet this afternoon the majority leader said, well, we can be here on Christmas and New Year's and that we could be in session until January 4, before the new Congress is sworn in.

Obviously the majority leader and the majority can do that. But I do not think the American people think very much of what we are doing here. In fact, I think they are going to be deeply disappointed and greatly angered because we have, with the consideration of this bill, repudiated all they thought they were standing for and voting for: an end to this kind of behavior, an end to the earmarking and porkbarrel spending, an end to the mortgaging of our children and our grandchildren's future.

So it is with great regret that I again have to come to the floor, as I have for many years, and be critical of my colleagues who are good and honorable and decent Americans. But this process, this process of earmarking, which this is an example of, is not honorable behavior.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I want to speak for a few minutes on the tax package that is before the Senate and that we will be voting on tomorrow.

Yesterday, the Senate voted to proceed to this $857 or $858 billion package that would have the effect of extending all personal income tax rates for 2 years, substantially reducing the estate tax, establishing or extending a host of tax incentives for American families and businesses.

I think the way to evaluate this package is on two basic grounds. First of all, how does it help us deal with the very substantial economic problem we face with trying to strengthen the recovery from this deep economic downturn that we have experienced and, second, how is it helping us to set a long-term course to achieve fiscal stability.

On the first issue, the economic recovery, there is much in the package that I would strongly support and that I do strongly support. We should protect 98 percent of American households from any tax increase. We should extend benefits to our fellow Americans who are unable to find jobs in this period of very high unemployment. We should continue key business incentives such as the section 103 program, which has provided a critical lifeline to the renewable energy industry.

If the only economic imperative that we faced was how to strengthen this recovery from the downturn, I would be voting for the package. But as I said at the outset, that is not our only economic imperative. Our dire fiscal condition requires us also to adopt a strategy that will dramatically reduce deficits in the coming years. Frankly, I am disappointed by the plan's shortsightedness on that issue and, therefore, I did oppose the cloture motion yesterday, and I plan to vote against the package tomorrow when the vote is called.

If we are serious about addressing the deficit, we need to admit that we cannot afford all of this package. In 2001, I came to the floor to explain my opposition to enacting the so-called Bush tax cuts. At that time the Congressional Budget Office was actually projecting budget surpluses. But as I explained then, I viewed the 2001 tax cuts as carrying a higher pricetag than we as a nation could afford. The 2001 cuts, which were accelerated in 2003, reduced the stream of revenue to the Federal Government by an amount that virtually guaranteed the elimination of our anticipated budget surplus, and instead insured that substantial deficits would once again become the norm in our Federal budget.

The result, which is a Federal debt that today nears $14 trillion, could have been avoided under the Bush tax structure only if there had been major

cuts in spending at the same time. As we all know, no such cuts in spending were ever proposed by the President, and no such cuts in spending were ever adopted by the Congress. In fact, in the years following the Bush tax cuts, spending increased very substantially. The Bush tax cuts were larger than we could afford when they were adopted.

Including interest costs, those tax cuts account for nearly 55 percent of the deficit that is projected to the end of the next decade. Once again, in my view, we cannot afford to extend those tax cuts in their entirety today. The Nation's debt now stands at 62 percent of gross domestic product.

The Congressional Budget Office says if we continue on our present course, that debt will reach 90 percent of gross domestic product by 2020 and 185 percent of gross domestic product by 2035. This concern is not merely academic. Our growing deficit has stark consequences for our government's ability to meet essential priorities.

At current levels, government revenue in 2025 will be enough only to cover interest on the debt, Medicare, Medicaid, and Social Security. The threat to American prosperity is severe. By 2035, rising debt could reduce per capita gross domestic product by as much as 15 percent.

In recent weeks, we have had several expert commissions tell us that we need to get the debt under control. They have offered thoughtful, practical proposals to do that. This National Commission on Fiscal Responsibility and Reform released a six-part plan that would achieve nearly $4 trillion in deficit reduction through 2020.

Five of the six senators who served on the commission supported the plan. Two weeks earlier, a bipartisan commission, headed by former Congressional Budget Office Director Alice Rivlin, and my former colleague Pete Domenici, issued their own report. Both bipartisan groups concluded that to be credible any deficit reduction plan must impose limits on spending and must increase revenue.

For much of this Congress, the excuse for deferring serious action on deficits and debt has been that we should wait and see what these commissions decide. Well, now that these commissions have finished their work, this bill is our first chance to begin considering their recommendations. I see no evidence that we are doing so in this legislation.

I understand we cannot tackle both tasks simultaneously, that is, stimulating the economy and reducing the deficit. We cannot attack both of those tasks with equal force at the same time.

A decision, which I have supported, has been to focus first on stimulating the economy. But that focus does not excuse us from also taking the relatively easy steps that are available to reduce future deficits. I agree with the Commission for a Responsible Federal Budget, whose leaders argue that, ''The critical objective is to pair any stimulus for the short term with a credible plan to reduce the debt in the medium and long term.''

We should be talking about what triggers to attach, how to pay for the new package over the decade, what spending cuts and tax reforms to make. It is unfortunate that that conversation has not taken place.

Because the cost of the package is not offset, it has been, unfortunately, larded up with very wasteful provisions that do little to stimulate the economy. The most problematic is the one many colleagues have commented on, that is, the $129 billion to extend tax cuts that benefit only the very high-income American households and reduce the estate tax below 2009 rates.

Proponents of the bill say that because the economy is weak, now is not the time to allow the tax cuts for the wealthiest households to expire. But a Congressional Budget Office report issued earlier this year tears down this argument. They examined 11 options to stimulate growth and job creation and concluded that extension of the 2001 and 2003 tax cuts was dead last in that list of 11. They further found that extending the tax cuts for high-income households, in particular, would rate lower in effectiveness than extending all the tax cuts because: ''Higher-income households . . . would probably save a large fraction of their increase in after-tax income.''

There is one comparison that puts this sharply into perspective, at least to my view. Last month, the President announced that because of concerns about the deficit, he was proposing to freeze all civilian Federal salaries at a savings of about $2.5 billion a year. I stated at the time that I supported his decision. But in this package we will erase those savings nearly three times over merely with the reduction of the estate tax from the 2009 levels. Is it not enough to reinstate the 2009 estate tax provisions which exempt $7 million in assets per couple and tax amounts above that 45 percent? Under this package, the exemption is dialed up to $10 million per couple, and the rate is reduced to 35 percent. So instead of reaching only 1 out of 400 American estates, this plan would subject 1 out of 1,000 estates to any tax whatsoever. So while a GS3 clerk at the Department of Agriculture office in Albuquerque will have her salary frozen in the name of fiscal responsibility, the heirs of a $50 million estate will save $5.35 million. This unwarranted generosity will cost our Treasury an added $7 billion a year. Americans are right to question how we can be serious about reducing the deficit when we are ready to give wealthy heirs a windfall with no benefit whatsoever to the economic recovery.

I also am troubled that the package makes the Tax Code permanently temporary and falsely assumes we will be able to achieve a different outcome when we debate this issue 2 years from now. Today's Wall Street Journal points this out in a story entitled ''Temporary Tax Code Puts Nation in a Lasting Bind.'' The piece opens with this sentence: ''Welcome to the world of the temporary tax code.''

I ask unanimous consent that the text of that article be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BINGAMAN. The main argument being used in support of the extension is that this is the only proposal we can get our Republican colleagues to agree to. In my view, that is an uncharitable view of our Republican colleagues. I think they would embrace a more responsible proposal if they felt they were required to do so.

The fact that not a single Republican supported either the proposal Senator BAUCUS brought to the floor or the proposal Senator SCHUMER brought to the floor last week, in my view, results from their expectation, which was apparently accurate, that if they remained intransigent, Democrats would give in to their demands to extend all the tax cuts. Those demands reflected in the bill now before us do not acknowledge the serious problem we face with our deficits. I have explained why.

There are also some important provisions that were included in the Recovery Act which, unfortunately, have been left out of this tax package. I am informed they have been left out because Republican leaders have insisted Recovery Act provisions not be extended. There are some of the provisions in the Recovery Act that had been extremely beneficial to economic activity in my State. The Build American Bonds program, for example. It is very unfortunate that program is not being continued as part of this package. The package also ends a provision Senators CRAPO and GRASSLEY and I fought to include in the Recovery Act, which raises the bank-qualified limit, which was last adjusted in 1986, for small municipalities that sell debt to community banks. This has significantly reduced rural governments' borrowing costs and created jobs and needed infrastructure improvements in thousands of communities. I am disappointed that has not been continued.

The reflexive anti-Recovery Act position Republican leaders have taken is reflected as well in the provisions dealing with energy. In spite of the positive provisions in this legislation to strengthen the economic recovery—and there are some which I strongly support—the bill moves us in the wrong direction with regard to our other major problem, which is deficit reduction. On that issue, it will start the 112th Congress off on the wrong track. For that reason, I will oppose the legislation tomorrow when the vote is called.

Mr. President, yesterday the Senate voted on proceeding to the most significant revenue bill of the 111th Congress. As I explained when I came to

the floor earlier today, this bill contains important provisions that will stimulate the economy. I strongly support extending tax cuts to the overwhelming majority of American families. But this bill goes further than that. It extends tax cuts to the very highest earners and adds a substantial estate tax cut. And it does so without any offsets or any plan to address the deficit. The inclusion of those provisions will make it difficult for the next Congress to act in a responsible way to address our serious deficit situation. For those reasons, I voted against proceeding to the bill.

While my ''no'' vote was driven primarily by the bill's fiscal recklessness, I am also disappointed by the inadequacy of its energy tax provisions. Aside from a 1-year extension of the section 1603 grant in lieu of credit program, which will offer some support to our renewable energy industries, every meaningful advanced energy incentive that was included in the package Senator BAUCUS offered has been stripped from today's bill, or reduced to the point of near-ineffectiveness. These include key provisions to promote energy efficiency, clean technology manufacturing, energy independence, and pollution reduction.

Among its disappointing provisions, this bill chooses to extend the volumetric ethanol excise tax credit, or VEETC, for an additional year at its current rate of 45 cents per gallon. When we include the associated income tax deductions, this extension will cost American taxpayers about $6 billion. But the VEETC subsidizes production of a fuel whose consumption is already mandated by our renewable fuel standard. The House was poised to drop the credit down to 36 cents, a level that I would support. But today's so-called compromise package extends the credit at 45 cents a gallon, which will cost an additional $1 billion. That $1 billion would be better spent funding other clean energy technologies which do not enjoy the market protection of the renewable fuel standard. For instance, we could much better use the $1 billion for the advanced energy project credit, or section 48C, which enables companies to establish, reequip, and expand factories in the U.S. to manufacture advanced energy technologies.

Failing to change this bill's energy provisions will ensure that the 111th Congress will be recorded as one that failed to maximize its potential in using the Tax Code to promote advanced energy priorities. To be sure, the American Recovery and Reinvestment Act included many significant tax innovations that promote clean renewable energy and energy efficiency. But since ARRA's enactment at the very beginning of this Congress, the Senate has failed to consider any legislation that would build off those innovations. Time and again, energy tax legislation was pushed back, delayed, and obstructed. Particularly galling is that this obstruction occurred in a year that saw the worst environmental disaster in the history of this Nation, one that resulted from our overdependence on fossil fuels.

But we still have an opportunity to turn things around before the Congress adjourns. And so I urge the Senate to consider the comprehensive commonsense provisions that Senator SNOWE and I have offered as an amendment.

Our amendment, No. 4783, is modeled on a standalone bill, the Advanced Energy Tax Incentives Act of 2010, S. 3935, which Senator SNOWE and I introduced in September. This is a bipartisan, comprehensive package of incentives focused on enhancing energy efficiency, deploying renewable energy, and rebuilding our domestic manufacturing base. These commonsense incentives will make our businesses more dynamic and competitive, our homes more efficient, our economy more secure, and our skies and waters cleaner.

Among other highlights, our amendment would enable home and business owners to defray upfront costs of investing in energy-saving technologies, including the introduction of performance-based tax credits for whole home retrofits. It would make $2.5 billion in tax credits available to attract manufacturers of technologies that harness clean renewable energy or enhance energy efficiency and establish a $1 billion tax credit program to enable American manufacturers to undertake energy-saving measures that advance their competitiveness. Our amendment would facilitate the growth of renewable electricity by creating a tax incentive for energy storage systems, which will enable utilities to deploy intermittent energy sources like wind and solar power while reducing energy demands during peak hours and contributing to an overall more reliable smart grid. And the amendment would retool the tax credit for carbon capture and storage, CCS, to give CCS projects greater certainty.

Mr. President, we must continue to ensure that the Tax Code contains well-designed incentives that will help us transition to an energy efficient economy. The most significant revenue bill of the 112th Congress should include robust provisions that expand domestic clean energy manufacturing; help American businesses and families reduce their energy use and dependence on fossil fuels; and create thousands of jobs. I deeply regret that in considering the bill before us, the Senate will not give priority consideration to our amendment.

I yield the floor.

EXHIBIT 1

[From the Wall Street Journal, December 14, 2010]

'TEMPORARY' TAX CODE PUTS NATION IN A LASTING BIND

(By John D. McKinnon, Gary Fields and Laura Saunders)

WASHINGTON.—Welcome to the world of the temporary tax code.

In the late 1990s, there were typically fewer than a dozen tax provisions that had just a limited lease on life and needed to be renewed every year or so.

Today there are 141.

Now Congress, taking up a deal worked out between the Obama administration and Republican leaders, is poised to turn the whole personal income-tax system into something of a temporary structure. The plan embraces a broad range of provisions—an extension of Bush-era rates, a new estate-tax formula—but for only two years. A payroll-tax cut in the bill is for a single year.

This means that if the compromise passes largely intact, the U.S. will have no permanent regime governing levies on salaries, capital gains and dividends, the Social Security tax, as well as a slew of targeted breaks for families, students and other groups. This on top of dozens of corporate-tax provisions that already were subject to annual renewal.

The level of uncertainty, unusual for developed nations, complicates planning and discourages hiring and investment, many economists and corporate executives say.

''I haven't seen anything like it, and it's hard historically to find anything like'' the current and pending negotiations, says Mortimer Caplin, an Internal Revenue Service commissioner in the Kennedy administration who at 94 is just three years younger than the income tax itself. ''This Congress has left an awful lot up in the air.''

A vote to pass the tax deal in the Senate is expected on Tuesday or Wednesday; prospects for swift approval in the House remained cloudy but party leaders seem increasingly resigned to the measure clearing Congress intact.

The two-year expiration of the bill's main provisions on individual rates would occur just after the next presidential election, and few in Washington envision a long-term solution being crafted at such a charged time.

At the same time, the possibility of a sweeping tax-system revamp can itself add to the uncertainty, what with politicans increasingly ready to talk about this. President Barack Obama has lately, as has the deficit-reduction panel he appointed, including Republican members such as Rep. DAVE CAMP, future chairman of the House Ways and Means Committee. The possibility of an overhaul that would put on the table long-established credits and deductions could further uproot predictability.

This year has been something of a test case for tax uncertainty, with concern about what would happen when provisions adopted in 2001 and 2003 expired at year-end.

Sales of certain kinds of life insurance rose as families wrestled with the possibility that estate taxes would jump in 2011. With no assurance the 15% rate on dividend income would last past 2010, Kraft Foods Inc., Exelon Corp. and Altria Group Inc. asked their shareholders to contact Congress in opposition to an increase. Stocks of utilities, which traditionally pay high dividends, appeared to factor in the possibility of a rise in the dividend tax rate in 2011, analysts said.

At Incobrasa Industries Ltd., a producer of biodiesel in Gilman, Ill., sales manager Douglas Santos has been waiting to see what happens to an expired tax subsidy for his industry. He is running at 25% capacity, vs. 100% in 2008. Mr. Santos wants Congress to make up its mind one way or the other. ''Just do something,'' he says. The bill before Congress would restore the subsidy.

Economic research has shown businesses tend to be more reluctant to invest when they perceive high levels of uncertainty about various things, including over taxes. The pressure on policy makers to narrow the budget deficit, not merely simplify the tax system, further muddies the waters now, says Massachusetts Institute of Technology tax economist James Poterba, who finds

''the crystal ball . . . particularly unclear at the moment.''

Some call the worries exaggerated. ''I truly do believe the concerns expressed over tax uncertainty are truly overblown,'' says Martin Sullivan, an economist with Tax Analysts, a nonprofit tax publisher, who sees today's situation as quite manageable compared with the profound business uncertainty companies faced during the financial crisis.

''We're used to [uncertainty] in the tax world,'' he says. ''What's changed in the last few years is the size of the temporary extensions.''

Obama administration officials note that the tax code has been through gyrations before, for example in the 1980s, when Congress adopted accelerated depreciation in 1981, only to repeal it five years later. That threw real-estate markets into an uproar and added to problems that contributed to the savings-and-loan collapse.

The White House says the current confusion points to the need for a system that is more stable and simpler. ''We've got to have a larger debate about . . . how is this country going to win the economic competition of the 21st century,'' President Obama said last week. ''That's going to mean looking at the tax code and saying, what's fair, what's efficient? And I don't think anybody thinks the tax code right now is fair or efficient''

Small business is often looked to as a source of job growth. But the latest monthly survey by the National Federation of Independent Business, a small-business advocacy group, found that 75% of owners felt it wasn't a good time to expand, and one in five said the main reason was doubt about policy environment, including taxes.

For smaller companies, tax uncertainty could be an incentive to expand overseas rather than in the U.S., according to Tom Duesterberg, president of the Manufacturers Alliance, a group representing medium-size firms. Companies ''can't wait until all these [tax] questions are resolved,'' he says. ''They are not going to wait until all that definitively happens. They have to deploy cash, please their shareholders and expand and grow.''

Billy Hoffpauir, a developer in Lafayette, La., says he has been trying to sell some real estate because ''with the current uncertainty, I am unable to quantify the risk to make long-term investment decisions.'' If he finds buyers, he says, he would be likely to plow the cash into ''other interests, probably overseas,'' because some foreign countries have more favorable taxes and regulations. The tax situation is the overwhelming driver in his business decisions, Mr. Hoffpauir says.

Lea Bailes, president of Guier Fence in Blue Springs, Mo., says his plans for next year depend on how the tax debate turns out: ''We're looking at acquiring a couple of smaller fence companies. The number we acquire, honestly, will depend on what we have to pay in tax.''

The company, which employs about 70, would try to hire two to three new workers for each acquisition, possibly 10 in all. ''If everybody our size can add 10 employees, we'd be a lot farther down the road in dealing with the unemployment,'' Mr. Bailes says.

Guier is in the process of acquiring another firm now, and while Mr. Bailes likes to take time to make such decisions, he worries that concern over a possible rise in capital-gains rates might make the seller push to complete the sale this year. The bill in Congress would keep the current 15% top rate for two years.

One reason unsettled rules on individual income taxes affect planning at small businesses is that many don't pay corporate tax, but pass business income through to the owners for taxation on their personal returns.

Bill Wiygul, whose family owns four auto-repair businesses in northern Virginia, estimates he and his wife would pay at least $20,000 more in various taxes in 2011 if Congress doesn't address parts of the code, including the Alternative Minimum Tax. The AMT snags a growing number of filers each year, and while Congress regularly limits the number affected—and likely will do so again this week or next—this has so far been an AMT ''patch,'' never a permanent fix.

Mr. Wiygul says he would trade an increase in tax rates for greater certainty if the pain was shared by all. ''We are petrified,'' he says. ''We would be more actively pursuing expansion opportunities if we felt like the climate was more certain.''

Large multinationals are only marginally affected directly by income-tax provisions on the table this year. Yet the stakes might be high for these companies. Executives worry about becoming a target for lawmakers seeking revenue to narrow deficits.

If a broad revision ''is a true 'step back, let's take a fresh look,' we would not be frightened by that,'' says Ken Cohen, a vice president at Exxon Mobil Corp. But if it pits industry versus industry or becomes a hunt for revenue, ''that's the process we would have much more apprehension about.''

The reasons the tax code has acquired an increasingly temporary cast have to do with deficits, a divided Congress and even the constitutional system.

Political division contributes because of the daunting task of mustering a filibuster-proof 60 votes in the Senate. Legislative shepherds of the Bush cuts resorted to passage under what is called ''budget reconciliation,'' requiring only a majority vote. But a measure passed this way can't be for longer than the budget that authorizes it, in this case 10 years. Hence the provisions expire in 2010.

Such an outcome is less likely in countries with parliamentary systems because these leave the government less subject to having its will thwarted by a large minority. ''Very few countries have tax provisions that expire unless legislative action is taken,'' says Jeffrey Owens, head of tax at the Organization for Economic Cooperation and Development in Paris. ''Also, in most OECD countries, it's the government that initiates new legislation, and once proposed the legislation generally passes.''

Deficits tempt legislators to give tax provisions a temporary term to disguise their cost. For proponents of a new tax provision, the strategy is to get a foot in the door by passing it for a year or two, at a seemingly affordable cost, intending to renew it regularly.

That is how the number of provisions up for yearly extension has ballooned. Though the provisions are often extended in a bundle, a given provision's inclusion in the bundle is never certain.

Perhaps nowhere has tax uncertainty been felt more intensely this year than in the estate tax, always a controversial matter.

A 2001 law lowered its rate and increased the exemption in steps, with the tax lapsing in 2010 and then, unless Congress acts, returning in 2011 at a 55% top rate on estates of $1 million or more. The unusual hiatus coupled with a far more costly tax as soon as 2010 ended gave ''just an unbelievable Alice-in-Wonderland aspect'' to planning for certain well-to-do families, says Bruce Stone, a Miami-area estate lawyer.

Sales of a life-insurance policy commonly used for estate planning rose 22% in the first nine months from a year earlier, and their death-benefit coverage was up 30%. Though the policies can also be used for other purposes, part of the jump seemed clearly to be for hedging against the possible estate-tax jump in 2011.

In a few cases, the uncertainty drove people to ponder extreme measures to avoid a tax hit for heirs.

David Drouhard, a Washington-state farmer who is 56, received a diagnosis of advanced kidney cancer 14 months ago and faced a grim set of treatment choices. Most offered little chance of extending his life more than 18 months, although an immunity-boosting drug held out some hope. Mr. Drouhard says he worried that inaction on the estate tax would force his family to sell his wheat and alfalfa farm, now worth about $3 million, to pay taxes if he died in 2011.

After much deliberation, Mr. Drouhard decided to take the immunity-boosting drug, but with a caveat: ''I said, 'If we don't see results from the first series [of treatments], I'm going to stop,'' he says. ''I try to take care of my family, so why not go ahead and die instead of living another six months.'' He has responded well to the treatment, but adds: ''I think it's wrong that you have to make that kind of decision.''

The compromise Congress is weighing this week would set a top estate-tax rate at 35% and the exemption at $5 million.

But this would be for just two years. Just as this year, a failure by Congress to act then would cause the tax to then revert to a top 55% rate and $1 million exemption, in this case in 2013.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Mr. CARDIN. Mr. President, I take this time to talk about the Tax Relief Unemployment Insurance Reauthorization and Job Creation Act, the tax package, the Senate amendment No. 4753. This is the tax bill we have been talking about for the last several weeks. The first thing I wish to point out is that this bill is the result of a compromise. Similar to any compromise, there are some provisions I strongly support, and there are provisions I would have preferred not to see in this legislation. We have to evaluate the positive aspects as well as those provisions that I would prefer not to be included. There are some very important provisions included in this legislation that I fought long and hard to make sure we accomplished before Congress adjourns this year.

First and foremost is a provision that would extend the current tax rates for middle-income families. If we don't do that by December 31, those tax rates will go up, and the withholding schedules would be changed.

The bill also extends unemployment insurance, a matter I have voted for and I have spoken on the floor about, the fairness and the importance to our economy of extending unemployment compensation benefits for those who are unemployed, giving the more recent unemployed the same benefits we gave the earlier unemployed during this downturn in the economy. Those benefits would be available through 2011. That is an extremely important provision, not just for the individual who depends upon it in order to pay the mortgage or to pay the bills, it is important because it speaks to the fairness of our society during a recession. This is an insurance program. It is

meant to provide benefits to those who have been in the workforce and have lost their jobs. It is very important for our economy, as far as our recovery is concerned.

The legislation also extends the refundable child tax credit. This is important to middle-income families in our communities. This is a provision that helps lower wage families in particular. It extends the American opportunity tax credit, to help middle-income families to afford college education for their children, up to $2,500 a year. That can make the difference between a person being able to go to a college or not or go to the school they want to go to, which is not only important for that family, it is also important for the country. Investing in education is our best investment in order for America to be competitive internationally.

The legislation also extends certain green energy tax credits. That means jobs. Investing in green energy will help the economy create and keep jobs in America. It will help us on an energy policy that will not only be friendly toward the environment but help us in regards to national security so we don't have to import oil from countries that disagree with our way of life.

The legislation also provides important tools for business to invest in job growth by allowing expensing. A company that makes an investment in order to create more jobs will be able to write off that investment during 2011 rather than having to wait and amortize it over a longer period. It is a major incentive to get businesses more actively involved in making the investments we need to create jobs. It is particularly important for small companies. I hear frequently from small businesses in my State of Maryland that tell me how difficult it is for that business owner to make the type of investments necessary to take advantage of job growth. Expensing helps them make that decision now, giving confidence to our economy, which is something we desperately need.

These provisions and others will help our economy. I need not remind my colleagues that we have a 9.8-percent unemployment rate. That is not acceptable to any one of us. It is the wrong time to allow tax rates to go up for middle-income families when we have that type of unemployment. The provisions I outlined will help job growth. Economists are in agreement. The passage of these provisions will save and create millions of jobs in America. That is what we need to do. We need to get our people to work. Then we can deal with the other tough issues, including deficit reduction and getting the budget in balance. It is difficult to do that until we get the economy back on track.

The first priority is to get Americans back to work. The provisions I outlined will help in that regard. It is clear to me from my constituents in Maryland that during these tough economic times, it is the wrong time to increase rates for middle-income families. I made it clear that I would do everything I could to make sure that wouldn't happen. The largest amount of the $858 billion this package provides in tax relief, the overwhelming amount will go to benefit middle-income families and create jobs. But there are other provisions that were included in this package that I don't believe are helpful for job growth. I don't believe they are worth the cost for the jobs they may create. I refer to two provisions I strongly object to and would have preferred not being in this package.

The extension of tax breaks for higher income wage earners will do very little to spur additional economic growth. Let me give an example. If you are making $1 million a year and get thousands of dollars of tax relief provided under this legislation, the odds that you will spend more and help stimulate the economy are very remote. It is another thing if you are unemployed and you get an unemployment check. That money will go right back into the economy and will help create jobs. For people who are well off, millionaires, the economic benefit of extending these tax rates is very marginal, minimal compared to the cost of extending the tax breaks for the wealthiest.

It is consistent with how I voted last Saturday. Last Saturday, I voted to extend the tax rates for those under $1 million. I thought that was the right way, a good compromise. Unfortunately, the bill we have before us extends the tax rates for all taxpayers.

The second provision I strongly object to being in this package is the estate tax relief. The estate tax relief would provide, for the next 2 years, families with $10 million of an estate or lower to be totally exempt from the Federal estate tax and would reduce the rate to 35 percent.

Those who benefit from that are the upper one-quarter of 1 percent of the families in this Nation. Quite frankly, I do not think, in these tough economic times, that is going to have much stimulative effect on job growth in America, and the revenues we lose could have been used in a better way, I believe, for deficit reduction, which would have been a stronger positive effect on our economy.

I thought we had a reasonable compromise on this issue. I thought we had a reasonable compromise to go back to the 2009 rates. In 2009, as you remember, we had gotten up to $3.5 million per person and $7 million per family and a 45-percent tax rate. I thought that was a good compromise, and I am disappointed we did not come back to that compromise. I think if we had done that, there would have been much stronger consensus not only in this body but in the House for this package.

So there is a good part of this package which I support. There is one other good provision in there I wish to point out in regard to the two last provisions and others I spelled out. It provides relief only for the next 2 years. In other words, it is temporary relief. It will expire in 2012. I think that is a good provision because that means we are going to need to deal with the budget deficit. As I said earlier, once our economy starts getting back on track, once we get the unemployment rate down to a reasonable level, then we have a much better chance of dealing with the budget deficit.

We have to start dealing with the budget deficit this year. I acknowledge that. But our real effort is going to be, when we have a growing economy, what will help us get our budget back into balance.

Let me remind my colleagues, just 11 years ago, the Congressional Budget Office projected surpluses that could have retired our Nation's marketable debt between 2007 and 2009. In other words, if we would have used that surplus wisely, we would not be looking at a $14 trillion national debt. But, instead, the Congress passed the so-called Bush tax cuts of 2001 and 2003. I voted against those tax cuts. I did not believe we could afford that type of revenue loss and, in fact, that has been the largest contributing factor to the deficit we have today: the tax cuts of 2001 and 2003.

Remember, in those days, we had a growing economy. So there was no need to stimulate the economy. Today, we are in a different position. Allowing increased rates for middle-income families in these economic times would be the wrong thing to do. But I do think we have to get back to dealing with the deficit. We need to have a credible plan, a credible strategy, and that strategy should include shared sacrifices. We need to deal with spending. We have to get not only domestic but military spending under control and, yes, we need revenues. I would hope we would start with allowing the termination of the extension of the higher income tax brackets for the millionaires as we start to take a look at ways we can balance the budget as we move toward the next 3 or 4 or 5 years. When we get our 5-year budget, the first thing we should do is make it clear we are not going to extend the higher income tax rates.

There is one more very positive aspect to this package I wish to bring up. This is a major bill dealing with a serious problem in our Nation, and we have Democrats and Republicans working together. I can tell you that when I talk to my constituents in Maryland, they tell me this institution is too partisan. They like a lot of the things we have done, but they do not like the fact that we cannot get Democrats and Republicans to allow the system to work, with the give and take that should take place in this most deliberative body.

Well, we have done it on this issue. We may not like everything that is in it because when you do compromises,

there are going to be things in it you do not always agree with. But the system has worked. It includes a lot of what I like, a lot of what my Republican colleagues like, and together we have produced a bill that is going to help our economy.

I hope this will be a model of what is to come. I hope it is an indication that we will be able to work together across party lines to deal with the major challenges of our Nation. We need to put our national business first over partisan agenda.

So, on balance, I am going to support this package. I am going to support this package because I think it is critically necessary for our economy. I think it provides the type of help for middle-income families they need today. I think it represents the way our political system should operate, with the type of compromises that allow us to get to a conclusion dealing with major issues in our country.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. LAUTENBERG. Mr. President, we are, obviously, struggling to find something that puts us in balance, a balance that will create more jobs, more opportunity, expand family incomes for middle-class people, and we do not seem to be getting there. We are engaged in the wrong kind of a dialog, in my judgment.

Yesterday, I voted to oppose the tax cut extenders bill that came along after long and hard thought about the consequences of my decision.

For me, voting decisions cannot be made without reflecting on my life's experiences to guide me, things that I saw as a child of a poverty-stricken family, not because my father was not willing to work, but at times during those years work was just unavailable, and it was hard going for a lot of years.

What I remember is how hard my parents struggled to try and do what could be done for my sister and myself. That was our entire family.

My father worked in mills that were common in the city of Paterson, NJ—textile mills—and there was something in the environment there that was very harmful. My father was 43 when he died. My mother was a 37-year-old widow, and I had already joined the Army. I had enlisted in the Army.

I saw what happened. My father was sick for 13 months from cancer. By the way, his brother who worked in the mills died from cancer. Their father worked in the factory, and he died at age 56 from cancer.

When my father died, 13 months after being stricken with colon cancer, what he left, besides grief, unfortunately—my mother being the sole income earner for the family, owing money for doctors, hospitals, pharmacies, you name it—overwhelmed by debt, it was necessary to go bankrupt. It is a painful experience. It is an influence, it is a memory that is very hard to deal with because it creates an atmosphere of failure.

But life turned around for me, and I am one of the most fortunate people on Earth. My wife and I have 13 grandchildren, the oldest of whom is 17, and the youngest was born 2 weeks ago. Our hopes are totally enveloped by what kind of a country our grandchildren are going to live in. Will it continue to be a free democratic society, where people still believe their children can get a job, get a good education, have a family, maintain a home, and have health care as required? Will they have the kinds of opportunities that further lead to admiration of this country and a declaration of fealty to this great Nation of ours?

I was able, after service in World War II, with the GI bill, to go and graduate from Columbia University. I then joined two friends in a startup company called ADP that now employs over 40,000 people in 23 countries. It is still headquartered in New Jersey, where we began, bringing an opportunity for companies that needed computer services to obtain it from us. We were pioneers in the field. I was a CEO and chairman of this great company. The salary for a job such as that, as you can imagine, was at a very high level.

It is with this life experience that I view my current tax obligations—or let me call them contributions to country because that is what they are—weighing them against the value of a strong nation that is able to supply employment for all able and willing to work.

I remind myself that we are in a wartime economy. I do not want to go back to ancient history, but during World War II, there was a tax required that was called the excess profits tax. It was there to help the country manage its finances because of the additional costs of war.

Now we are in a wartime economy. Every day our people face harm and, perhaps, death serving in Afghanistan and Iraq. Just a couple days ago, six people were killed. The death toll goes on. The injuries go on. Over 5,000 people killed in the two wars and in excess of 30,000 wounded.

So we need to have the energy pumped into our country that gives us the ability to be able to take care of the war obligation and the general functioning of our economy.

I look at the value of a country that is able to function without the kind of indebtedness that is consuming America, with other countries that are buying our bonds and financial instruments and questioning our Nation's ability to redeem our obligations. Where does all that take us?

We have to invest to grow our economy and create jobs, putting people back to work and laying a foundation for a new era of prosperity for everybody. Windfalls for the wealthiest of us do not benefit our economy or create jobs and are what got us into this fiscal mess to begin with.

That is why I oppose this bill. Yes, there are some things in the bill that are attractive. But when I think of a headline I saw in the Wall Street Journal a week ago Monday—yesterday—it said: Tax breaks for the wealthy go on, and—in not this precise language—the byline, the heading said: And unemployment benefits will continue.

Imagine that contrast: Tax breaks for the wealthy and also: Let them eat cake, let those people who do not have any income, let them—we will give them some unemployment insurance as a little bit of an incentive to make sure we get the votes to take care of the wealthiest and most fortunate in terms of assets in our society.

This bill wastes money on tax breaks for those not needing them, giving the average millionaire a tax cut of more than $100,000 per year. Contrast that with a per-family income across the country in the neighborhood of $50,000, and here an individual gets a $100,000 tax reduction, tax break. This was money that could be used to pay down the deficit, create more jobs for middle-class families. So why does this bill dedicate so much of its cost to helping those who known economists agree will not use that money to boost the economy?

President Obama gave us the answer this week. He said that for Republicans, including deep tax cuts for the most fortunate is their holy grail. That is what President Obama said. That is what the Republicans are looking for most energetically: deep tax cuts for their holy grail—the wealthiest. On the other side of the aisle, it is not working families with whom they are concerned. It is not the unemployed. It is not the struggling small business. On the other side of the aisle, primarily they are concerned with only one economic constituency: the top 1 percent of our wage earners.

When President Bush cut taxes on those with the highest incomes, did the benefits trickle down as the Republicans promised? No. What resulted was a gigantic increase in our debt, well over $2 trillion in 8 years. I was the ranking member on the Budget Committee in those years. When we looked at tax cuts, we were told it would not interfere with our needs; rather, it was a way to get money to trickle down to the more modest income earners. Salaries rose as high as 400 times—that was the ratio between the top person in the company and the bottom person in the company. Years ago, it ran about 40 times at its largest, but in recent years, it ran as high as 400 times larger for the CEO's pay than the average worker was paid. So 400 times—if the bottom wage earner was $40,000, the guy at the top got $16 million. So the disparity is something we have to look at.

People need to be able to afford the things that sustain life, and here we are looking at people earning over $1 million a year. We saw recently in the New York Times an article that showed eight wage earners who earned over $1 billion in a single year. One of

them earned $3.5 billion. We saw in the paper over the last couple of days that the family who holds the primary stock ownership in Walmart has a net worth of about $83 billion, and they, too, would get a tax break. Is that necessary? At the same time, middle-class families face surging gas prices, skyrocketing health care costs, and soaring college tuition. Now we are being asked to continue on the path that put us in the hole we are presently in.

As I look at where we are in this country and as I review my responsibilities to those in New Jersey whom I represent and what I want for those who will follow on, for my grandchildren, whom I love more deeply than anything else in life, I ask, What can I do that will improve their lives when I am no longer here? I conclude that a stronger democratic America will be the most valuable asset to leave behind—more valuable than more money, than more possessions, or any of those things—a stronger country, knowing they are getting their share of opportunity in this country of greatness, of wealth, underneath all of our problems. What I want to say to my grandchildren—the oldest is Alexander, and the youngest carries the name of Hudson. What do I want for them? I want them to be able to be safe, to be able to have health care when needed. I want them to be able to get an education. I want them to know their country appreciates what they do.

You can't build a building from the chimney on down, and you can't build a society from the wealthiest on down. If you don't have a good foundation, it all crumbles in front of you.

We are seeing worrisome signs about where America is going with some 15 million people unemployed at this time. What kind of a picture is that for people? And those who can't afford the necessities of life and who want unemployment insurance have to be in line to get some help. Yet we give the wealthiest more tax breaks. That is not the kind of society America really wants. We are giving to the wealthiest and forgetting the neediest.

So I wish to say that the vote for me was not easy, that there were some attractive parts in it, but the attractive parts were in there to try to get the bailout going, to try to get the tax breaks larger, to make sure they took care of their friends who are there with the money whenever called upon. It is a bad idea. That is not a democratic society.

So I am going to vote the same way tomorrow as I did yesterday; that is, against this bill. This is a bill that, in my view, will not make America stronger. Despite the fact that there is an economist or two proffering some optimistic assertions about where we will be, I don't believe it. I believe the people who say that the wealthiest will not spend the money to encourage the economy's growth, that those who get unemployment insurance will have to spend it and those who get more modest tax breaks will spend it to get the things they need for their families.

So I am going to try to make the reality for our country as good as it can be for everybody's grandchildren and for this great Nation of ours.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I rise today to talk about the bill in front of us and particularly a provision I would like very much to see in this legislation. When we have a Republican colleague on the floor either tonight or tomorrow, I intend to ask unanimous consent to add it to the bill.

I will say that the underlying bill has been a real dilemma for many of us—certainly the vast majority of us on our side of the aisle—given where we are on deficits and given the concern about strategy on the top-end tax cuts that have not created jobs over time. There is deep concern about that. I also know that people in my State are desperately hurting, and the unemployment benefit extension is absolutely critical for families who are faced with decisions about whether they will even be able to have a Christmas, whether they even have a house, will they be living in their car, will they be able to put food on the table, let alone get gifts for their children. These are very serious issues for families in Michigan. There are very important tax cuts for middle-class families, for small businesses, and strategic investments in jobs in this legislation in terms of tax provisions that create jobs.

The bill before us includes an important financing mechanism called the Treasury grant program, or we have dubbed it 1603—financing for renewable energy. This is one provision that is very important that is in the bill. It is incredibly important, if we are going to expand our economy, that we focus on the growing clean energy economy, the clean energy industry. That is a place where I believe we have the opportunity to create middle-class jobs, to create new opportunities and really create a boon in our economy. When developers want to build wind farms or solar, they can get financing through this program. Financing is hard to get when you are doing something on the front end—commercializing the first technology or doing something that is new. It is hard to get financing. This is very important, and I am a strong supporter of it.

But when we build the wind farms in America, when we build the solar units, I want to make sure that they are using wind turbines—that they are using all the parts, the 8,000 parts that are in one of those big wind turbines—I want to make sure those are made in America. That is how we truly grow our economy, not just creating new options on energy but building the technologies here, doing the R&D, doing the innovation. It is absolutely critical. We are the best. We are the best ones at innovation, but we also are the best at making things, and we need to be making them here.

I have to say I am very proud to represent a State—the great State of Michigan—where we know how to build things. We have great engineers. We have the best skilled workers in the world. We know how to make things. We are beginning now to move more into clean energy technology, certainly electric vehicles, hybrid, and also wind, solar, geothermal, and other areas that involve manufacturing, and we are very proud of that. When we build the wind and solar provisions, the cutting-edge solar cells, we need to make sure they are made in America, and we are doing that right now in Michigan.

My concern is that this bill does not extend the manufacturing tax credit that is absolutely critical to keeping those jobs here at home in America. The advanced energy manufacturing tax credit, which we have dubbed 48C, is helping to create at least 17,000 jobs at 183 manufacturing facilities all across the country in 43 different States right now. It has been a huge success, and I wish to thank Senator BINGAMAN. I was proud to join with him on the Finance Committee in being able to offer that provision that was in the Recovery Act. I wish to thank Senator SHERROD BROWN of Ohio for his efforts and leadership and passion on this issue as well, for the investment of the $2.3 billion we put into the Recovery Act.

The 48C manufacturing tax credit has leveraged $7.7 billion in private investment and clean energy manufacturing in America. That provision should be in this bill. We have strong bipartisan support and have had it since it was first instituted. That provision should be in this bill.

Last year, the Chinese invested $35 billion in clean energy technology. They are expected to ramp that up to $90 billion a year going forward. That is $246 million every single day. By comparison, extending the 48C manufacturing tax credits is a small sum but will leverage private sector investment and more than pay for itself and create jobs, making that new clean energy, those products, that manufacturing here in America.

In my home State of Michigan, we have 12 companies that have taken advantage of this manufacturing incentive building wind turbines, solar cells, advanced batteries for electric vehicles—jobs in Michigan. Wacker Polysilicon in Charleston, TN, is using its $128 million tax credit to produce silicon that is used in solar panels. Texas Instruments in Richardson, TX, is using its $51 million advanced manufacturing tax credit to reequip its facility and produce advanced power management semiconductors. Cree, Inc, of Durham, NC, received a $39 million tax credit for the production of LED light chips and fixtures, creating jobs. ZF Steering of Florence, KY, received $28 million in manufacturing tax credits for the production of wind turbine component parts. Frankly, the list goes on

and on and on. Forty-three States—Republican, Democratic—have businesses today that are hiring people who are making things in their States, making things in America because of the partnership put in place with the advanced manufacturing tax credit.

So in addition to developing the renewable energy area of 1603, extending that so that we are helping to create investment in these new technologies, we also need to extend the manufacturing tax credit for companies that are making renewable energy technology here.

The whole point is to make them here—not to bring in the component parts from China or someplace else but to make them here. We can do that. We are already beginning to do that. We cannot trade our dependence on foreign oil for a dependence on foreign technology. In some areas, we are close to doing that.

The Recovery Act was about changing that playing field. I thank President Obama and his administration for understanding about manufacturing, about making things in America, building things in America, and what we need to do to create good-paying middle-class jobs again in America.

This bill does part of that with the renewable energy grant in the financing. But it does not focus on where things are made, which is of great concern to me. So when I have the opportunity—I came to the floor fully intending to ask unanimous consent to proceed to my amendment, to be able to add this critical job-creating manufacturing credit that has bipartisan support and has had it since it was first initiated. But I don't see any Republican colleagues on the floor this evening. I understand, under legislative courtesy, I will not do that. I will proceed and offer that tomorrow.

There is another provision I want to also speak about, an amendment of mine to the bill that I will offer a unanimous consent on tomorrow that relates to small business. When we look at how we grow our economy, we need to make things—by the way, a lot of those manufacturers are small businesses. When we think about the automobile industry, which I am so proud of in what they are doing in coming back, the majority of jobs in Michigan and across the country are actually with small and medium-size suppliers. We know small businesses are absolutely critical to the growth of this country. We know that a lot of folks who have lost their jobs right now are turning to the possibility of starting their own business in the garage or the extra bedroom in the basement. They are taking a great idea and trying to put it to work.

Mr. President, we have worked very hard—and you have been a strong supporter in helping our small business owners—and we have focused on that in the last 2 years. We have passed, in fact, in the last 2 years 16 different tax cuts for small businesses to help them grow and create jobs—unfortunately, over constant filibusters on the other side, objections and filibusters, but we did pass them. We know that these companies are the backbone of our economy, and it is our commitment—my commitment—to keep fighting for them every single day, so that they can do well and hire people, and we can have more opportunity for people to work.

Unfortunately, there is a new reporting requirement from the IRS hanging over the heads of small business owners related to the filing of 1099 tax forms. It would require business owners to file paperwork with the IRS every time they purchase a product worth more than $600. In practice, that means business owners will be forced to file mounds of paperwork for even the most mundane purchase. For example, if you are a real estate agent and you go to Best Buy for a new laptop or anyplace where you are buying one, you would have to file a 1099 form to buy that. If you are a farmer and you buy $700 worth of seeds, there is a form to file with the IRS. If you are a photographer and you need to travel for a few days to cover an event, a few nights at a hotel could mean another IRS form to fill out when you get home.

So we understand. I want to fix that. The majority wants to address this for small business owners. It is critically important. Small businesses in Michigan want to be doing what it is that they do, not filling out extra forms. Realtors want to be showing houses, and farmers want to grow things, and photographers want to take pictures. They don't want to be filling out endless forms and paperwork for the IRS. We had a number of votes on this issue on the floor. They have always gotten overwhelming bipartisan majorities to fix this. Democrats and Republicans have both agreed that we can't force American small businesses to file reams of paperwork with the IRS. So I was very surprised when there have been objections to placing this as part of this bill. This tax bill in front of us is the perfect place to be able to address this issue once and for all.

I understand there were objections on the other side of the aisle to doing that, which I find surprising because we continue to see amendment after amendment to take out this provision, which I have supported. But when we try to fix it now, we are seeing objections.

I intend also tomorrow to offer an amendment that would eliminate this problem for small businesses once and for all. It is an amendment that I have filed to this bill. It is something that, based on overwhelming votes we have had, overwhelming bipartisan votes, we should be able to deal with very quickly. In fact, a simple unanimous consent ought to be able to do it. If there is no objection—and I don't think there is any objection on our side of the aisle. I am sorry if there is an objection on the Republican side of the aisle to addressing this. There should not be, because now is the time to do that. This bill is the right place to do it. We are coming to the end of the year. This provision is something that will be very onerous when it takes effect on small businesses. We need to fix it. We need to eliminate that provision.

When I have the opportunity, when we have Republican colleagues joining us on the floor tomorrow, I will, in fact, offer a motion to move to my amendment and to get rid of this 1099 provision once and for all.

In conclusion, for me, as you know, everything is about jobs. My great State has lost more jobs—our people have lost more jobs than any other State, over 800,000 in the last 10 years. Our people have been hit harder, longer, and deeper than anyplace else in the country. We work hard. We are a proud people. Our people want to work. They know how to work. They are doing everything possible to get back to work—start their own business or get back to work in some other fashion. I am proud of what we are seeing happen with the support of the President and this Congress and the ability for the auto industry in America to come back. All three of our American companies will have a profit this year. It is the first time, I believe, since 1999. They are hiring people back.

We will begin to see things turn around. We have a long way to go because of so many jobs that we have lost and so many people who have gone through so much as a result of that. These provisions to take the paperwork off of small businesses, to invest in American-made products through manufacturing, are two provisions that will help us create jobs in America. If that is not our No. 1 priority, it sure ought to be. That is something I am going to continue to push every day.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FRANKEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRANKEN. Mr. President, I rise today to speak about my decision, after a lot of serious contemplation, to support the legislation before us. I believe that Minnesotans deserve a better deal than this one. But unfortunately, this is the one we have. For Minnesota's middle class, there is a lot in this bill that will not only be helpful but is absolutely critical. It stops their taxes from going up on January 1. It provides a payroll tax holiday that gives families making $50,000 a year a $1,000 tax break.

For Minnesotans who are truly suffering right now—men, women, and children on the edge of economic disaster—it reinstates emergency Federal unemployment benefits that expired at

the end of last month. Not restoring these benefits would be devastating to Minnesota families and to our economy, leading to a lot more pain for working families, a lot more homeless kids spending Christmas in a shelter or a car.

I came here to make people's lives better, and so I must vote to pass this legislation. But this was perhaps the hardest vote I have ever taken so far as a Senator. I wish to tell you why.

We have spent the better part of a year talking about the ballooning deficit. Republicans and Democrats agree—in every decision we make, every penny we spend, we need to keep in mind that it will be added to our national debt. At the same time, we need to be mindful of our fragile economic recovery. Are we spending it in the most efficient and responsible way possible—to get people back to work and get our economy back on track?

I was hoping to see a tax package that would reflect these priorities—mindful of the debt, helpful to our economic recovery, fair to the American people. But instead, this legislation spends billions of dollars on the wealthiest 2 percent of Americans. These are Americans who have prospered in recent years. According to the Economic Policy Institute, during the past 20 years, 56 percent of all income growth has gone to the top 1 percent of households.

Even more unbelievable, a third of all income growth went to just the top tenth of 1 percent. At the same time, middle-class families have done decidedly worse. When you adjust for inflation, the median household income declined over the last decade. During those years, while the rich were getting richer, the rest of working America was struggling to keep up. We have been growing apart in our Nation. We should be tackling this kind of inequality, not exacerbating it. And that is what I find so frustrating about this legislation. It keeps our country on the same path of widening inequality. We are securing tax cuts for millionaires and billionaires twice as long as we are maintaining Federal unemployment benefits.

This bill's estate tax provisions provide a windfall for the richest fraction of 1 percent of Americans. In these tough economic times and with these current deficits, we should be spending money only on those policies that will create the most jobs.

But, as I mentioned, despite the concerns I have about this bill, it undeniably provides essential help to Minnesota's families. This package reauthorizes emergency unemployment benefits through the end of next year. They are a vital lifeline for families in need and a vital lifeline for our economy. I meet people back in Minnesota who tell me they hate taking unemployment benefits but they would have lost their homes without them. Unemployment benefits yield $2 in demand for every dollar spent, according to a new report from the Department of Labor. This is a very effective way to stimulate our economy and create jobs. The same holds for the payroll tax holiday that is included in this package. It is going to put real dollars in the hands of millions of Americans—dollars they are going to spend.

I strongly support extending the expanded earned-income tax credit, which helps about 6.5 million working parents. I am glad this legislation includes the American opportunity tax credit, making college tuition more affordable for 8 million students. This bill also extends the renewable energy grant program, the R&D tax credit, and the ethanol and biodiesel tax credits—all provisions I strongly support. Voting no on this legislation would be voting no on all of these vital programs.

The economists are in general agreement that this legislation will help the economy. Mark Zandi, on whose economic analysis I have frequently relied in the past, has encouraging projections. He sees this package adding a full percentage point to economic growth next year. He is especially optimistic about the new business investment deduction's potential for spending. In fact, he predicts unemployment will reach below 9 percent by the end of next year and will close in on 7.5 percent by the end of 2012. These figures are all significantly better than what we would expect without this legislation.

This isn't the bill I would have wanted. If there were a better way, I would do it in a heartbeat. But today we are forced to decide between taking a stand against irresponsible tax cuts for millionaires versus helping struggling families. Given that choice, I simply can't turn my back on all Minnesotans who desperately need the help this bill will provide.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I ask unanimous consent to speak for up to 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Will my friend yield for a unanimous consent request?

Mr. HARKIN. Absolutely, I will yield.

Mr. REID. Mr. President, I ask unanimous consent that all postcloture time be considered expired when the Senate resumes consideration of the House message with respect to H.R. 4853 on Wednesday, December 15, except for the time provided for under this agreement; that the Senate resume the House message at 11 a.m. Wednesday and there be 1 hour remaining for debate divided as follows: 10 minutes each under the control of the majority and Republican leaders or their designees, Senators DEMINT, COBURN, LANDRIEU, and SANDERS; that the following be the only motions to suspend the rules in order during the duration of this agreement: Coburn motion to suspend with respect to amendment No. 4765, DeMint motion to suspend with respect to amendment No. 4804, and Sanders motion to suspend with respect to amendment No. 4809; that upon the use or yielding back of all time, the Senate then proceed to vote on disposition of the motions in the order listed; that upon disposition of the listed motions, no further motion or amendments be in order; further, that if any motion is successful, then the second-degree amendment be withdrawn and the Senate proceed to vote immediately on the amendment covered under any successful motion; that if no motion is successful, the second-degree amendment be withdrawn and, without further intervening action or debate, the Senate then proceed to vote on the Reid motion to concur in the House amendment to the Senate amendment to H.R. 4853 with the Reid-McConnell amendment No. 4753; that upon disposition of the House message, the Senate then proceed to a period of morning business until 2:15 p.m., with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. HARKIN. Mr. President, 2 weeks ago all 42 Republican Senators signed a letter threatening to filibuster any extension of tax cuts for middle-class Americans or any continuation of unemployment benefits unless and until the Senate agreed to extend tax cuts for the wealthiest Americans. As many have pointed out correctly, Republicans have been holding middle-class tax cuts and benefits for the unemployed hostage to an extension of tax cuts for the very rich.

Well, it appears the hostage-taking incident is nearly over. The hostages—the unemployed—will be released. The ransom will be paid. Wealthy Americans who make $1 million or more a year will receive an average tax break of more than $100,000. Indeed, in the course of negotiations to rescue the hostages, Republicans demanded and got an even more royal ransom: they demanded and got a giveaway on estate taxes that will benefit only the wealthiest one-quarter of 1 percent of the U.S. population. The heirs of a single estate worth $1 billion would save $100 million thanks to the ransom demanded by the Republicans.

Mr. President, no question, champagne corks are popping on Wall Street, and at America's most exclusive country clubs and boardrooms, the superrich and their heirs, I am sure, are planning on throwing lavish Christmas and New Year's parties. Tiffany jewelers will no doubt be looking forward to selling a record number of

$29,800 watches. This is a picture of one. Giving those making over $1 million a year more than $100,000 in tax breaks—well, they can buy this wristwatch for $29,800 advertised in the New York Times. This is made in Switzerland. Now, maybe if it was made in America, you could say: At least it was made in America. But it is not made here. This is what the very rich spend their extra $100,000 on, things like this. It doesn't help our economy.

But what about the rest of America? What about those who don't shop at Tiffany's? Is this a good deal for the American people overall? Well, I have come to the conclusion that it is not. At a time when our annual deficit is close to $1 trillion, much of it borrowed from China, at a time when the wealthy are already enjoying a huge surge in income even as middle-class incomes are stagnant, it is simply obscene to give another lavish tax cut to the top 2 percent.

Let me say what should be painfully obvious about this new bonanza for the rich: They do not need it and we can't afford it. They do not need it and we can't afford it. And it will not help the economy. In fact, in the longer term, I believe it will hurt our economy. These new tax breaks for the rich are terrible public policy.

Let me briefly mention just four reasons these tax cuts are harmful.

First, these new tax breaks will make income inequality even worse. In recent years, in the grip of the great recession, many millions of ordinary working Americans have lost their jobs, their homes, and their savings, but the wealthy have made out very, very well. Today, income inequality—inequality—in America is at an alltime high. The top 1 percent controls more wealth than the bottom 90 percent. At the same time, the bottom 90 percent holds 73 percent of all personal debt in this country. Eighty percent of all additional income earned between 1980 to 2005 has gone to the top 1 percent. Let me repeat. Eighty percent of all additional income earned from 1980 to 2005 has gone to the top 1 percent.

The gap grows wider.

In 2009, in the wake of the taxpayer bailout of Wall Street, Goldman Sachs paid its employees an average of nearly $600,000 per person. Executives at Goldman Sachs received bonuses totaling $13 billion. So why in the world would this Congress vote to make this already extreme income inequality even worse? Why in the world would we vote to borrow tens of billions of dollars from China to make the rich even richer? This is foolish, and it is recklessly irresponsible.

The second reason why this is a bad agreement, again the distribution of these new tax cuts is radically skewed in favor of the wealthy. As I said earlier, those who earn $1 million and above would, on average, receive an annual tax break of $100,000. By contrast, an average American taxpayer earning $26,000 would receive a tax break of $670.

In 2007, the top 25 hedge fund managers in the United States took home an average income of $892 million. Yes, you heard that right. Their individual annual income averaged nearly nine-tenths of $1 billion per person. Under this agreement, each would get an income tax break worth perhaps as much as $50 million.

Reason No. 3 why this is a bad agreement: The nearly $900 billion in tax cuts in this agreement would crowd out necessary investments in priorities such as education, infrastructure, homeland security, health care, scientific research. In other words, we are eating our seed corn, borrowing money to pay for short-term tax cuts rather than for long-term investments that develop our human capital and our physical infrastructure for the future.

As a contrast, the United States right now invests about 2.4 percent of our GDP, our gross domestic product, in infrastructure. China invests almost four times our rate; 9 percent of their GDP annually goes to infrastructure. China invested $186 billion just in rail in the last 3 years. Within 2 years, they will open 42 new high-speed rail lines with trains reaching speeds of 200 miles an hour. By 2020, China plans to add 26,000 additional miles of tracks for freight and travel as well as 230,000 miles of new or improved roads and 97 new airports.

What do we have? We are borrowing money from China in order to pay for short-term exigencies at the same time China is using its wealth to invest in infrastructure so they will be more competitive in the world economy in the future. We are going to try—mark my words—we are going to be coming up with some bills to invest in highways, a new highway bill. We have a new highway bill to come up. We are going to try to invest in new highways and probably invest in other kinds of infrastructure projects. I am sure the Senator from Colorado knows how many sewer and water projects in Colorado are going underfunded right now that need to be done. I have the same in the State of Iowa.

We think about high-speed rail. I saw a recent figure that said 60 percent of all the flights that originate out of O'Hare, in Chicago, go 300 miles or less. It is overcrowded. One day of bad weather such as the other day and there are thousands of airplanes backed up all over the country. Three hundred miles? That could be high-speed rail. Right now, to go from Chicago to Detroit by rail takes you almost all day. By high-speed rail you could do it in a couple or 3 hours. Maybe you wouldn't want to take an airplane. We should have high-speed rail from Boston to Miami, from Seattle to San Diego and hubs in the Midwest from Chicago going out to Kansas City, St. Louis and Des Moines and Omaha, Minneapolis, Cleveland, Cincinnati. We are not doing it.

We are borrowing money from China to pay for present exigencies, we are going into debt, and then when our bills come up to try to fund programs to build infrastructure, our Republican friends will say we can't afford it. We do not have the money. So it will crowd it out.

Why? So we can give some of the richest in our country another $100,000? For people with $1 billion estates getting an extra $100 million so they can go out and buy those $29,000 wrist watches or $2,500 cashmere scarves or whatever it might be?

If our debt continues to grow at unsustainable rates, we are going to find ourselves, very soon, in the same position as Greece, Ireland, and Spain today. We will reach a tipping point, where international bond vigilantes place big bets against the United States, shorting our debt. This would radically drive up interest rates in the United States, forcing us to make even more draconian cuts in spending in everything from education to scientific research to health care.

This may suit the agenda of the rightwing, which would be delighted to see education programs and health care programs gutted, but it would be a disaster for ordinary working Americans and for our economy as a whole.

The fourth reason why this is a bad agreement: The nonpartisan Congressional Budget Office ranks tax cuts for the rich as dead last among the various options for boosting the economy and creating jobs. This is hardly surprising. As I said, the wealthy are the least likely to spend their new tax cuts. They can only buy so many $29,800 wrist watches.

By contrast, virtually every dime of emergency unemployment benefits is spent on necessities such as food, rent, and transportation. Middle and lower income taxpayers are likely to spend most, if not all, of their modest tax cuts. This stimulates the economy, creates jobs, and has a positive multiplier effect across the economy. It is a cruel irony that under this agreement, benefits for the unemployed are extended for 1 year while tax cuts for the rich are extended for 2 years and are now more likely to be extended far beyond that.

If we are going to borrow additional hundreds of billions of dollars from foreign creditors, mainly China, shouldn't we at least insist the money is spent in ways that benefit our economy in the long term? If we are going to borrow the money, let's build our infrastructure so our private sector 5 years, 10 years from now will be more efficient, will be able to compete more effectively in the world economy.

I might add, these infrastructure jobs put Americans to work. It is one of the best multiplier effects of our dollars. Why is that? Easy. When you build a new school, the work has to be done locally. You can't ship the work out to India. Think about it. Most of the materials that go into a school—the bricks, the mortar, the rerods, the wallboard, the sheetrock, most of the

lighting, the conduits, the piping, switches, floor tiles, windows, doors—most of it is made in America. Most of that is made here. So when you spend $1 on something like that, the work is done locally, it helps the local economy, plus all the materials—not all but most of the materials you buy are made in America. That dollar spins around.

You give someone an extra $100,000 and they spend $29,800 on a watch. I don't think that benefits many Americans. Maybe the jewelry store, maybe Tiffany's where you buy it, they are making some. But most of that goes out of the country. If you give extra money to people to buy a new flat-screen TV—yes, there is some benefit here to the retailer that sells it, maybe the shipper that brought it in, but the majority of it goes overseas.

That is why I say, if we are going to borrow money, put it into infrastructure. It provides a lot of jobs and provides a great multiplier effect in our economy, and you get something at the end of it that is going to benefit our kids and our grandkids.

I repeat, with this agreement, we are eating our seed corn. Instead of borrowing to invest in the future, we are borrowing to pay for consumption today. Within the next 2 years, these hundreds of billions of borrowed dollars will just go poof. They will be gone with nothing to show for it—not one new highway, not one new bridge, not one new school. Our economic competitors are not making these kinds of foolish choices.

As Fareed Zakaria pointed out in his column in the Washington Post on Monday, China has doubled its investment in education, rocketing to the very top in the most recent international rankings of educational achievement. As I said, the Chinese are investing hundreds of billions of dollars to build the world's most advanced infrastructure.

According to Reuters, the Chinese Government is planning to spend 1.5 trillion over the next 5 years in seven targeted sectors—alternative energy, biotechnology, new generation information technology, high-end equipment manufacturing, advanced materials, alternative fuel cars, and energy-saving technologies. Do you know what this tax thing is going to cost us over the next 5 years? About $1 trillion. What are we going to have to show for it? Nothing.

Instead of borrowing these billions, we should use them to rebuild and modernize our crumbling infrastructure. We should use that money to invest in things such as biomedical research, renewable energy, technologies of the future, and education of our young people to perform the high-end jobs that those sectors will create. This would put millions of Americans back to work and would have huge payoffs for future generations.

The needs are enormous. A recent report determined that the current need, just for improved school infrastructure, is more than $250 billion nationwide.

EPA, the Environmental Protection Agency, estimates we need to invest more than $200 billion in wastewater treatment and, as we all know, our interstate highways and many thousands of bridges are desperately in need of repair or replacement. It is simply shameful to continue to neglect these basic infrastructure investments, even as we borrow hundreds of billions of dollars to pay for new tax cuts and consumption.

The last thing, my fifth reason for not supporting this tax package, is the 2-percent cut in Social Security taxes for 1 year—2 percent. We go from 6.2 percent down to 4.2 percent. That might sound like a good deal, put some more money in people's pockets. But why are we taking it out of the Social Security trust fund? Mark my words, a year from now—1 year from now, assuming this bill passes—and I guess they have the votes for it—1 year from now when we come back and we are going to want to get that back up to 6.2 percent, our Republican friends are going to say that is a tax increase, a tax increase on hard-working Americans. You are going to go from 4.2 percent to 6.2 percent? People will be afraid: Oh, no, we can't raise those taxes. Thus, we will set in motion with this tax package a pressure to begin the dismantling of the Social Security trust fund.

We have not done this before. We should not be doing it now. It will come in. It will be 4.2 percent. Next year it goes back to 6.2 percent. We will be accused of raising taxes on hard-working Americans. Therefore, we need to extend it. As we extend it, that means more money will come from general revenues—will have to come from general revenues to put into the Social Security trust fund.

OK. Let me repeat this. Right now every working American puts in 6.2 percent of their income into Social Security. That is a trust fund. Now they are going to take it from 6.2 percent down to 4.2 percent, and say: OK. You are going to keep in your pocket 2 percent for 1 year.

One year from now we come in: Oh, no, we can't go back to 6.2 percent. That is an increase in taxes on working Americans.

Okay. We will extend it. How are we going to make up for that 2-percent cut? We are supposed to make up for it with general revenues. How are we going to make it up with general revenues when we are going to be arguing that the debt is so high, the deficit is so big, we have got to cut spending? So we have got to cut spending, so therefore we cannot put the money from general revenues back into Social Security.

What is the answer? Raise the retirement age on Social Security. Cut back on the benefits on Social Security. Maybe cut down on disability benefits—all kinds of things to cut down on Social Security so we do not have to take money from general revenues to put back into the Social Security trust fund. Mark my word, it is coming. It is coming.

What is it no one is talking about? First of all, there is no deficit in the Social Security trust fund. The Social Security trust fund can continue to pay out 100 percent of benefits until about 2037—about 2037. Then it can only afford to pay 75 percent of benefits—not zero but 75 percent. What could fix that? One very simple thing. It is called equity. It is called fairness. It is called justice.

Right now, if you work and you make $40,000 a year, you pay on every dollar you make at 6.2 percent into Social Security. If you make $400,000 a year, you are only paying in 6.2 percent on 25 cents on the dollar. Why is that? Because Social Security payments are capped at $106,800 a year. That means you pay 6.2 percent up to $106,800. Over that you do not pay any more into Social Security. Think of how many people in this country make $4 million a year. They pay on $106,000, a fraction of what they make. It seems to me that fairness and equity would argue that if a working person who makes $20,000 or $40,000 or $50,000 or $60,000 or $70,000 a year has to pay on every dollar into Social Security, why should not someone who is making $400,000 or $800,000 or $1 million or $4 million? Why should they not pay in? Raise that cap so that everybody pays that 6.2 percent on every dollar they make. You know what. Social Security will have no problems for the next 100 years. Well, actually it is 75 years. For 75 years no problems. Why are we not talking about that? Why are we not talking? Why are we not debating and voting on whether we should raise the cap and then we will not have to take 2 percent out of the Social Security trust fund.

Mark my words, it is coming. It is coming. The pressure is going to be built to damage the Social Security benefits. It is going to start about a year from now. I cannot support the bill that is before us. It will exacerbate income inequality. It will give tax cuts we cannot afford and they do not need to the wealthiest people instead of investing that money in infrastructure in the future. It will begin a process of dismantling the Social Security trust fund. These are misplaced priorities, bad values. It is a misguided bill that will drive our Nation deeper into debt with too little to show for it in the long run. I might be for going into debt if you got something to show for it.

It is like when my wife and I got married and we bought a house. You go into debt. But I knew that if we worked hard and saved our money, we could pay off on that house and we would have something to show for it. We did not just borrow money so we could go to fancy restaurants and have nice meals or buy a very expensive car or buy nice clothes. No, put it in the house, because you know you are going to have something. The same way with infrastructure. At least if you are

going to borrow money, have something to show for it in the end. So, again, it will drive us deeper into debt, too little to show for it in the long run. That is why I am going to have to vote against this package.

Mr. LEAHY. Mr. President, I strongly oppose the tax deal now before the Senate. While I support tax relief for working and middle-income Americans, I am not willing to add $858 billion to the national debt in order to give enormous tax breaks to multimillionaires. One of the biggest mistakes in the last administration was to wage two wars without paying for them while cutting taxes for the wealthiest. We should not repeat that mistake by rubberstamping this agreement between President Obama and congressional Republicans for a wholesale extension and expansion of the Bush-era tax cuts for 2 more years.

I voted against the Bush-era tax cuts that were tilted heavily toward the very wealthiest Americans. I also voted against going to war in Iraq. Those may not have been the most popular votes at the time, but the relative few in the Senate who cast them were voting for a path that would have averted much of the economic turmoil that has roiled the economy, the budget and the lives of ordinary American families since then.

If we are truly committed to helping our economy recover from the Great Recession and to putting our country back on the glide path to fiscal responsibility, then we should not extend all of the Bush-era tax cuts. These enormous tax cuts have led to record federal deficits, contributed to the government's current financial woes, and have not helped many Americans who face the greatest financial burdens. Assurances at the time to the contrary, the Bush tax cuts failed to ''trickle down'' to help those Americans most in need, while the wealthiest 2-percent of Americans benefited substantially.

As the Wall Street Journal reported on Friday, most of the wealthy beneficiaries of the Bush tax cuts have not plowed those dollars directly back into the economy to hire new workers or create new jobs. Rather than using their windfall to invest in our economy, corporations are building record cash reserves, and executive pay is through the roof once again. Why would anyone think that extending the tax cuts to the wealthiest will produce a different result now?

Sensible choices are necessary now to protect the public's interests and our national interests. Many of them will be far more difficult than this choice is. The responsible choice is to extend tax relief for the middle-income Americans who need it most, and not to renew tax cuts for the upper incomes of the wealthiest who have benefited the most for so long. If we maintain these unbalanced tax policies, our soaring federal debt will have devastating repercussions and shortchange many of the Nation's priorities.

I do think that Congress should provide directed tax relief that truly will help working families and that will improve our economy. For instance, I support extending such provisions in this package as the increase in the child tax credit, the elimination of the marriage penalty, and the 10-percent tax bracket. I also think we should retain many of the hiring incentives championed by President Obama that are providing needed assistance to Vermont small businesses looking to create job opportunities. These tax incentives have allowed Vermont companies to hire new workers and purchase new equipment for their business, thus creating demand for other new jobs to produce that equipment.

But now is not the time to extend tax breaks to the wealthiest Americans and to companies that are sending American jobs overseas. I am greatly concerned that if we maintain these policies, our soaring Federal debt will have devastating repercussions. We will become increasingly vulnerable to the foreign nationals who are collecting our debt. The ability to provide promised Social Security and Medicare benefits will be eroded. And our children and grandchildren will be left with an enormous debt that they cannot possibly afford.

I will support President Obama when he is right and oppose the President when he is wrong. I feel the President is wrong to make this deal. I am first and foremost a Vermonter, and the citizens of Vermont elected me to uphold my Vermont values. In this case, I believe the deal on tax cuts is wrong for most Vermonters and wrong for our country. That is why I am voting against this bill.

Ms. MIKULSKI. Mr. President, after careful deliberation, I have decided to support the bipartisan tax agreement.

If Congress does not pass this agreement, taxes will rise for all middle class families. Unemployment insurance will end for millions of Americans—including 75,000 Marylanders. And important tax breaks for low and middle income workers will expire.

This agreement is not perfect. Yet, if Congress does not extend unemployment insurance and tax breaks for the middle class, the economy could slip backwards.

This is the only realizable option we have right now to create jobs, stabilize our economy, and ensure that there is a safety net for people who have lost their jobs.

This package maintains tax cuts for the middle class so that working families do not see their taxes rise in a difficult economy.

It will help 100 million middle class families by preventing a tax increase of over $2,000 for the typical family from going into effect on January 1st.

It also prevents more than 21 million families from coming under the Alternative Minimum Tax.

This deal extends the Earned Income Tax Credit—providing $800 million in tax relief for Maryland families.

It also extends the tuition tax credit which has helped 170,000 students in Maryland.

This plan will extend unemployment benefits through the end of 2011. It will help over 75,000 families in Maryland who have lost their jobs. It will help them put food on the table, pay their rent, and pay their energy bills. It will prevent them from losing their homes.

This money goes straight back into our economy while putting more money in the pockets of millions of Americans who are facing the worst job market in a quarter century. It gives them the time they need to get back on their feet, while we get the economy back on track.

For the Americans who have been hit the hardest by the economic downturn, this is insurance that they paid into and benefits that they have earned through their work. This is about people who have lost their job, who are actively looking for a job, who need a safety net to bridge them over until they can get a paycheck again.

I am concerned about the long term solvency of Social Security and about the cut in the Social Security payroll tax. The authors of this deal say there will be no impact on solvency of Social Security, and that the Social Security trust fund will be reimbursed for the lost revenue from the payroll tax. Yet, this could have dangerous consequences on Social Security.

What if this cut in Social Security payroll taxes is extended beyond 2013? What if this is just the first step in the effort to cripple Social Security? What if this is just another step for those who want to cut Social Security, privatize Social Security, or use the Social Security trust fund to cut the deficit?

I fought against attempts to privatize Social Security under the Bush administration. I fought against fast-track proposals to cut Social Security under the guise of deficit reduction. And I will fight to make sure that temporary tax cuts are not turned into means to undermine Social Security funding.

This tax agreement takes risky steps that could threaten the long term solvency of Social Security. It also extends lavish tax breaks for those who need them least—the wealthiest 2 percent of Americans. It ignores the pay as you go rules that are essential to deficit reduction.

Yet, it helps the long term unemployed—who were facing losing everything they have during this holiday season—including hope. It also helps middle class workers, families sending their kids to college, and small businesses who create jobs.

So I will vote for this tax agreement. It is essential to helping families and our economy.

Mr. PRYOR. Mr. President, I rise to support the sense-of-the-Senate resolution offered by Senators MARK WARNER and SAXBY CHAMBLISS that our Nation's spending and debt levels are on

an unsustainable course. In the short term, the economy needs the additional boost that this tax compromise will provide. In the long term, however, our nation must return to a sustainable fiscal path in order for our economy to work effectively.

The U.S. economy is still struggling to recover from the worst economic depression in eighty years. Unemployment remains stubbornly high at 9.8 percent, private sector job growth is anemic, and GDP growth is weak. The Federal budget deficit is projected to exceed $1 trillion for the third year in a row, our national debt is $13.8 trillion and rising, and our debt held by foreign countries already exceeds $4 trillion.

The National Commission on Fiscal Responsibility and Reform has reported a credible proposal to significantly reduce the growth of the national debt and restore long-term fiscal responsibility. The commission's proposal received a favorable vote from 11 of the 18 commissioners.

I believe that a comprehensive plan to reduce the debt over the long term and restore fiscal responsibility must be developed next year. It is in our national interest to stabilize the public debt at less than 60 percent of GDP. Furthermore, comprehensive tax reform is necessary to make the tax code fairer, eliminate special interest tax breaks, and incentivize reinvestment in America. I will continue to work with my Senate colleagues to strengthen our economy and get us back on the path towards a balanced budget.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN of Ohio. Mr. President, over the last few weeks, I have met and talked with many people across Ohio about our Nation's economic future—family and friends, constituents who are struggling to get by, and ministers and pastors who counsel them.

I have read letters and e-mails from Ohioans who need unemployment insurance to find a new job and to provide for their families. I have heard from concerned citizens who are willing to sacrifice for them. Ericka from Cleveland wrote me:

> I make enough money to get by. I was ready for my taxes to go back up and I could have figured out a way to deal with it.
>
> But I am terrified for folks losing their jobs or getting by on low to moderate incomes. I worry that if they lose their unemployment benefits or refundable tax credits that the stress will be too much for too many.
>
> I am sickened at the idea of giving such incredibly wealthy people a tax break—I worry about the folks on the other end.

The debate of whether to extend Bush tax cuts has been revealing—about our policies and about the needs of people worried about putting food on the table.

My top priority is to ensure that middle-class households get tax relief, and that unemployed Ohioans can continue to pay their bills and provide for their families while they look for work. And it is my priority to ensure that people's lives are not used in a cynical, political calculation.

A lot of people are angry about this bill, and they should be. That is why I have filed amendments aimed at easing the financial burden on middle-class households, on small businesses, on seniors, and on American manufacturers. These are issues that deserve real debate, and America's middle class deserves real tax relief.

I am angry that Republican Senators insist on awarding bonus handouts to billionaires and millionaires. But I would be more angry if we let them continue to play games with people's livelihoods.

That is why it is with great reluctance that—even though I opposed the cloture vote yesterday because I still hoped, maybe beyond hope, we could come to a real agreement that would work for the middle class, work for the unemployed, and work for our budget deficit; we clearly could not—it is with great reluctance that I vote in favor of this bill.

Too many working families—men, women, and children—are already suffering too much pain and anxiety. They need help now. But let's not forget how something happened this month in the U.S. Senate that we have never seen before, perhaps never in our Nation's history.

A political party, the minority party—all 42 of them, all 42 of the Senators in the minority party—threatened for all intents and purposes to stop working, unless the majority party agreed to cut taxes for America's wealthiest 315,000 people—315,000 out of 165 million taxpayers. That is less than one-fifth of 1 percent of all Federal taxpayers.

The minority party, the 42 minority party members—U.S. Senators—were saying: We will do nothing until you take care of the 315,000 out of 165 million, until you take care of the 315,000 wealthiest taxpayers in this Nation. Because nothing much happens anymore in the U.S. Senate without a supermajority of 60 votes, the minority party knew its threats to stop everything just might work.

Two weeks ago, all 42 Senate Republicans signed a letter to Majority Leader REID telling him they would block everything until the Senate passed tax cuts for millionaires, for deca-millionaires, and for billionaires.

It is ironic that a party that generally opposes a public employee's right to strike—as it did only last Wednesday—would effectively engage in a strike itself. This Republican work stoppage—since I guess Senators cannot actually go on strike—this Republican work stoppage means no tax cuts for the middle class unless millionaires get a larger tax cut.

It means leaving middle-class families and unemployed workers in the crosshairs unless deca-millionaires got a huge tax cut.

Their threat means that unemployment benefits for workers would end unless billionaire CEOs got their estate tax reduced.

It means we cannot provide the childcare or the earned-income tax credits for low-income working families who have earned this vital assistance.

It means blocking a cost-of-living increase for seniors on Social Security to help buy medicines, food, and shelter.

It means we cannot address national security concerns such as the New START treaty—something that national security experts and every living Secretary of State from both parties support.

It means we cannot do any of these things—provide for our Nation's health, economic health, and national security until we take care of the millionaires and billionaires first.

Tax cuts for the wealthiest 2 percent of our country—including, I should add, lots of U.S. Senators—come first, we are told. But what about the 86,000 Ohioan workers who saw their unemployment benefits run out 2 weeks ago? Or the 108,000 Ohioans expected to lose benefits at the end of this month?

Sorry. Get in line behind the millionaires who get $90,000 in tax cuts.

How about the insurance agent in Zanesville, OH, who makes $50,000 a year and is hoping for a tax cut of $800 for a small downpayment to help a daughter at the community college of Zane State?

Too bad. Not until a deca-millionaire receives his tax cut of $400,000.

What about a single mother with two children earning $30,000 a year and hoping for an expanded childcare and earned-income tax credit?

Tough luck. Wait in line for the billionaire to get his tax cut of tens of millions of dollars.

What do they think this country is all about? That we cannot help people who have lost their jobs who are desperately looking for work? That we cannot extend a tax break to a sales clerk making $27,000 a year who is raising two children until the millionaire gets his cash? That we cannot cut taxes for the broad middle class until the richest 1 percent of our country gets tens of thousands of dollars of tax cuts?

To hold middle-class Americans hostage—as all 42 Republican Senators have done—may be the most cynical political act I have ever seen.

In a recent Cleveland Plain Dealer article, Susan Harrell, a laid off bookkeeper, who does not like how tax cuts for the wealthy is a condition for maintaining unemployment benefits, said of the deal:

> It's like extortion. Either you do what we say, or several million Americans will be living on the street.

Think about that. This is an unemployed, laid off bookkeeper. Like many people who write me—many of these people have worked all their lives—20, 30, 40 years. They are laid off. Susan writes: ''It's like extortion. Either you do what we say''—give us our tax cuts for millionaires—''or several million Americans will be living on the street.'' What kind of country is this that such a cynical, cynical, cynical exercise would happen?

In the same article, Debbie Kline, coordinator of Cleveland Jobs for Justice, compares the choice as ''weighing tax cuts [for the rich] and people not eating, living, and surviving.''

Some say the Republicans are merely obstructing or gaming the Senate rules. But I am with Susan—legislative extortion may be a more accurate description. Unfortunately, we may have to pay the ransom.

That means tax cuts for millionaires and billionaires in exchange for unemployment insurance and middle-class tax relief.

Let me tell you about some people who are caught in the middle.

Michael from Shelby County, in western Ohio, writes me:

> I am an unemployed father of four and one of the tens of thousands of faceless Ohioans about to be cut off from unemployment insurance benefits.
>
> It is obscene to think that a tax giveaway for the wealthy is gaining more traction politically than helping working class people survive.
>
> As an unemployed worker I have no lobby or trade association backing. Instead, I have to worry about losing my house, my credit rating and any sense of being a beneficiary of the ''American Dream''.
>
> What am I supposed to do?

Forty-two Republicans say: Sorry. Get in line. Wait until we give the tax cuts for the rich.

Stacie from Meigs County, down on the Ohio River:

> I am a mother of three school-aged, honor students, one with moderate Cerebral Palsy. I have a Masters Degree in Education and teach in the public school system in the State of Ohio.
>
> My husband has been unemployed for 18 months. During this time he has worked part-time and attended school full-time maintaining an excellent grade point average.
>
> As a family we have worked very hard to adjust to our change in circumstance like many other Americans. However with the loss of $60,000+ in income we had to file Chapter 13.
>
> Now we are faced with not having any unemployment benefits. This will be a loss of another $450 per week. We need to feed our family.
>
> Please vote to extend the unemployment insurance for all unemployed workers who are trying to better themselves during this economic crisis.

What about the budget deficit which concerns all of us? Two weeks ago, when the deficit commission released its report, Members of both parties somberly explained that nothing mattered as much as the increasing debt that will burden our children and grandchildren.

A year from now, when Republicans will likely block extension of unemployment, we will remind them how their own $128 billion for tax cuts for millionaires and billionaires over the next 3 years alone has already blown a hole in the budget. We will remind them what their tax cuts for millionaires and billionaires cost when they argue vociferously for cuts to education, for the privatization of Medicare and Social Security, and for scaling back health care. Let's not forget that congressional Republicans who were outspoken about the debt are the people most responsible for it.

Congressional Republicans have said that cutting taxes on the highest earners would pay for itself. It hasn't. The Presiding Officer sat in the House of Representatives in those days when the huge Bush tax cuts for the wealthy in 2001 and 2003 passed. They always said they would pay for themselves. Not even close. We went from a surplus when President Clinton left office, the largest surplus in U.S. history, to massive deficits when President Bush left office, the largest deficits up to that point in American history.

Congressional Republicans, who were the most responsible for this economic situation, along with President Bush, said that the tax cuts for the wealthiest would grow the economy and create jobs. They haven't. Under President Bush, for 8 years, we lost 673,000 private sector jobs. We actually declined in the number of Americans working in the private sector during those 8 years. From 2001 to 2007, we had below average economic growth.

Republicans say that if millionaires have to pay the same tax they did before the Bush tax cuts; that is, during the Clinton years, then job creation will suffer. But it is a fact that during the Clinton years we created 22 million jobs in those 8 years—again, 21 million private sector jobs and 22 million overall. We created 21 million private sector jobs compared to private sector job loss during the Bush years.

Congressional Republicans voted for the Iraq war but have ignored its costs, charging it to our children and grandchildren. In 2003, Republicans voted to bail out the drug and insurance companies in the name of Medicare privatization and charged it to our children and grandchildren.

If the last decade is any indication, it is that trickle-down economics simply doesn't work. The last decade has shown it has failed history as an experiment.

Meanwhile, during the last 2 years alone, Democrats—usually without Republican support—have already passed $500 billion in tax cuts through the ARRA, through the Small Business Act, through the HIRE Act. Our economic policies that are focused on the middle class are helping to create jobs and turn around our economy.

For the past 50 years, Republicans and Democrats alike have always acted to provide extended unemployment during tough economic times. That is because it is not only a moral obligation, but it is also an economic stimulus for our economy. The same goes for the childcare and the earned-income tax credits. They strengthen the middle class. They give people opportunity to join the middle class. They help the economy by injecting money into the economy.

So this debate really comes down to whose side are you on and whom are you fighting for. It is a choice between paying an extortionist's ransom—we are not going to do anything; we are going to do a work stoppage unless we do tax cuts for the rich—it is a choice between paying an extortionist's ransom or letting the middle class continue to struggle. It is a choice forced upon us during a time when we simply can't afford to play politics with people's livelihoods.

I can't look an unemployed worker in the eye and tell him that our political principles stand in the way of their earned benefits. As much as I dislike what they did and how they did it, as much as I dislike these tax cuts that go overwhelmingly to the richest people, the estate tax cuts, the huge hole they are driving in the deficit, as much as I dislike that—and they are my principles I stand on—I just can't imagine saying to an unemployed worker: Sorry, as much as I want to help you, I just don't believe this is fair that we should do this. I can't look at a single mother making $27,000 a year and say: The earned-income tax credit is not important, even though it is for you, and turn my back on them. The unemployed worker, the single parent making $28,000 a year working two jobs should not have to end the holiday season and enter the new year worried because of politics and about how the arcane Senate procedure stood in the way.

I may not like the choice, but I have to stand with the Ohioans who may have to wait until midnight when their unemployment benefits are activated to buy necessities such as milk and bread. We have to stand with the mother and the father and the teacher and the nurse and the farmer who need middle-class tax relief to care for a child, afford a college education, or to build a small business.

It is with that in mind that I vote in favor of this bill—people such as Ericka and Susan and Debbie and Michael and Stacy who say: Enough is enough. Please help me. Because of them, I will continue to fight on their behalf.

I hope my Republican colleagues learn something from this. Legislative threats of a work stoppage and legislative blackmail may have helped their rich friends and may continue today, but in the end, it is bad for our economy, it is bad for the Senate, it is terrible for our country, and it is terrible for our future.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered

## ORDER OF PROCEDURE

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that Senator VOINOVICH, my State's senior Senator, be recognized at 10:30 a.m. Wednesday, December 15, to bid farewell to the Senate for up to 20 minutes; further, that at 2:15 p.m. on Tuesday, December 21, Senator SPECTER be recognized to deliver his farewell to the Senate; provided further that on Wednesday, December 15, upon conclusion of the vote on proceeding to executive session, the Senate return to legislative session in order for Senator LINCOLN to say farewell to the Senate; that at the conclusion of her remarks and any of her colleagues, the Senate then resume executive session at the same status prior to Senator LINCOLN's recognition in legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

## MORNING BUSINESS

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

## MESSAGES FROM THE HOUSE

### ENROLLED BILLS SIGNED

At 2:14 p.m., a message from the House of Representatives, delivered by Mr. Novotny, announced that the Speaker has signed the following enrolled bills:

S. 3817. An act to amend the Child Abuse Prevention and Treatment Act, the Family Violence Prevention and Services Act, the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978, and the Abandoned Infants Assistance Act of 1988 to reauthorize the Acts, and for other purposes.

H.R. 5591. An act to designate the airport traffic control tower located at Spokane International Airport in Spokane, Washington, as the ''Ray Daves Airport Traffic Control Tower''.

The enrolled bills were subsequently signed by the President pro tempore (Mr. INOUYE).

At 5:01 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, without amendment:

S. 1275. An act to establish a National Foundation on Physical Fitness and Sports to carry out activities to support and supplement the mission of the President's Council on Physical Fitness and Sports.

S. 1448. An act to amend the Act of August 9, 1955, to authorize the Coquille Indian Tribe, the Confederated Tribes of Siletz Indians, the Confederated Tribes of the coos, Lower Umpqua, and Siuslaw, the Klamath Tribes, and the Burns Paiute Tribe to obtain 99-year lease authority for trust land.

S. 1609. An act to authorize a single fisheries cooperative for the Bering Sea Aleutian Islands longline catcher processor subsector, and for other purposes.

S. 2906. An act to amend the Act of August 9, 1955, to modify a provision relating to leases involving certain Indian tribes.

S. 3794. An act to amend chapter 5 of title 40, United States Code, to include organizations whose membership comprises substantially veterans as recipient organizations for the donation of Federal surplus personal property through State agencies.

S. 3984. An act to amend and extend the Museum and Library Services Act, and for other purposes.

The message also announced that the House agrees to the amendments of the Senate to the bill (H.R. 1061) to transfer certain land to the United States to be held in trust for the Hoh Indian Tribe, to place land into trust for the Hoh Indian Tribe, and for other purposes.

At 5:59 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 6516. An act to make technical corrections to provisions of law enacted by the Coast Guard Authorization Act of 2010.

At 7:02 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 6510. An act to direct the Administrator of General Services to convey a parcel of real property in Houston, Texas, to the Military Museum of Texas, and for other purposes.

## MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 6510. An act to direct the Administrator of General Services to convey a parcel of real property in Houston, Texas, to the Military Museum of Texas, and for other purposes; to the Committee on Environment and Public Works.

## MEASURES DISCHARGED

The following joint resolution was discharged pursuant to 42 U.S.C. 2159, and placed on the calendar:

S.J. Res. 34. Joint resolution relating to the approval of the proposed agreement for nuclear cooperation between the United States and the Russian Federation.

## ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, December 14, 2010, she had presented to the President of the United States the following enrolled bill:

S. 3817. An act to amend the Child Abuse Prevention and Treatment Act, the Family Violence Prevention and Services Act, the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978, and the Abandoned Infants Assistance Act of 1988 to reauthorize the Acts, and for other purposes.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, with an amendment in the nature of a substitute:

S. 674. A bill to amend chapter 41 of title 5, United States Code, to provide for the establishment and authorization of funding for certain training programs for supervisors of Federal employees (Rept. No. 111—364).

S. 3335. A bill to require Congress to establish a unified and searchable database on a public website for congressional earmarks as called for by the President in his 2010 State of the Union Address to Congress (Rept. No. 111—365).

By Mrs. BOXER, from the Committee on Environment and Public Works, without amendment:

H.R. 4973. A bill to amend the Fish and Wildlife Act of 1956 to reauthorize volunteer programs and community partnerships for national wildlife refuges, and for other purposes (Rept. No. 111—366).

H.R. 5282. A bill to provide funds to the Army Corps of Engineers to hire veterans and members of the Armed Forces to assist the Corps with curation and historic preservation activities, and for other purposes (Rept. No. 111—367).

By Mr. ROCKEFELLER, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 1078. A bill to authorize a comprehensive national cooperative geospatial imagery mapping program through the United States Geological Survey, to promote use of the program for education, workforce training and development, and applied research, and to support Federal, State, tribal, and local government programs.

By Mr. DODD, from the Committee on Banking, Housing, and Urban Affairs, with amendments:

S. 1481. A bill to amend section 811 of the Cranston-Gonzalez National Affordable Housing Act to improve the program under such section for supportive housing for persons with disabilities.

By Mr. ROCKEFELLER, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 3490. A bill to clarify the rights and responsibilities of Federal entities in the spectrum relocation process, and for other purposes.

S. 3614. A bill to authorize the establishment of a Maritime Center of Expertise for Maritime Oil Spill and Hazardous Substance Release Response, and for other purposes.

## EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. DODD for the Committee on Banking, Housing, and Urban Affairs.

*Joseph A. Smith, Jr., of North Carolina, to be Director of the Federal Housing Finance Agency for a term of five years.

By Mr. KERRY for the Committee on Foreign Relations.

*Larry Leon Palmer, of Georgia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Bolivarian Republic of Venezuela.

Nominee: Larry Leon Palmer.

Post: Venezuela.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: Larry L. Palmer, none.

2. Spouse: Lucille Palmer, none.

3. Children and Spouses: Vincent Palmer, none.

4. Parents: Rev. R.V. Palmer, Sr., deceased; Mrs. Gladys Palmer, deceased.

5. Grandparents: Augustus Young, deceased; Litha Young, deceased.

6. Brothers and Spouses: R.V. Palmer, II, none; Theresa Palmer, none; Charles Palmer, none; Mollie Palmer, none.

7. Sisters and Spouses: Miriam L. Golphin, none; Lewis Golphin, deceased; Seygbo M. Palmer, none.

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*Kevin Glenn Nealer, of Maryland, to be a Member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 2011.

*Carol Fulp, of Massachusetts, to be a Representative of the United States of America to the Sixty-fifth Session of the General Assembly of the United Nations.

*Jeanne Shaheen, of New Hampshire, to be a Representative of the United States of America to the Sixty-fifth Session of the General Assembly of the United Nations.

*Roger F. Wicker, of Mississippi, to be a Representative of the United States of America to the Sixty-fifth Session of the General Assembly of the United Nations.

*Gregory J. Nickels, of Washington, to be an Alternate Representative of the United States of America to the Sixty-fifth Session of the General Assembly of the United Nations.

*William R. Brownfield, of Texas, a Career Member of the Senior Foreign Service, Class of Career Minister, to be an Assistant Secretary of State (International Narcotics and Law Enforcement Affairs).

*Paige Eve Alexander, of Georgia, to be an Assistant Administrator of the United States Agency for International Development.

*Mark Green, of Wisconsin, to be a Member of the Board of Directors of the Millennium Challenge Corporation for a term of three years.

*Thomas R. Nides, of the District of Columbia, to be Deputy Secretary of State for Management and Resources.

*Alan J. Patricof, of New York, to be a Member of the Board of Directors of the Millennium Challenge Corporation for a term of two years.

Mr. KERRY. Mr. President, for the Committee on Foreign Relations I report favorably the following nomination lists which were printed in the RECORD on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators .

The PRESIDING OFFICER. Without objection, it is so ordered.

*Foreign Service nominations beginning with Connor Cherer and ending with Bernadette Regina Zielinski, which nominations were received by the Senate and appeared in the Congressional Record on July 21, 2010.

*Foreign Service nominations beginning with Heather M. Rogers and ending with Stephanie L. Woodard, which nominations were received by the Senate and appeared in the Congressional Record on September 23, 2010.

*Foreign Service nominations beginning with Joseph Farinella and ending with Joseph C. Williams, which nominations were received by the Senate and appeared in the Congressional Record on September 23, 2010.

*Foreign Service nominations beginning with Patricia A. Butenis and ending with Keith A. Swinehart, which nominations were received by the Senate and appeared in the Congressional Record on September 29, 2010.

*Foreign Service nominations beginning with Louis John Fintor and ending with Thomas F. Gray, Jr., which nominations were received by the Senate and appeared in the Congressional Record on November 17, 2010.

*Foreign Service nominations beginning with Alan Hallman and ending with Richard G. Simpson, which nominations were received by the Senate and appeared in the Congressional Record on November 17, 2010.

*Foreign Service nominations beginning with Lloyd S. Harbert and ending with Daryl A. Brehm, which nominations were received by the Senate and appeared in the Congressional Record on November 17, 2010.

*Foreign Service nominations beginning with James Franklin Jeffrey and ending with Earl A. Wayne, which nominations were received by the Senate and appeared in the Congressional Record on November 18, 2010.

By Mr. LEAHY for the Committee on the Judiciary.

Patti B. Saris, of Massachusetts, to be Chair of the United States Sentencing Commission.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. CASEY:

S. 4025. A bill to require contractors to notify small business concerns that have been included in offers relating to contractors let by Federal agencies, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Mr. CASEY:

S. 4026. A bill to establish in the Department of Commerce the Minority Business Development Program to provide qualified minority businesses with technical assistance and contracting opportunities, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BROWN of Ohio:

S. Res. 701. A resolution congratulating the University of Akron men's soccer team on winning the National Collegiate Athletic Association Division I Men's Soccer Championship; to the Committee on the Judiciary.

## ADDITIONAL COSPONSORS

S. 599

At the request of Mr. CARPER, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 599, a bill to amend chapter 81 of title 5, United States Code, to create a presumption that a disability or death of a Federal employee in fire protection activities caused by any certain diseases is the result of the performance of such employee's duty.

S. 902

At the request of Mr. KERRY, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 902, a bill to provide grants to establish veteran's treatment courts.

S. 941

At the request of Mr. CRAPO, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 941, a bill to reform the Bureau of Alcohol, Tobacco, Firearms, and Explosives, modernize firearm laws and regulations, protect the community from criminals, and for other purposes.

S. 1039

At the request of Mr. KERRY, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1039, a bill to provide grants for the renovation, modernization or construction of law enforcement facilities.

S. 2919

At the request of Mr. UDALL of Colorado, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 2919, a bill to amend the Federal Credit Union Act to advance the ability of credit unions to promote small business growth and economic development opportunities, and for other purposes.

S. 3694

At the request of Ms. CANTWELL, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 3694, a bill to prohibit the conducting of invasive research on great apes, and for other purposes.

S. 3737

At the request of Mr. ENZI, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 3737, a bill to amend the Public Health Service Act and title XVIII of the Social Security Act to make the provision of technical services for medical imaging examinations and radiation therapy treatments safer, more accurate, and less costly.

S. 3739

At the request of Mr. CASEY, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 3739, a bill to amend the

Safe and Drug-Free Schools and Communities Act to include bullying and harassment prevention programs.

S. 3756

At the request of Mr. ROCKEFELLER, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 3756, a bill to amend the Communications Act of 1934 to provide public safety providers an additional 10 megahertz of spectrum to support a national, interoperable wireless broadband network and authorize the Federal Communications Commission to hold incentive auctions to provide funding to support such a network, and for other purposes.

S. 3973

At the request of Mr. VOINOVICH, the names of the Senator from Virginia (Mr. WEBB) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of S. 3973, a bill to amend the Energy Policy Act of 2005 to reauthorize and modify provisions relating to the diesel emissions reduction program.

S. 4023

At the request of Mr. LIEBERMAN, the names of the Senator from Indiana (Mr. BAYH), the Senator from Rhode Island (Mr. REED) and the Senator from Montana (Mr. TESTER) were added as cosponsors of S. 4023, a bill to provide for the repeal of the Department of Defense policy concerning homosexuality in the Armed Forces known as ''Don't Ask, Don't Tell''.

S. CON. RES. 63

At the request of Mr. JOHNSON, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. Con. Res. 63, a concurrent resolution expressing the sense of Congress that Taiwan should be accorded observer status in the International Civil Aviation Organization (ICAO).

AMENDMENT NO. 4759

At the request of Mr. WICKER, the names of the Senator from Mississippi (Mr. COCHRAN), the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Florida (Mr. NELSON) were added as cosponsors of amendment No. 4759 intended to be proposed to H. R. 4853, a bill to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes.

AMENDMENT NO. 4773

At the request of Ms. STABENOW, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of amendment No. 4773 intended to be proposed to H.R. 4853, a bill to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes.

AMENDMENT NO. 4774

At the request of Ms. STABENOW, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of amendment No. 4774 intended to be proposed to H.R. 4853, a bill to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes.

AMENDMENT NO. 4781

At the request of Mrs. MURRAY, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of amendment No. 4781 intended to be proposed to H.R. 4853, a bill to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes.

AMENDMENT NO. 4786

At the request of Mr. WYDEN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of amendment No. 4786 intended to be proposed to H.R. 4853, a bill to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes.

AMENDMENT NO. 4788

At the request of Mr. NELSON of Florida, the names of the Senator from Oregon (Mr. MERKLEY), the Senator from Maine (Ms. COLLINS) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of amendment No. 4788 intended to be proposed to H. R. 4853, a bill to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes.

AMENDMENT NO. 4790

At the request of Mrs. FEINSTEIN, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of amendment No. 4790 intended to be proposed to H.R. 4853, a bill to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes.

AMENDMENT NO. 4791

At the request of Mrs. FEINSTEIN, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of amendment No. 4791 intended to be proposed to H.R. 4853, a bill to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes.

AMENDMENT NO. 4792

At the request of Mrs. FEINSTEIN, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of amendment No. 4792 intended to be proposed to H.R. 4853, a bill to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes.

## SUBMITTED RESOLUTIONS

### SENATE RESOLUTION 701—CONGRATULATING THE UNIVERSITY OF AKRON MEN'S SOCCER TEAM ON WINNING THE NATIONAL COLLEGIATE ATHLETIC ASSOCIATION DIVISION I MEN'S SOCCER CHAMPIONSHIP

Mr. BROWN of Ohio submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 701

Whereas on December 12, 2010, the University of Akron men's soccer team, known as the Zips, won the National Collegiate Athletic Association College Cup in Santa Barbara, California and became the first team to win a national title in the history of the University of Akron;

Whereas, with the victory over the previously undefeated and top-ranked University of Louisville Cardinals, the 2010 University of Akron men's soccer team finished its historic championship season with a record of 22 wins, 1 loss, and 2 draws;

Whereas the 2010 University of Akron men's soccer team has become a symbol of pride and success to the University of Akron and the communities in Northeast Ohio surrounding the University of Akron;

Whereas the athletic program of the University of Akron encourages student-athletes to compete on the field, complete degrees in the classroom, and become contributing members of society;

Whereas, each year, University of Akron student-athletes and coaches participate in community service activities;

Whereas the head coach of the University of Akron men's soccer team, Caleb Porter, has won 1 national title and taken the men's soccer team to the national championship game in 2009 and 2010;

Whereas associate head coach Jared Embick, assistant coach Oliver Slawson, and volunteer assistant coach Liam Curran played an important role in coaching the University of Akron men's soccer team;

Whereas midfielder Scott Caldwell was named the most outstanding offensive player of the College Cup;

Whereas defender Kofi Sarkodie was named the most outstanding defensive player of the College Cup;

Whereas forward and midfielder Darlington Nagbe is a finalist for the Hermann Trophy, which is awarded to the best men's collegiate soccer player in the United States;

Whereas 44 members of the University of Akron men's soccer team have been named All-Americans, including 2 members from the 2010 season, defender Kofi Sarkodie and forward and midfielder Darlington Nagbe;

Whereas 12 members of the University of Akron men's soccer team have been named

Academic All-Americans, including 4 members from the 2010 season—defender Kofi Sarkodie, defender Chad Barson, goalkeeper David Meves, and midfielder Anthony Ampaipitakwong;

Whereas the 2010 University of Akron men's soccer team was comprised of—

(1) 3 seniors—midfielder Anthony Ampaipitakwong, defender Chris Korb, and defender Enrique Paez;

(2) 5 juniors—midfielder Michael Balogun, midfielder and defender Matt Dagilis, forward and midfielder Darlington Nagbe, midfielder Michael Nanchoff, and defender Kofi Sarkodie;

(3) 7 sophomores—defender Chad Barson, midfielder Scott Caldwell, goalkeeper David Meves, goalkeeper Anthony Ponikvar, forward Thomas Schmitt, midfielder Ben Speas, and defender Zarek Valentin; and

(4) 9 freshmen—midfielder Reinaldo Brenes, forward Richard Diaz, Jr., forward Gabriel Genovesi, midfielder Perry Kitchen, forward Darren Mattocks, goalkeeper Andrian McAdams, midfielder Martin Ontiveros, midfielder Eric Stevenson, and forward McKauly Tulloch;

Whereas 11 members of the 2010 University of Akron men's soccer team hail from the State of Ohio; and

Whereas the University of Akron men's soccer team should be praised for its historic season of both athletic and academic accomplishments: Now, therefore, be it

*Resolved*, That the Senate—

(1) congratulates the University of Akron men's soccer team on winning the National Collegiate Athletic Association Division I Men's Soccer Championship;

(2) recognizes the athletic program of the University of Akron for encouraging student-athletes to achieve in both sports and academics; and

(3) requests the Secretary of the Senate to transmit an enrolled copy of this resolution for appropriate display to—

(A) the University of Akron;

(B) Dr. Luis M. Proenza, the President of the University of Akron; and

(C) Caleb Porter, the head coach of the University of Akron men's soccer team.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 4804. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 4753 proposed by Mr. REID (for himself and Mr. MCCONNELL) to the bill H.R. 4853, to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes; which was ordered to lie on the table.

SA 4805. Mr. INOUYE submitted an amendment intended to be proposed to the House amendment to the Senate amendment to H.R. 3082, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table.

SA 4806. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 4753 proposed by Mr. REID (for himself and Mr. MCCONNELL) to the bill H.R. 4853, supra; which was ordered to lie on the table.

SA 4807. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 3082, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table.

SA 4808. Mr. CORKER (for himself, Mrs. MCCASKILL, Mr. ALEXANDER, Mr. BURR, Mr. CHAMBLISS, Mr. CORNYN, Mr. ISAKSON, Mr. LEMIEUX, and Mr. MCCAIN) submitted an amendment intended to be proposed to amendment SA 4753 proposed by Mr. REID (for himself and Mr. MCCONNELL) to the bill H.R. 4853, to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes; which was ordered to lie on the table.

SA 4809. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 4753 proposed by Mr. REID (for himself and Mr. MCCONNELL) to the bill H.R. 4853, supra; which was ordered to lie on the table.

## TEXT OF AMENDMENTS

**SA 4804.** Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 4753 proposed by Mr. REID (for himself and Mr. MCCONNELL) to the bill H.R. 4853, to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after the first word and insert the following:

**1. SHORT TITLE.**

This Act may be cited as the ''Tax Relief Certainty Act''.

### TITLE I—PERMANENT TAX RELIEF

**SEC. 101. REPEAL OF EGTRRA SUNSET.**

(a) IN GENERAL.—Section 901 of the Economic Growth and Tax Relief Reconciliation Act of 2001 is repealed.

(b) SUNSET MAINTAINED FOR EXPANSION OF ADOPTION BENEFITS UNDER THE PATIENT PROTECTION AND AFFORDABLE CARE ACT.—Subsection (c) of section 10909 of the Patient Protection and Affordable Care Act is amended to read as follows:

''(c) SUNSET PROVISION.—All provisions of, and amendments made by, this section shall not apply to taxable years beginning after December 31, 2011, and the Internal Revenue Code of 1986 shall be applied and administered to such years as if such provisions and amendments had never been enacted.''.

**SEC. 102. REPEAL OF JGTRRA SUNSET.**

Section 303 of the Jobs and Growth Tax Relief Reconciliation Act of 2003 is repealed.

**SEC. 103. TECHNICAL AND CONFORMING AMENDMENTS.**

The Secretary of the Treasury or the Secretary's delegate shall not later than 90 days after the date of the enactment of this Act, submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a draft of any technical and conforming changes in the Internal Revenue Code of 1986 which are necessary to reflect throughout such Code the purposes of the provisions of, and amendments made by, this Act.

### TITLE II—PERMANENT INDIVIDUAL AMT RELIEF

**SEC. 201. PERMANENT INDIVIDUAL AMT RELIEF.**

(a) MODIFICATION OF ALTERNATIVE MINIMUM TAX EXEMPTION AMOUNT.—

(1) IN GENERAL.—Paragraph (1) of section 55(d) of the Internal Revenue Code of 1986 (relating to exemption amount) is amended to read as follows:

''(1) EXEMPTION AMOUNT FOR TAXPAYERS OTHER THAN CORPORATIONS.—In the case of a taxpayer other than a corporation, the term 'exemption amount' means—

''(A) the dollar amount for taxable years beginning in the calendar year as specified in the table contained in paragraph (4)(A) in the case of—

''(i) a joint return, or

''(ii) a surviving spouse,

''(B) the dollar amount for taxable years beginning in the calendar year as specified in the table contained in paragraph (4)(B) in the case of an individual who—

''(i) is not a married individual, and

''(ii) is not a surviving spouse,

''(C) 50 percent of the dollar amount applicable under paragraph (1)(A) in the case of a married individual who files a separate return, and

''(D) $22,500 in the case of an estate or trust.

For purposes of this paragraph, the term 'surviving spouse' has the meaning given to such term by section 2(a), and marital status shall be determined under section 7703.''.

(2) SPECIFIED EXEMPTION AMOUNTS.—Section 55(d) of such Code is amended by adding at the end the following new paragraph:

''(4) SPECIFIED EXEMPTION AMOUNTS.—

''(A) TAXPAYERS DESCRIBED IN PARAGRAPH (1)(A).—For purposes of paragraph (1))(A)—

| ''For taxable years beginning in— | The exemption amount is: |
|---|---|
| 2010 | $72,450 |
| 2011 | $74,450 |
| 2012 | $78,250 |
| 2013 | $81,450 |
| 2014 | $85,050 |
| 2015 | $88,650 |
| 2016 | $92,650 |
| 2017 | $96,550 |
| 2018 | $100,950 |
| 2019 | $105,150 |
| 2020 | $109,950. |

''(B) TAXPAYERS DESCRIBED IN PARAGRAPH (1)(B).—For purposes of paragraph (1))(B)—

| ''For taxable years beginning in— | The exemption amount is: |
|---|---|
| 2010 | $47,450 |
| 2011 | $48,450 |
| 2012 | $50,350 |
| 2013 | $51,950 |
| 2014 | $53,750 |
| 2015 | $55,550 |
| 2016 | $57,550 |
| 2017 | $59,500 |
| 2018 | $61,700 |
| 2019 | $63,800 |
| 2020 | $66,200.''. |

(b) ALTERNATIVE MINIMUM TAX RELIEF FOR NONREFUNDABLE CREDITS.—

(1) IN GENERAL.—Subsection (a) of section 26 of the Internal Revenue Code of 1986 is amended to read as follows:

''(a) LIMITATION BASED ON AMOUNT OF TAX.—The aggregate amount of credits allowed by this subpart for the taxable year shall not exceed the sum of—

''(1) the taxpayer's regular tax liability for the taxable year reduced by the foreign tax credit allowable under section 27(a), and

''(2) the tax imposed by section 55(a) for the taxable year.''.

(2) CONFORMING AMENDMENTS.—

(A) ADOPTION CREDIT.—

(i) Section 23(b) of such Code, as in effect on December 31, 2009, is amended by striking paragraph (4).

(ii) Section 23(c) of such Code, as in effect on December 31, 2009, is amended by striking paragraphs (1) and (2) and inserting the following:

''(1) IN GENERAL.—If the credit allowable under subsection (a) for any taxable year exceeds the limitation imposed by section 26(a) for such taxable year reduced by the sum of the credits allowable under this subpart (other than this section and sections 25D and 1400C), such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such taxable year.''.

(iii) Section 23(c) of such Code, as in effect on December 31, 2009 amended by redesignating paragraph (3) as paragraph (2).

(B) CHILD TAX CREDIT.—

(i) Section 24(b) of such Code is amended by striking paragraph (3).

(ii) Section 24(d)(1) of such Code is amended—

(I) by striking ''section 26(a)(2) or subsection (b)(3), as the case may be,'' each place it appears in subparagraphs (A) and (B) and inserting ''section 26(a)'', and

(II) by striking ''section 26(a)(2) or subsection (b)(3), as the case may be'' in the second last sentence and inserting ''section 26(a)''.

(C) CREDIT FOR INTEREST ON CERTAIN HOME MORTGAGES.—Section 25(e)(1)(C) of such Code is amended to read as follows:

''(C) APPLICABLE TAX LIMIT.—For purposes of this paragraph, the term 'applicable tax limit' means the limitation imposed by section 26(a) for the taxable year reduced by the sum of the credits allowable under this subpart (other than this section and sections 23, 25D, and 1400C).''.

(D) SAVERS' CREDIT.—Section 25B of such Code is amended by striking subsection (g).

(E) RESIDENTIAL ENERGY EFFICIENT PROPERTY.—Section 25D(c) of such Code is amended to read as follows:

''(c) CARRYFORWARD OF UNUSED CREDIT.—If the credit allowable under subsection (a) exceeds the limitation imposed by section 26(a) for such taxable year reduced by the sum of the credits allowable under this subpart (other than this section), such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such succeeding taxable year.''.

(F) CERTAIN PLUG-IN ELECTRIC VEHICLES.—Section 30(c)(2) of such Code is amended to read as follows:

''(2) PERSONAL CREDIT.—For purposes of this title, the credit allowed under subsection (a) for any taxable year (determined after application of paragraph (1)) shall be treated as a credit allowable under subpart A for such taxable year.''.

(G) ALTERNATIVE MOTOR VEHICLE CREDIT.—Section 30B(g)(2) of such Code is amended to read as follows:

''(2) PERSONAL CREDIT.—For purposes of this title, the credit allowed under subsection (a) for any taxable year (determined after application of paragraph (1)) shall be treated as a credit allowable under subpart A for such taxable year.''.

(H) NEW QUALIFIED PLUG-IN ELECTRIC VEHICLE CREDIT.—Section 30D(c)(2) of such Code is amended to read as follows:

''(2) PERSONAL CREDIT.—For purposes of this title, the credit allowed under subsection (a) for any taxable year (determined after application of paragraph (1)) shall be treated as a credit allowable under subpart A for such taxable year.''.

(I) CROSS REFERENCES.—Section 55(c)(3) of such Code is amended by striking ''26(a), 30C(d)(2),'' and inserting ''30C(d)(2)''.

(J) FOREIGN TAX CREDIT.—Section 904 of such Code is amended by striking subsection (i) and by redesignating subsections (j), (k), and (l) as subsections (i), (j), and (k), respectively.

(K) FIRST-TIME HOME BUYER CREDIT FOR THE DISTRICT OF COLUMBIA.—Section 1400C(d) of such Code is amended to read as follows:

''(d) CARRYFORWARD OF UNUSED CREDIT.—If the credit allowable under subsection (a) exceeds the limitation imposed by section 26(a) for such taxable year reduced by the sum of the credits allowable under subpart A of part IV of subchapter A (other than this section and section 25D), such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such taxable year.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

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**SA 4805.** Mr. INOUYE submitted an amendment intended to be proposed to the House amendment to the Senate amendment to H.R. 3082, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table.

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Consolidated Appropriations Act, 2011''.

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

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 aperations
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 APPROPRIATIONS 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

**SEC. 3. REFERENCES.**

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

**SEC. 4. EXPLANATORY STATEMENT.**

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

**SEC. 5. EMERGENCY DESIGNATION.**

Any designation in any division of this Act referring to this section is a designation of an amount as an emergency requirement and necessary to meet emergency needs pursuant to sections 403(a) and 423(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

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

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

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

(a) For the purposes of this section—

(1) the term ''employee''—

(A) means an employee as defined in section 2105 of title 5, United States Code; and

(B) includes an individual to whom subsection (b), (c), or (f) of such section 2105 pertains (whether or not such individual satisfies subparagraph (A));

(2) the term ''senior executive'' means—

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

(B) a member of the FBI–DEA Senior Executive Service under subchapter III of chapter 31 of title 5, United States Code;

(C) a member of the Senior Foreign Service under chapter 4 of title I of the Foreign Service Act of 1980 (22 U.S.C. 3961 and following); and

(D) a member of any similar senior executive service in an Executive agency;

(3) the term ''senior-level employee'' means an employee who holds a position in an Executive agency and who is covered by section 5376 of title 5, United States Code, or any similar authority; and

(4) the term ''Executive agency'' has the meaning given such term by section 105 of title 5, United States Code.

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

(2) For purposes of this subsection, the term ''statutory pay adjustment'' means—

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

(B) any similar adjustment, required by statute, with respect to employees in an Executive agency.

(c) Notwithstanding any other provision of law, except as provided in subsection (e), during the period beginning on January 1, 2011, and ending on December 31, 2012, no senior executive or senior-level employee may receive an increase in his or her rate of basic pay absent a change of position that results in a substantial increase in responsibility, or a promotion.

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

(e) The Non-Foreign Area Retirement Equity Assurance Act of 2009 (5 U.S.C. 5304 note) shall be applied using the appropriate locality-based comparability payments established by the President as the applicable comparability payments in section 1914(2) and (3) of such Act.

**SEC. 8. TRANSFER AUTHORITY.**

(a) Up to $1,350,000,000 of amounts made available by this Act or prior year appropriations Acts, shall be available for transfer by the head of the agency to the extent necessary to avoid furloughs or reductions in force, or to provide funding necessary for programs and activities required by law: *Provided*, That such transfers may not result in the termination of programs, projects or activities: *Provided further*, That such transfers shall be subject to the approval of the House and Senate Appropriations Committees.

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

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

(a)(1) Of the discretionary funds made available to the agencies of the Federal Government in this Consolidated Appropriations Act, $1,350,000,000 are hereby rescinded.

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

(b)(1) Of the discretionary funds made available to the agencies of the Federal Government in this Consolidated Appropriations Act, $2,000,000,000 are hereby rescinded.

(2) Rescissions required by this subsection shall be based on costs to the executive branch for the budgeted allowance for the January 2011 civilian pay raise amount described in section 32.1 of OMB Circular No. A–11 (Revised—November 2009) and requested at 1.4 percent in the 2011 President's budget submission.

(c) OMB shall administer the rescissions made pursuant to this section.

(d) Not later than 30 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall submit to the Committees on Appropriations a listing of the amounts by account of the rescissions made pursuant to the provisions of subsections (a) and (b), including an explanation of the methodology used to identify the offices, accounts, and amounts rescinded.

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

Specific projects contained in the explanatory statement accompanying this Act that are considered congressional earmarks for purposes of clause 9 of rule XXI of the Rules of the House of Representatives, and are attributed to members of the House of Representatives in the Disclosure of Earmarks and Congressionally Directed Spending Items, shall not be awarded if the entity listed is a for-profit entity.

**SEC. 11. IRAN SANCTIONS.**

None of the funds appropriated or otherwise made available by this Act may be obligated by any covered executive agency in contravention of the certification requirement of section 6(b) of the Iran Sanctions Act of 1996, as included in the revisions to the Federal Acquisition Regulation pursuant to such section.

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

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

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

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

(b) The prohibition under subsection (a) shall terminate on the earlier of the date of the enactment of an Act authorizing appropriations for fiscal year 2011 for the Department of Defense that includes a provision regarding the release or transfer of detainees held at the United States Naval Station, Guantanamo Bay, Cuba, by the Department of Defense, or September 30, 2011.

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

TITLE I

AGRICULTURAL PROGRAMS

PRODUCTION, PROCESSING AND MARKETING

OFFICE OF THE SECRETARY

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

OFFICE OF TRIBAL RELATIONS

For necessary expenses of the Office of Tribal Relations, $1,010,000, to support communication and consultation activities with Federally Recognized Tribes, as well as other requirements established by law.

HEALTHY FOOD FINANCING INITIATIVE

For necessary expenses of the Secretary to carry out demonstration projects to increase access to healthy foods through retail outlets, $35,000,000, to remain available until September 30, 2012, which the Secretary may use for the cost of grants (including for technical assistance), loans, and loan guarantees; and may use, not to exceed $1,000,000, for the Federal administrative costs of carrying out and evaluating such demonstration projects: *Provided*, That the Secretary, to carry out such demonstration projects, may use one or more consolidated solicitation and application processes: *Provided further*, That any funds provided for under this heading for such demonstration projects shall be in addition to any other funds that the Secretary may use for carrying out such projects.

EXECUTIVE OPERATIONS

OFFICE OF THE CHIEF ECONOMIST

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

NATIONAL APPEALS DIVISION

For necessary expenses of the National Appeals Division, $15,417,000.

OFFICE OF BUDGET AND PROGRAM ANALYSIS

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

OFFICE OF HOMELAND SECURITY

For necessary expenses of the Office of Homeland Security, $1,876,000.

OFFICE OF ADVOCACY AND OUTREACH

For necessary expenses of the Office of Advocacy and Outreach, $6,209,000: *Provided*,

That $4,000,000 shall be for grants authorized by section 14204 of the Food, Conservation, and Energy Act of 2008.

OFFICE OF THE CHIEF INFORMATION OFFICER

For necessary expenses of the Office of the Chief Information Officer, $61,719,000.

OFFICE OF THE CHIEF FINANCIAL OFFICER

For necessary expenses of the Office of the Chief Financial Officer, $6,632,000: *Provided*, That no funds made available by this appropriation may be obligated for FAIR Act or Circular A–76 activities until the Secretary has submitted to the Committees on Appropriations of both Houses of Congress and the Committee on Oversight and Government Reform of the House of Representatives a report on the Department's contracting out policies, including agency budgets for contracting out.

OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

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

OFFICE OF CIVIL RIGHTS

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

OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION

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

AGRICULTURE BUILDINGS AND FACILITIES AND RENTAL PAYMENTS

(INCLUDING TRANSFERS OF FUNDS)

For payment of space rental and related costs pursuant to Public Law 92–313, including authorities pursuant to the 1984 delegation of authority from the Administrator of General Services to the Department of Agriculture under 40 U.S.C. 486, for programs and activities of the Department which are included in this Act, and for alterations and other actions needed for the Department and its agencies to consolidate unneeded space into configurations suitable for release to the Administrator of General Services, and for the operation, maintenance, improvement, and repair of Agriculture buildings and facilities, and for related costs, $261,608,000, to remain available until expended, of which $178,470,000 shall be available for payments to the General Services Administration for rent; of which $13,800,000 for payment to the Department of Homeland Security for building security activities; and of which $69,338,000 for buildings operations and maintenance expenses: *Provided*, That the Secretary is authorized to transfer funds from a Departmental agency to this account to recover the full cost of the space and security expenses of that agency that are funded by this account when the actual costs exceed the agency estimate which will be available for the activities and payments described herein.

HAZARDOUS MATERIALS MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

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

DEPARTMENTAL ADMINISTRATION

(INCLUDING TRANSFERS OF FUNDS)

For Departmental Administration, $29,706,000, to provide for necessary expenses for management support services to offices of the Department and for general administration, security, repairs and alterations, and other miscellaneous supplies and expenses not otherwise provided for and necessary for the practical and efficient work of the Department: *Provided*, That this appropriation shall be reimbursed from applicable appropriations in this Act for travel expenses incident to the holding of hearings as required by 5 U.S.C. 551–558.

OFFICE OF THE ASSISTANT SECRETARY FOR CONGRESSIONAL RELATIONS

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Office of the Assistant Secretary for Congressional Relations to carry out the programs funded by this Act, including programs involving intergovernmental affairs and liaison within the executive branch, $4,008,000: *Provided*, That these funds may be transferred to agencies of the Department of Agriculture funded by this Act to maintain personnel at the agency level: *Provided further*, That no funds made available by this appropriation may be obligated after 30 days from the date of enactment of this Act, unless the Secretary has notified the Committees on Appropriations of both Houses of Congress on the allocation of these funds by USDA agency: *Provided further*, That no other funds appropriated to the Department by this Act shall be available to the Department for support of activities of congressional relations.

OFFICE OF COMMUNICATIONS

For necessary expenses of the Office of Communications, $9,839,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, including employment pursuant to the Inspector General Act of 1978, $94,300,000, including such sums as may be necessary for contracting and other arrangements with public agencies and private persons pursuant to section 6(a)(9) of the Inspector General Act of 1978, and including not to exceed $125,000 for certain confidential operational expenses, including the payment of informants, to be expended under the direction of the Inspector General pursuant to Public Law 95–452 and section 1337 of Public Law 97–98.

OFFICE OF THE GENERAL COUNSEL

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

OFFICE OF THE UNDER SECRETARY FOR RESEARCH, EDUCATION AND ECONOMICS

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

ECONOMIC RESEARCH SERVICE

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

NATIONAL AGRICULTURAL STATISTICS SERVICE

For necessary expenses of the National Agricultural Statistics Service, $161,371,000, of which up to $33,494,000 shall be available until expended for the Census of Agriculture.

AGRICULTURAL RESEARCH SERVICE

SALARIES AND EXPENSES

For necessary expenses of the Agricultural Research Service and for acquisition of lands by donation, exchange, or purchase at a nominal cost not to exceed $100, and for land exchanges where the lands exchanged shall be of equal value or shall be equalized by a payment of money to the grantor which shall not exceed 25 percent of the total value of the land or interests transferred out of Federal ownership, $1,199,986,000: *Provided*, That appropriations hereunder shall be available for the operation and maintenance of aircraft and the purchase of not to exceed one for replacement only: *Provided further*, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for the construction, alteration, and repair of buildings and improvements, but unless otherwise provided, the cost of constructing any one building shall not exceed $375,000, except for headhouses or greenhouses which shall each be limited to $1,200,000, and except for 10 buildings to be constructed or improved at a cost not to exceed $750,000 each, and the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building or $375,000, whichever is greater: *Provided further*, That the limitations on alterations contained in this Act shall not apply to modernization or replacement of existing facilities at Beltsville, Maryland: *Provided further*, That the foregoing limitations shall not apply to the purchase of land from the Maine Farmland Trust, Unity, Maine, for the purpose of establishing an organic agricultural research program: *Provided further*, That appropriations hereunder shall be available for granting easements at the Beltsville Agricultural Research Center: *Provided further*, That the foregoing limitations shall not apply to replacement of buildings needed to carry out the Act of April 24, 1948 (21 U.S.C. 113a): *Provided further*, That funds may be received from any State, other political subdivision, organization, or individual for the purpose of establishing or operating any research facility or research project of the Agricultural Research Service, as authorized by law.

BUILDINGS AND FACILITIES

For acquisition of land, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities as necessary to carry out the agricultural research programs of the Department of Agriculture, where not otherwise provided, $67,966,000, to remain available until expended.

NATIONAL INSTITUTE OF FOOD AND AGRICULTURE

RESEARCH AND EDUCATION ACTIVITIES

For payments to agricultural experiment stations, for cooperative forestry and other research, for facilities, and for other expenses, $806,495,000, as follows: to carry out the provisions of the Hatch Act of 1887 (7 U.S.C. 361a–i), $215,000,000; for grants for cooperative forestry research (16 U.S.C. 582a through a–7), $29,000,000; for payments to eligible institutions (7 U.S.C. 3222), $49,750,000, provided that each institution receives no less than $1,000,000; for special grants (7 U.S.C. 450i(c)), $75,517,000; for competitive grants on improved pest control (7 U.S.C. 450i(c)), $16,185,000; for competitive grants (7 U.S.C. 450(i)(b)), $288,730,000, to remain available until expended; for the support of animal health and disease programs (7 U.S.C. 3195), $2,950,000; for supplemental and alternative crops and products (7 U.S.C. 3319d), $835,000; for grants for research pursuant to the Critical Agricultural Materials Act (7 U.S.C. 178 et seq.), $1,083,000, to remain available until expended; for the 1994 research grants program for 1994 institutions pursuant to section 536 of Public Law 103–382 (7 U.S.C. 301 note), $1,805,000, to remain available until expended; for rangeland research grants (7 U.S.C. 3333), $983,000; for higher education graduate fellowship grants (7 U.S.C. 3152(b)(6)), $3,859,000, to remain available until expended (7 U.S.C. 2209b); for a program pursuant to section 1415A of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3151a), $5,000,000, to remain available until expended; for higher education challenge grants (7 U.S.C. 3152(b)(1)), $5,654,000; for a

higher education multicultural scholars program (7 U.S.C. 3152(b)(5)), $1,241,000, to remain available until expended (7 U.S.C. 2209b); for an education grants program for Hispanic-serving Institutions (7 U.S.C. 3241), $9,619,000; for competitive grants for the purpose of carrying out all provisions of 7 U.S.C. 3156 to individual eligible institutions or consortia of eligible institutions in Alaska and in Hawaii, with funds awarded equally to each of the States of Alaska and Hawaii, $3,200,000; for a secondary agriculture education program and 2-year post-secondary education (7 U.S.C. 3152(j)), $983,000; for aquaculture grants (7 U.S.C. 3322), $3,928,000; for sustainable agriculture research and education (7 U.S.C. 5811), $15,000,000; for a program of capacity building grants (7 U.S.C. 3152(b)(4)) to institutions eligible to receive funds under 7 U.S.C. 3221 and 3222, $19,375,000, to remain available until expended (7 U.S.C. 2209b); for payments to the 1994 Institutions pursuant to section 534(a)(1) of Public Law 103–382, $3,342,000; for resident instruction grants for insular areas under section 1491 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3363), $900,000; for distance education grants for insular areas under section 1490 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3362), $750,000; for grants to upgrade agriculture and food sciences facilities and equipment for insular areas under section 1447B of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3222b–2), $750,000; for foreign agricultural scholarship grants under section 1458(a)(11) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3291(a)), as amended, $500,000; for a new era rural technology program pursuant to section 1473E of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3319e), $875,000; for a competitive grants program for farm business management and benchmarking (7 U.S.C. 5925f), $1,250,000; for a competitive grants program regarding biobased energy (7 U.S.C. 8114), $2,250,000; and for necessary expenses of Research and Education Activities, $46,181,000, of which $2,704,000 for the Research, Education, and Economics Information System and $2,136,000 for the Electronic Grants Information System, are to remain available until expended.

HISPANIC-SERVING AGRICULTURAL COLLEGES AND UNIVERSITIES ENDOWMENT FUND

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

NATIVE AMERICAN INSTITUTIONS ENDOWMENT FUND

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

EXTENSION ACTIVITIES

For payments to States, the District of Columbia, Puerto Rico, Guam, the Virgin Islands, Micronesia, the Northern Marianas, and American Samoa, $499,376,000, as follows: payments for cooperative extension work under the Smith-Lever Act, to be distributed under sections 3(b) and 3(c) of said Act, and under section 208(c) of Public Law 93–471, for retirement and employees' compensation costs for extension agents, $297,500,000; payments for extension work at the 1994 Institutions under the Smith-Lever Act (7 U.S.C. 343(b)(3)), $5,321,000; payments for the nutrition and family education program for low-income areas under section 3(d) of the Act, $68,070,000; payments for the pest management program under section 3(d) of the Act, $9,938,000; payments for the farm safety program under section 3(d) of the Act, $4,863,000; payments for New Technologies for Ag Extension under section 3(d) of the Act, $1,750,000; payments to upgrade research, extension, and teaching facilities at institutions eligible to receive funds under 7 U.S.C. 3221 and 3222, and payments to upgrade facilities under 7 U.S.C. 3222b–1, $22,000,000, to remain available until expended; payments for youth-at-risk programs under section 3(d) of the Smith-Lever Act, $8,412,000; for youth farm safety education and certification extension grants, to be awarded competitively under section 3(d) of the Act, $486,000; payments for carrying out the provisions of the Renewable Resources Extension Act of 1978 (16 U.S.C. 1671 et seq.), $4,068,000; payments for the federally recognized Tribes Extension Program under section 3(d) of the Smith-Lever Act, $3,750,000; payments for sustainable agriculture programs under section 3(d) of the Act, $5,000,000; payments for rural health and safety education as authorized by section 502(i) of Public Law 92–419 (7 U.S.C. 2662(i)), $1,738,000; payments for cooperative extension work by eligible institutions (7 U.S.C. 3221), $44,700,000, provided that each institution receives no less than $1,000,000; payments to carry out the food animal residue avoidance database program as authorized by 7 U.S.C. 7642, $1,000,000; payments to carry out section 1672(e)(49) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5925), as amended, $400,000; and for necessary expenses of Extension Activities, $20,380,000.

INTEGRATED ACTIVITIES

For the integrated research, education, and extension grants programs, including necessary administrative expenses, $60,173,000, as follows: for competitive grants programs authorized under section 406 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7626), $35,299,000, including $12,649,000 for the water quality program, $14,596,000 for the food safety program, $3,054,000 for the methyl bromide transition program, and $5,000,000 for the organic transition program; for a competitive international science and education grants program authorized under section 1459A of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3292b), to remain available until expended, $3,000,000; for grants programs authorized under section 2(c)(1)(B) of Public Law 89–106, as amended, $732,000, to remain available until September 30, 2012, for the critical issues program; $1,312,000 for the regional rural development centers program; for grants authorized under section 1624 (7 U.S.C. 5813), $10,000,000; and $9,830,000 for the Food and Agriculture Defense Initiative authorized under section 1484 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977, to remain available until September 30, 2012.

OFFICE OF THE UNDER SECRETARY FOR MARKETING AND REGULATORY PROGRAMS

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

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Animal and Plant Health Inspection Service, including up to $30,000 for representation allowances and for expenses pursuant to the Foreign Service Act of 1980 (22 U.S.C. 4085), $903,794,000, of which $1,585,000 shall be available for the control of outbreaks of insects, plant diseases, animal diseases and for control of pest animals and birds (''contingency fund'') to the extent necessary to meet emergency conditions; of which $22,254,000 shall be used for the cotton pests program for cost share purposes or for debt retirement for active eradication zones; of which $900,000 shall be for activities under the authority of the Horse Protection Act of 1970, as amended (15 U.S.C. 1831); of which $45,219,000 shall be used to prevent and control avian influenza and shall remain available until expended: *Provided*, That funds provided for the contingency fund to meet emergency conditions, $4,474,000 for information technology infrastructure, $63,568,000 for the fruit fly program, $169,163,000 for emerging plant pests, cotton pests program, $5,637,000 for the grasshopper and mormon cricket program, $2,129,000 for the plum pox program, $3,771,000 for the National Veterinary Stockpile, $1,500,000 in the scrapie program for indemnities, $1,000,000 for wildlife services methods development, $1,500,000 of the wildlife services operations program, and $5,060,750 of the screwworm program shall remain available until expended: *Provided further*, That no funds shall be used to formulate or administer a brucellosis eradication program for the current fiscal year that does not require minimum matching by the States of at least 40 percent: *Provided further*, That this appropriation shall be available for the operation and maintenance of aircraft and the purchase of not to exceed four, of which two shall be for replacement only: *Provided further*, That, in addition, in emergencies which threaten any segment of the agricultural production industry of this country, the Secretary may transfer from other appropriations or funds available to the agencies or corporations of the Department such sums as may be deemed necessary, to be available only in such emergencies for the arrest and eradication of contagious or infectious disease or pests of animals, poultry, or plants, and for expenses in accordance with sections 10411 and 10417 of the Animal Health Protection Act (7 U.S.C. 8310 and 8316) and sections 431 and 442 of the Plant Protection Act (7 U.S.C. 7751 and 7772), and any unexpended balances of funds transferred for such emergency purposes in the preceding fiscal year shall be merged with such transferred amounts: *Provided further*, That appropriations hereunder shall be available pursuant to law (7 U.S.C. 2250) for the repair and alteration of leased buildings and improvements, but unless otherwise provided the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

In fiscal year 2011, the agency is authorized to collect fees to cover the total costs of providing technical assistance, goods, or services requested by States, other political subdivisions, domestic and international organizations, foreign governments, or individuals, provided that such fees are structured such that any entity's liability for such fees is reasonably based on the technical assistance, goods, or services provided to the entity by the agency, and such fees shall be credited to this account, to remain available until expended, without further appropriation, for providing such assistance, goods, or services.

BUILDINGS AND FACILITIES

For plans, construction, repair, preventive maintenance, environmental support, improvement, extension, alteration, and purchase of fixed equipment or facilities, as authorized by 7 U.S.C. 2250, and acquisition of land as authorized by 7 U.S.C. 428a, $4,536,000, to remain available until expended.

AGRICULTURAL MARKETING SERVICE

MARKETING SERVICES

For necessary expenses of the Agricultural Marketing Service, $96,645,000: *Provided*, That

this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

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

LIMITATION ON ADMINISTRATIVE EXPENSES

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

FUNDS FOR STRENGTHENING MARKETS, INCOME, AND SUPPLY (SECTION 32)

(INCLUDING TRANSFERS OF FUNDS)

Funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), shall be used only for commodity program expenses as authorized therein, and other related operating expenses, except for: (1) transfers to the Department of Commerce as authorized by the Fish and Wildlife Act of August 8, 1956; (2) transfers otherwise provided in this Act; and (3) not more than $20,283,000 for formulation and administration of marketing agreements and orders pursuant to the Agricultural Marketing Agreement Act of 1937 and the Agricultural Act of 1961.

PAYMENTS TO STATES AND POSSESSIONS

For payments to departments of agriculture, bureaus and departments of markets, and similar agencies for marketing activities under section 204(b) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1623(b)), $2,484,000.

GRAIN INSPECTION, PACKERS AND STOCKYARDS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Grain Inspection, Packers and Stockyards Administration, $43,742,000: *Provided*, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

LIMITATION ON INSPECTION AND WEIGHING SERVICES EXPENSES

Not to exceed $50,000,000 (from fees collected) shall be obligated during the current fiscal year for inspection and weighing services: *Provided*, That if grain export activities require additional supervision and oversight, or other uncontrollable factors occur, this limitation may be exceeded by up to 10 percent with notification to the Committees on Appropriations of both Houses of Congress.

OFFICE OF THE UNDER SECRETARY FOR FOOD SAFETY

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

FOOD SAFETY AND INSPECTION SERVICE

For necessary expenses to carry out services authorized by the Federal Meat Inspection Act, the Poultry Products Inspection Act, and the Egg Products Inspection Act, including not to exceed $50,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), $1,047,200,000; and in addition, $1,000,000 may be credited to this account from fees collected for the cost of laboratory accreditation as authorized by section 1327 of the Food, Agriculture, Conservation and Trade Act of 1990 (7 U.S.C. 138f): *Provided*, That funds provided for the Public Health Data Communication Infrastructure system and implementation of section 11016 of Public Law 110–246 shall remain available until expended: *Provided further*, That no fewer than 140 full-time equivalent positions shall be employed during fiscal year 2011 for purposes dedicated solely to inspections and enforcement related to the Humane Methods of Slaughter Act: *Provided further*, That of the amount available under this heading, $3,000,000 shall be obligated to maintain the Humane Animal Tracking System as part of the Public Health Data Communication Infrastructure System: *Provided further*, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

OFFICE OF THE UNDER SECRETARY FOR FARM AND FOREIGN AGRICULTURAL SERVICES

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

FARM SERVICE AGENCY

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Farm Service Agency, $1,325,650,000: *Provided*, That the Secretary is authorized to use the services, facilities, and authorities (but not the funds) of the Commodity Credit Corporation to make program payments for all programs administered by the Agency: *Provided further*, That other funds made available to the Agency for authorized activities may be advanced to and merged with this account: *Provided further*, That funds made available to county committees shall remain available until expended.

STATE MEDIATION GRANTS

For grants pursuant to section 502(b) of the Agricultural Credit Act of 1987, as amended (7 U.S.C. 5101–5106), $4,185,000.

GRASSROOTS SOURCE WATER PROTECTION PROGRAM

For necessary expenses to carry out wellhead or groundwater protection activities under section 1240O of the Food Security Act of 1985 (16 U.S.C. 3839bb–2), $5,500,000, to remain available until expended.

DAIRY INDEMNITY PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses involved in making indemnity payments to dairy farmers and manufacturers of dairy products under a dairy indemnity program, such sums as may be necessary, to remain available until expended: *Provided*, That such program is carried out by the Secretary in the same manner as the dairy indemnity program described in the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106–387, 114 Stat. 1549A–12).

AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed farm ownership (7 U.S.C. 1922 et seq.) and operating (7 U.S.C. 1941 et seq.) loans, Indian tribe land acquisition loans (25 U.S.C. 488), boll weevil loans (7 U.S.C. 1989), direct and guaranteed conservation loans (7 U.S.C. 1924 et seq.), and Indian highly fractionated land loans (25 U.S.C. 488), to be available from funds in the Agricultural Credit Insurance Fund, as follows: farm ownership loans, $1,975,000,000, of which $1,500,000,000 shall be for unsubsidized guaranteed loans and $475,000,000 shall be for direct loans; operating loans, $2,544,035,000, of which $1,500,000,000 shall be for unsubsidized guaranteed loans, $144,035,000 shall be for subsidized guaranteed loans and $900,000,000 shall be for direct loans; Indian tribe land acquisition loans, $10,000,000; conservation loans, $150,000,000, of which $75,000,000 shall be for guaranteed loans and $75,000,000 shall be for direct loans; Indian highly fractionated land loans, $10,000,000; and for boll weevil eradication program loans, $100,000,000: *Provided*, That the Secretary shall deem the pink bollworm to be a boll weevil for the purpose of boll weevil eradication program loans.

For the cost of direct and guaranteed loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, as follows: farm ownership loans, $38,570,000, of which $5,700,000 shall be for unsubsidized guaranteed loans, and $32,870,000 shall be for direct loans; operating loans, $109,410,000, of which $34,950,000 shall be for unsubsidized guaranteed loans, $19,920,000 shall be for subsidized guaranteed loans, and $54,540,000 shall be for direct loans; conservation loans, $2,528,000, of which $285,000 shall be for guaranteed loans, and $2,243,000 shall be for direct loans; and Indian highly fractionated land loans, $214,000.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $321,093,000, of which $313,173,000 shall be paid to the appropriation for ''Farm Service Agency, Salaries and Expenses''.

Funds appropriated by this Act to the Agricultural Credit Insurance Fund Program Account for farm ownership, operating and conservation direct loans and guaranteed loans may be transferred among these programs: *Provided*, That the Committees on Appropriations of both Houses of Congress are notified at least 15 days in advance of any transfer.

RISK MANAGEMENT AGENCY

For necessary expenses of the Risk Management Agency, $83,064,000: *Provided*, That the funds made available under section 522(e) of the Federal Crop Insurance Act (7 U.S.C. 1522(e)) may be used for the Common Information Management System: *Provided further*, That not to exceed $1,000 shall be available for official reception and representation expenses, as authorized by 7 U.S.C. 1506(i).

CORPORATIONS

The following corporations and agencies are hereby authorized to make expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accord with law, and to make contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act as may be necessary in carrying out the programs set forth in the budget for the current fiscal year for such corporation or agency, except as hereinafter provided.

FEDERAL CROP INSURANCE CORPORATION FUND

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

COMMODITY CREDIT CORPORATION FUND

REIMBURSEMENT FOR NET REALIZED LOSSES

(INCLUDING TRANSFERS OF FUNDS)

For the current fiscal year, such sums as may be necessary to reimburse the Commodity Credit Corporation for net realized losses sustained, but not previously reimbursed, pursuant to section 2 of the Act of August 17, 1961 (15 U.S.C. 713a–11): *Provided*, That of the funds available to the Commodity Credit Corporation under section 11 of the Commodity Credit Corporation Charter Act (15 U.S.C. 714i) for the conduct of its

business with the Foreign Agricultural Service, up to $5,000,000 may be transferred to and used by the Foreign Agricultural Service for information resource management activities of the Foreign Agricultural Service that are not related to Commodity Credit Corporation business.

HAZARDOUS WASTE MANAGEMENT

(LIMITATION ON EXPENSES)

For the current fiscal year, the Commodity Credit Corporation shall not expend more than $5,000,000 for site investigation and cleanup expenses, and operations and maintenance expenses to comply with the requirement of section 107(g) of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9607(g)), and section 6001 of the Resource Conservation and Recovery Act (42 U.S.C. 6961).

TITLE II

CONSERVATION PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR NATURAL RESOURCES AND ENVIRONMENT

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

NATURAL RESOURCES CONSERVATION SERVICE

CONSERVATION OPERATIONS

For necessary expenses for carrying out the provisions of the Act of April 27, 1935 (16 U.S.C. 590a–f), including preparation of conservation plans and establishment of measures to conserve soil and water (including farm irrigation and land drainage and such special measures for soil and water management as may be necessary to prevent floods and the siltation of reservoirs and to control agricultural related pollutants); operation of conservation plant materials centers; classification and mapping of soil; dissemination of information; acquisition of lands, water, and interests therein for use in the plant materials program by donation, exchange, or purchase at a nominal cost not to exceed $100 pursuant to the Act of August 3, 1956 (7 U.S.C. 428a); purchase and erection or alteration or improvement of permanent and temporary buildings; and operation and maintenance of aircraft, $922,433,000, to remain available until September 30, 2012: *Provided*, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for construction and improvement of buildings and public improvements at plant materials centers, except that the cost of alterations and improvements to other buildings and other public improvements shall not exceed $250,000: *Provided further*, That when buildings or other structures are erected on non-Federal land, that the right to use such land is obtained as provided in 7 U.S.C. 2250a.

WATERSHED AND FLOOD PREVENTION OPERATIONS

For necessary expenses to carry out preventive measures, including but not limited to research, engineering operations, methods of cultivation, the growing of vegetation, rehabilitation of existing works and changes in use of land, in accordance with the Watershed Protection and Flood Prevention Act (16 U.S.C. 1001–1005 and 1007–1009), the provisions of the Act of April 27, 1935 (16 U.S.C. 590a–f), and in accordance with the provisions of laws relating to the activities of the Department, $18,485,000, to remain available until expended.

WATERSHED REHABILITATION PROGRAM

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

RESOURCE CONSERVATION AND DEVELOPMENT

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

TITLE III

RURAL DEVELOPMENT PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR RURAL DEVELOPMENT

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

RURAL DEVELOPMENT SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for carrying out the administration and implementation of programs in the Rural Development mission area, including activities with institutions concerning the development and operation of agricultural cooperatives; and for cooperative agreements; $226,551,000: *Provided*, That notwithstanding any other provision of law, funds appropriated under this section may be used for advertising and promotional activities that support the Rural Development mission area: *Provided further*, That not more than $10,000 may be expended to provide modest nonmonetary awards to non-USDA employees: *Provided further*, That any balances available from prior years for the Rural Utilities Service, Rural Housing Service, and the Rural Business–Cooperative Service salaries and expenses accounts shall be transferred to and merged with this appropriation.

RURAL HOUSING SERVICE

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

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

For the cost of direct and guaranteed loans, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, as follows: section 502 loans, $115,200,000 shall be for direct loans; section 504 housing repair loans, $6,437,000; repair, rehabilitation, and new construction of section 515 rental housing, $23,446,000; section 538 multi-family housing guaranteed loans, $12,513,000; section 524 site development loans, $294,000; credit sales of acquired property, $556,000; and section 523 self-help land development housing loans, $288,000: *Provided*, That of the total amount appropriated in this paragraph, the amount equal to the amount of Rural Housing Insurance Fund Program Account funds allocated by the Secretary for Rural Economic Area Partnership Zones for the fiscal year 2010, shall be available through June 30, 2011, for communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones: *Provided further*, That section 538 multi-family housing guaranteed loans funded pursuant to this paragraph shall not be subject to a guarantee fee and the interest on such loans may not be subsidized.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $458,313,000 shall be paid to the appropriation for ''Rural Development, Salaries and Expenses''.

RENTAL ASSISTANCE PROGRAM

For rental assistance agreements entered into or renewed pursuant to the authority under section 521(a)(2) or agreements entered into in lieu of debt forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Housing Act of 1949, $965,635,000; and, in addition, such sums as may be necessary, as authorized by section 521(c) of the Act, to liquidate debt incurred prior to fiscal year 1992 to carry out the rental assistance program under section 521(a)(2) of the Act: *Provided*, That of this amount, up to $5,958,000 shall be available for debt forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Act, and not to exceed $50,000 per project for advances to nonprofit organizations or public agencies to cover direct costs (other than purchase price) incurred in purchasing projects pursuant to section 502(c)(5)(C) of the Act: *Provided further*, That of this amount not less than $3,000,000 is available for newly constructed units financed by section 515 of the Housing Act of 1949, and not less than $3,000,000 is for newly constructed units financed under sections 514 and 516 of the Housing Act of 1949: *Provided further*, That rental assistance agreements entered into or renewed during the current fiscal year shall be funded for a one-year period: *Provided further*, That any unexpended balances remaining at the end of such one-year agreements may be transferred and used for the purposes of any debt reduction; maintenance, repair, or rehabilitation of any existing projects; preservation; and rental assistance activities authorized under title V of the Act: *Provided further*, That rental assistance provided under agreements entered into prior to fiscal year 2011 for a farm labor multi-family housing project financed under section 514 or 516 of the Act may not be recaptured for use in another project until such assistance has remained unused for a period of 12 consecutive months, if such project has a waiting list of tenants seeking such assistance or the project has rental assistance eligible tenants who are not receiving such assistance: *Provided further*, That such recaptured rental assistance shall, to the extent practicable, be applied to another farm labor multi-family housing project financed under section 514 or 516 of the Act.

MULTI-FAMILY HOUSING REVITALIZATION PROGRAM ACCOUNT

For the rural housing voucher program as authorized under section 542 of the Housing Act of 1949, but notwithstanding subsection (b) of such section, for the cost to conduct a housing demonstration program to provide revolving loans for the preservation of low-income multi-family housing projects, and for additional costs to conduct a demonstration program for the preservation and revitalization of multi-family rental housing properties described in this paragraph, $40,791,000, to remain available until expended: *Provided*, That of the funds made available under this heading, $14,000,000, shall be available for rural housing vouchers to any low-income household (including those not receiving rental assistance) residing in a property originally financed with a section 515 loan which has been prepaid after

September 30, 2005: *Provided further*, That the amount of such voucher shall be the difference between comparable market rent for the section 515 unit and the tenant paid rent for such unit: *Provided further*, That the vouchers be renewable subject to the availability of annual appropriations: *Provided further*, That the Secretary shall, to the maximum extent practicable, administer such vouchers with current regulations and administrative guidance applicable to section 8 housing vouchers administered by the Secretary of the Department of Housing and Urban Development: *Provided further*, That if the Secretary determines that the amount made available for vouchers in this or any other Act is not needed for vouchers, the Secretary may use such funds for the demonstration programs for the preservation and revitalization of multi-family rental housing properties described in this paragraph: *Provided further*, That of the funds made available under this heading, $1,791,000 shall be available for the cost of loans to private nonprofit organizations, or such nonprofit organizations' affiliate loan funds and State and local housing finance agencies, to carry out a housing demonstration program to provide revolving loans for the preservation of low-income multi-family housing projects: *Provided further*, That loans under such demonstration program shall have an interest rate of not more than 1 percent direct loan to the recipient: *Provided further*, That the Secretary may defer the interest and principal payment to the Rural Housing Service for up to 3 years and the term of such loans shall not exceed 30 years: *Provided further*, That of the funds made available under this heading, $25,000,000 shall be available for a demonstration program for the preservation and revitalization of the sections 514, 515, and 516 multi-family rental housing properties to restructure existing USDA multi-family housing loans, as the Secretary deems appropriate, expressly for the purposes of ensuring the project has sufficient resources to preserve the project for the purpose of providing safe and affordable housing for low-income residents and farm laborers including reducing or eliminating interest; deferring loan payments, subordinating, reducing or reamortizing loan debt; and other financial assistance including advances, payments and incentives (including the ability of owners to obtain reasonable returns on investment) required by the Secretary: *Provided further*, That the Secretary shall as part of the preservation and revitalization agreement obtain a restrictive use agreement consistent with the terms of the restructuring: *Provided further*, That if the Secretary determines that additional funds for vouchers described in this paragraph are needed, funds for the preservation and revitalization demonstration program may be used for such vouchers: *Provided further*, That if Congress enacts legislation to permanently authorize a multi-family rental housing loan restructuring program similar to the demonstration program described herein, the Secretary may use funds made available for the demonstration program under this heading to carry out such legislation with the prior approval of the Committees on Appropriations of both Houses of Congress: *Provided further*, That in addition to any other available funds, the Secretary may expend not more than $1,000,000 total, from the program funds made available under this heading, for administrative expenses for activities funded under this heading.

MUTUAL AND SELF-HELP HOUSING GRANTS

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

RURAL HOUSING ASSISTANCE GRANTS

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

FARM LABOR PROGRAM ACCOUNT

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

RURAL COMMUNITY FACILITIES PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the cost of direct loans, loan guarantees, and grants for rural community facilities programs as authorized by section 306 and described in section 381E(d)(1) of the Consolidated Farm and Rural Development Act, $52,678,000, to remain available until expended: *Provided*, That $6,256,000 of the amount appropriated under this heading shall be available for a Rural Community Development Initiative: *Provided further*, That such funds shall be used solely to develop the capacity and ability of private, nonprofit community-based housing and community development organizations, low-income rural communities, and Federally Recognized Native American Tribes to undertake projects to improve housing, community facilities, community and economic development projects in rural areas: *Provided further*, That such funds shall be made available to qualified private, nonprofit and public intermediary organizations proposing to carry out a program of financial and technical assistance: *Provided further*, That such intermediary organizations shall provide matching funds from other sources, including Federal funds for related activities, in an amount not less than funds provided: *Provided further*, That $10,000,000 of the amount appropriated under this heading shall be to provide grants for facilities in rural communities with extreme unemployment and severe economic depression (Public Law 106–387), with up to 5 percent for administration and capacity building in the State rural development offices: *Provided further*, That $3,972,000 of the amount appropriated under this heading shall be available for community facilities grants to tribal colleges, as authorized by section 306(a)(19) of such Act: *Provided further*, That of the amount appropriated under this heading, the amount equal to the amount of Rural Community Facilities Program Account funds allocated by the Secretary for Rural Economic Area Partnership Zones for the fiscal year 2010, shall be available through June 30, 2011, for communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones for the rural community programs described in section 381E(d)(1) of the Consolidated Farm and Rural Development Act: *Provided further*, That sections 381E–H and 381N of the Consolidated Farm and Rural Development Act are not applicable to the funds made available under this heading: *Provided further*, That any prior balances in the Rural Development, Rural Community Advancement Program account for programs authorized by section 306 and described in section 381E(d)(1) of such Act be transferred and merged with this account and any other prior balances from the Rural Development, Rural Community Advancement Program account that the Secretary determines is appropriate to transfer.

RURAL BUSINESS–COOPERATIVE SERVICE

RURAL BUSINESS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the cost of loan guarantees and grants, for the rural business development programs authorized by sections 306 and 310B and described in sections 310B(f) and 381E(d)(3) of the Consolidated Farm and Rural Development Act, $86,689,000, to remain available until expended: *Provided*, That of the amount appropriated under this heading, not to exceed $500,000 shall be made available for a grant to a qualified national organization to provide technical assistance for rural transportation in order to promote economic development and $2,979,000 shall be for grants to the Delta Regional Authority (7 U.S.C. 2009aa et seq.) for any Rural Community Advancement Program purpose as described in section 381E(d) of the Consolidated Farm and Rural Development Act, of which not more than 5 percent may be used for administrative expenses: *Provided further*, That $4,000,000 of the amount appropriated under this heading shall be for business grants to benefit Federally Recognized Native American Tribes, including $250,000 for a grant to a qualified national organization to provide technical assistance for rural transportation in order to promote economic development: *Provided further*, That of the amount appropriated under this heading, the amount equal to the amount of Rural Business Program Account funds allocated by the Secretary for Rural Economic Area Partnership Zones for the fiscal year 2010, shall be available through June 30, 2011, for communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones for the rural business and cooperative development programs described in section 381E(d)(3) of the Consolidated Farm and Rural Development Act: *Provided further*, That sections 381E–H and 381N of the Consolidated Farm and Rural Development Act are not applicable to funds made available under this heading: *Provided further*, That any prior balances in the Rural Development, Rural Community Advancement Program account for programs authorized by sections 306 and 310B and described in sections 310B(f) and 381E(d)(3) of such Act be transferred and merged with this account and any other prior balances from the Rural Development, Rural Community Advancement Program account that the Secretary determines is appropriate to transfer.

RURAL DEVELOPMENT LOAN FUND PROGRAM ACCOUNT

For the principal amount of direct loans, as authorized by the Rural Development Loan Fund (42 U.S.C. 9812(a)), $33,533,000.

For the cost of direct loans, $12,937,000, as authorized by the Rural Development Loan Fund (42 U.S.C. 9812(a)), of which $1,582,000 shall be available through June 30, 2011, for Federally Recognized Native American Tribes and of which $3,164,000 shall be available through June 30, 2011, for Mississippi Delta Region counties (as determined in accordance with Public Law 100–460): *Provided*,

That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That of the total amount appropriated under this heading, the amount equal to the amount of Rural Development Loan Fund Program Account funds allocated by the Secretary for Rural Economic Area Partnership Zones for the fiscal year 2010, shall be available through June 30, 2011, for communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones.

In addition, for administrative expenses to carry out the direct loan programs, $5,087,000 shall be paid to the appropriation for ''Rural Development, Salaries and Expenses''.

RURAL ECONOMIC DEVELOPMENT LOANS PROGRAM ACCOUNT

(INCLUDING RESCISSION OF FUNDS)

For the principal amount of direct loans, as authorized under section 313 of the Rural Electrification Act, for the purpose of promoting rural economic development and job creation projects, $33,077,000.

Of the funds derived from interest on the cushion of credit payments, as authorized by section 313 of the Rural Electrification Act of 1936, $184,000,000 shall not be obligated and $184,000,000 are rescinded.

RURAL COOPERATIVE DEVELOPMENT GRANTS

For rural cooperative development grants authorized under section 310B(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932), $35,554,000, of which $2,800,000 shall be for cooperative agreements for the appropriate technology transfer for rural areas program: *Provided*, That not to exceed $3,463,000 shall be for grants for cooperative development centers, individual cooperatives, or groups of cooperatives that serve socially disadvantaged groups and a majority of the boards of directors or governing boards of which are comprised of individuals who are members of socially disadvantaged groups; and of which $20,367,000, to remain available until expended, shall be for value-added agricultural product market development grants, as authorized by section 231 of the Agricultural Risk Protection Act of 2000 (7 U.S.C. 1621 note).

RURAL UTILITIES SERVICE

RURAL WATER AND WASTE DISPOSAL PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the cost of direct loans, loan guarantees, and grants for the rural water, waste water, waste disposal, and solid waste management programs authorized by sections 306, 306A, 306C, 306D, 306E, and 310B and described in sections 306C(a)(2), 306D, 306E, and 381E(d)(2) of the Consolidated Farm and Rural Development Act, $582,851,000, to remain available until expended, of which not to exceed $497,000 shall be available for the rural utilities program described in section 306(a)(2)(B) of such Act, and of which not to exceed $993,000 shall be available for the rural utilities program described in section 306E of such Act: *Provided*, That $3,432,000 of the amounts appropriated under this heading shall be for loans authorized under 16 U.S.C. 1006a, for projects whose features include agricultural water supply benefits, groundwater protection, environmental enhancement and flood control, except for the limitations contained in the last sentence of such authority and such loans shall be made by the Rural Utilities Service: *Provided further*, That $70,000,000 of the amount appropriated under this heading shall be for loans and grants including water and waste disposal systems grants authorized by 306C(a)(2)(B) and 306D of the Consolidated Farm and Rural Development Act, Federally recognized Native American Tribes authorized by 306C(a)(1), and the Department of Hawaiian Home Lands (of the State of Hawaii): *Provided further*, That funding provided for section 306D of the Consolidated Farm and Rural Development Act may be provided to a consortium formed pursuant to section 325 of Public Law 105–83: *Provided further*, That not more than 2 percent of the funding provided for section 306D of the Consolidated Farm and Rural Development Act may be used by the State of Alaska for training and technical assistance programs and not more than 2 percent of the funding provided for section 306D of the Consolidated Farm and Rural Development Act may be used by a consortium formed pursuant to section 325 of Public Law 105–83 for training and technical assistance programs: *Provided further*, That not to exceed $19,500,000 of the amount appropriated under this heading shall be for technical assistance grants for rural water and waste systems pursuant to section 306(a)(14) of such Act, unless the Secretary makes a determination of extreme need, of which $6,000,000 shall be made available for a grant to a qualified non-profit multi-state regional technical assistance organization, with experience in working with small communities on water and waste water problems, the principal purpose of such grant shall be to assist rural communities with populations of 3,300 or less, in improving the planning, financing, development, operation, and management of water and waste water systems, and of which not less than $800,000 shall be for a qualified national Native American organization to provide technical assistance for rural water systems for tribal communities: *Provided further*, That not to exceed $15,000,000 of the amount appropriated under this heading shall be for contracting with qualified national organizations for a circuit rider program to provide technical assistance for rural water systems: *Provided further*, That of the amount appropriated under this heading, the amount equal to the amount of Rural Water and Waste Disposal Program Account funds allocated by the Secretary for Rural Economic Area Partnership Zones for the fiscal year 2010, shall be available through June 30, 2011, for communities designated by the Secretary of Agriculture as Rural Economic Area Partnership Zones for the rural utilities programs described in section 381E(d)(2) of the Consolidated Farm and Rural Development Act: *Provided further*, That $17,500,000 of the amount appropriated under this heading shall be transferred to, and merged with, the Rural Utilities Service, High Energy Cost Grants Account to provide grants authorized under section 19 of the Rural Electrification Act of 1936 (7 U.S.C. 918a): *Provided further*, That any prior year balances for high cost energy grants authorized by section 19 of the Rural Electrification Act of 1936 (7 U.S.C. 918a) shall be transferred to and merged with the Rural Utilities Service, High Energy Costs Grants Account: *Provided further*, That sections 381E–H and 381N of the Consolidated Farm and Rural Development Act are not applicable to the funds made available under this heading: *Provided further*, That any prior balances in the Rural Development, Rural Community Advancement Program account programs authorized by sections 306, 306A, 306C, 306D, 306E, and 310B and described in sections 306C(a)(2), 306D, 306E, and 381E(d)(2) of such Act be transferred to and merged with this account and any other prior balances from the Rural Development, Rural Community Advancement Program account that the Secretary determines is appropriate to transfer.

RURAL ELECTRIFICATION AND TELECOMMUNICATIONS LOANS PROGRAM ACCOUNT

The principal amount of direct and guaranteed loans as authorized by sections 305 and 306 of the Rural Electrification Act of 1936 (7 U.S.C. 935 and 936) shall be made as follows: 5 percent rural electrification loans, $100,000,000; loans made pursuant to section 306 of that Act, rural electric, $6,500,000,000; guaranteed underwriting loans pursuant to section 313A, $500,000,000; 5 percent rural telecommunications loans, $145,000,000; cost of money rural telecommunications loans, $250,000,000; and for loans made pursuant to section 306 of that Act, rural telecommunications loans, $295,000,000.

For the cost of guaranteed loans, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, as follows: $700,000 for guaranteed underwriting loans authorized by section 313A of the Rural Electrification Act of 1936 (7 U.S.C. 940c–1).

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $38,709,000, which shall be paid to the appropriation for ''Rural Development, Salaries and Expenses''.

DISTANCE LEARNING, TELEMEDICINE, AND BROADBAND PROGRAM

For the principal amount of broadband telecommunication loans, $400,000,000.

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

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

In addition, $17,976,000, to remain available until expended, for a grant program to finance broadband transmission in rural areas eligible for Distance Learning and Telemedicine Program benefits authorized by 7 U.S.C. 950aaa.

TITLE IV

DOMESTIC FOOD PROGRAMS

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

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

FOOD AND NUTRITION SERVICE

CHILD NUTRITION PROGRAMS

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

implement section 4405 of the Food, Conservation, and Energy Act of 2008 (Public Law 110–246), and may be awarded notwithstanding the limitations imposed by sections 4405(b)(1)(A) and 4405(c)(1)(A): *Provided further*, That section 14222(b)(1) of the Food, Conservation, and Energy Act of 2008 is amended by adding at the end before the period, ''except section 21, and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), except sections 17 and 21''.

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

For necessary expenses to carry out the special supplemental nutrition program as authorized by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), $6,852,522,000, to remain available through September 30, 2012: *Provided*, That notwithstanding section 17(g)(5) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(g)(5)), up to $15,000,000 of funds provided in this Act may be used for the purpose of evaluating program performance in the Special Supplemental Nutrition Program for Women, Infants and Children: *Provided further*, That of the amounts made available under this heading, up to $14,000,000 shall be used for infrastructure, up to $35,000,000 shall be used for management information systems, and up to $80,000,000 shall be used for breastfeeding peer counselors and other related activities: *Provided further*, That none of the funds provided in this account shall be available for the purchase of infant formula except in accordance with the cost containment and competitive bidding requirements specified in section 17 of such Act: *Provided further*, That none of the funds provided shall be available for activities that are not fully reimbursed by other Federal Government departments or agencies unless authorized by section 17 of such Act

SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM

For necessary expenses to carry out the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.), $70,907,818,000, of which $5,000,000,000, to remain available through September 30, 2012, shall be placed in reserve for use only in such amounts and at such times as may become necessary to carry out program operations: *Provided*, That funds provided herein shall be expended in accordance with section 16 of the Food and Nutrition Act of 2008: *Provided further*, That this appropriation shall be subject to any work registration or workfare requirements as may be required by law: *Provided further*, That funds made available for Employment and Training under this heading shall remain available until expended, notwithstanding section 16(h)(1) of the Food and Nutrition Act of 2008: *Provided further*, That funds made available under this heading may be used to enter into contracts and employ staff to conduct studies, evaluations, or to conduct activities related to program integrity provided that such activities are authorized by the Food and Nutrition Act of 2008.

COMMODITY ASSISTANCE PROGRAM

For necessary expenses to carry out disaster assistance and the Commodity Supplemental Food Program as authorized by section 4(a) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note); the Emergency Food Assistance Act of 1983; special assistance for the nuclear affected islands, as authorized by section 103(f)(2) of the Compact of Free Association Amendments Act of 2003 (Public Law 108–188); and the Farmers' Market Nutrition Program, as authorized by section 17(m) of the Child Nutrition Act of 1966, $262,619,000, to remain available through September 30, 2012, of which $6,000,000 shall be for emergency food program infrastructure grants authorized by section 209 of the Emergency Food Assistance Act of 1983: *Provided*, That of the amount provided, $5,000,000 is to begin service in six additional States that have plans approved by the Department for the commodity supplemental food program: *Provided further*, That none of these funds shall be available to reimburse the Commodity Credit Corporation for commodities donated to the program: *Provided further*, That notwithstanding any other provision of law, effective with funds made available in fiscal year 2011 to support the Seniors Farmers' Market Nutrition Program, as authorized by section 4402 of the Farm Security and Rural Investment Act of 2002, such funds shall remain available through September 30, 2012: *Provided further*, That of the funds made available under section 27(a) of the Food and Nutrition Act of 2008 (7 U.S.C. 2036(a)), the Secretary may use up to 10 percent for costs associated with the distribution of commodities.

NUTRITION PROGRAMS ADMINISTRATION

For necessary administrative expenses of the Food and Nutrition Service for carrying out any domestic nutrition assistance program, $162,587,000: *Provided*, That $3,000,000 shall be for section 4404 of Public Law 107–171, as amended by section 4401 of Public Law 110–246.

## TITLE V

## FOREIGN ASSISTANCE AND RELATED PROGRAMS

FOREIGN AGRICULTURAL SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Foreign Agricultural Service, including not to exceed $158,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), $219,280,000: *Provided*, That the Service may utilize advances of funds, or reimburse this appropriation for expenditures made on behalf of Federal agencies, public and private organizations and institutions under agreements executed pursuant to the agricultural food production assistance programs (7 U.S.C. 1737) and the foreign assistance programs of the United States Agency for International Development: *Provided further*, That of the amount appropriated under this heading $14,600,000 is for stabilization and reconstruction activities to be carried out under the authority provided by title XIV of the Food and Agriculture Act of 1977 (7 U.S.C. 3101 et seq.) and other applicable laws: *Provided further*, That of the amount appropriated under this heading, $5,000,000 is for the Secretary to provide technical assistance under available authorities for the establishment and growth of sustainable food production and marketing systems in developing countries: *Provided further*, That funds made available for middle-income country training programs and up to $2,000,000 of the Foreign Agricultural Service appropriation solely for the purpose of offsetting fluctuations in international currency exchange rates, subject to documentation by the Foreign Agricultural Service, shall remain available until expended: *Provided further*, That of the total amount appropriated under this heading, $4,500,000 shall be available for activities under the Technical Assistance for Specialty Crops Program pursuant to section 3205 of the Farm Security and Rural Investment Act of 2002 (Public Law 107–171), as amended.

FOOD FOR PEACE TITLE I DIRECT CREDIT AND FOOD FOR PROGRESS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

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

FOOD FOR PEACE TITLE II GRANTS

For expenses during the current fiscal year, not otherwise recoverable, and unrecovered prior years' costs, including interest thereon, under the Food for Peace Act (Public Law 83–480, as amended), for commodities supplied in connection with dispositions abroad under title II of said Act, $1,690,000,000, to remain available until expended.

COMMODITY CREDIT CORPORATION EXPORT LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

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

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

For necessary expenses to carry out the provisions of section 3107 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1736o–1), $219,500,000, to remain available until expended: *Provided*, That the Commodity Credit Corporation is authorized to provide the services, facilities, and authorities for the purpose of implementing such section, subject to reimbursement from amounts provided herein: *Provided further*, That up to $1,000,000 is made available for the purposes of section 3107 of Public Law 107–171, as amended by Public Law 111–203, and shall be available for activities under section (b)(1) and (b)(2) of the Act.

## TITLE VI

## FOOD AND DRUG ADMINISTRATION AND FARM CREDIT ADMINISTRATION

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Food and Drug Administration, including hire and purchase of passenger motor vehicles; for payment of space rental and related costs pursuant to Public Law 92–313 for programs and activities of the Food and Drug Administration which are included in this Act; for rental of special purpose space in the District of Columbia or elsewhere; for miscellaneous and emergency expenses of enforcement activities, authorized and approved by the Secretary and to be accounted for solely on the Secretary's certificate, not to exceed $25,000; and notwithstanding section 521 of Public Law 107–188; $3,745,044,000: *Provided*, That of the amount provided under this heading, $667,057,000 shall be derived from prescription drug user fees authorized by 21 U.S.C. 379h shall be credited to this account and remain available until expended, and shall not include any fees pursuant to 21 U.S.C. 379h(a)(2) and (a)(3) assessed for fiscal year

2012 but collected in fiscal year 2011; $61,860,000 shall be derived from medical device user fees authorized by 21 U.S.C. 379j, and shall be credited to this account and remain available until expended; $19,448,000 shall be derived from animal drug user fees authorized by 21 U.S.C. 379j, and shall be credited to this account and remain available until expended; $5,397,000 shall be derived from animal generic drug user fees authorized by 21 U.S.C. 379f, and shall be credited to this account and shall remain available until expended; and $450,000,000 shall be derived from tobacco product user fees authorized by 21 U.S.C. 387s and shall be credited to this account and remain available until expended: *Provided further*, That in addition and notwithstanding any other provision under this heading, amounts collected for prescription drug user fees that exceed the fiscal year 2011 limitation are appropriated and shall be credited to this account and remain available until expended: *Provided further*, That fees derived from prescription drug, medical device, animal drug, animal generic drug, and tobacco product assessments for fiscal year 2011 received during fiscal year 2011, including any such fees assessed prior to fiscal year 2011 but credited for fiscal year 2011, shall be subject to the fiscal year 2011 limitations: *Provided further*, That none of these funds shall be used to develop, establish, or operate any program of user fees authorized by 31 U.S.C. 9701: *Provided further*, That of the total amount appropriated: (1) $869,387,000 shall be for the Center for Food Safety and Applied Nutrition and related field activities in the Office of Regulatory Affairs; (2) $982,811,000 shall be for the Center for Drug Evaluation and Research and related field activities in the Office of Regulatory Affairs; (3) $328,234,000 shall be for the Center for Biologics Evaluation and Research and for related field activities in the Office of Regulatory Affairs; (4) $167,875,000 shall be for the Center for Veterinary Medicine and for related field activities in the Office of Regulatory Affairs; (5) $362,491,000 shall be for the Center for Devices and Radiological Health and for related field activities in the Office of Regulatory Affairs; (6) $60,975,000 shall be for the National Center for Toxicological Research; (7) $421,463,000 shall be for the Center for Tobacco Products and for related field activities in the Office of Regulatory Affairs; (8) not to exceed $141,724,000 shall be for Rent and Related activities, of which $41,951,000 is for White Oak Consolidation, other than the amounts paid to the General Services Administration for rent; (9) not to exceed $185,983,000 shall be for payments to the General Services Administration for rent; and (10) $224,101,000 shall be for other activities, including the Office of the Commissioner; the Office of Foods; the Office of the Chief Scientist; the Office of Policy, Planning and Budget; the Office of International Programs; the Office of Administration; and central services for these offices: *Provided further*, That none of the funds made available under this heading shall be used to transfer funds under section 770(n) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379dd): *Provided further*, That not to exceed $25,000 of this amount shall be for official reception and representation expenses, not otherwise provided for, as determined by the Commissioner: *Provided further*, That funds may be transferred from one specified activity to another with the prior approval of the Committees on Appropriations of both Houses of Congress.

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

BUILDINGS AND FACILITIES

For plans, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of or used by the Food and Drug Administration, where not otherwise provided, $10,000,000, to remain available until expended.

INDEPENDENT AGENCY

FARM CREDIT ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed $59,400,000 (from assessments collected from farm credit institutions, including the Federal Agricultural Mortgage Corporation) shall be obligated during the current fiscal year for administrative expenses as authorized under 12 U.S.C. 2249: *Provided*, That this limitation shall not apply to expenses associated with receiverships.

TITLE VII

GENERAL PROVISIONS

(INCLUDING RESCISSIONS AND TRANSFERS OF FUNDS)

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

SEC. 702. The Secretary of Agriculture may transfer unobligated balances of discretionary funds appropriated by this Act or other available unobligated discretionary balances of the Department of Agriculture to the Working Capital Fund for the acquisition of plant and capital equipment necessary for the delivery of financial, administrative, and information technology services of primary benefit to the agencies of the Department of Agriculture: *Provided*, That none of the funds made available by this Act or any other Act shall be transferred to the Working Capital Fund without the prior approval of the agency administrator: *Provided further*, That none of the funds transferred to the Working Capital Fund pursuant to this section shall be available for obligation without written notification to and the prior approval of the Committees on Appropriations of both Houses of Congress: *Provided further*, That none of the funds appropriated by this Act or made available to the Department's Working Capital Fund shall be available for obligation or expenditure to make any changes to the Department's National Finance Center without written notification to and prior approval of the Committees on Appropriations of both Houses of Congress as required by section 711 of this Act: *Provided further*, That of annual income amounts in the Working Capital Fund of the Department of Agriculture allocated for the National Finance Center, the Secretary may reserve not more than 4 percent for the replacement or acquisition of capital equipment, including equipment for the improvement and implementation of a financial management plan, information technology, and other systems of the National Finance Center or to pay any unforeseen, extraordinary cost of the National Finance Center: *Provided further*, That none of the amounts reserved shall be available for obligation unless the Secretary submits written notification of the obligation to the Committees on Appropriations of the House of Representatives and the Senate: *Provided further*, That the limitation on the obligation of funds pending notification to Congressional Committees shall not apply to any obligation that, as determined by the Secretary, is necessary to respond to a declared state of emergency that significantly impacts the operations of the National Finance Center; or to evacuate employees of the National Finance Center to a safe haven to continue operations of the National Finance Center.

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

SEC. 704. No funds appropriated by this Act may be used to pay negotiated indirect cost rates on cooperative agreements or similar arrangements between the United States Department of Agriculture and nonprofit institutions in excess of 10 percent of the total direct cost of the agreement when the purpose of such cooperative arrangements is to carry out programs of mutual interest between the two parties. This does not preclude appropriate payment of indirect costs on grants and contracts with such institutions when such indirect costs are computed on a similar basis for all agencies for which appropriations are provided in this Act.

SEC. 705. Appropriations to the Department of Agriculture for the cost of direct and guaranteed loans made available in the current fiscal year shall remain available until expended to disburse obligations made in the current fiscal year for the following accounts: the Rural Development Loan Fund program account, the Rural Electrification and Telecommunication Loans program account, and the Rural Housing Insurance Fund program account.

SEC. 706. Of the funds made available by this Act, not more than $1,800,000 shall be used to cover necessary expenses of activities related to all advisory committees, panels, commissions, and task forces of the Department of Agriculture, except for panels used to comply with negotiated rule makings and panels used to evaluate competitively awarded grants.

SEC. 707. None of the funds appropriated by this Act may be used to carry out section 410 of the Federal Meat Inspection Act (21 U.S.C. 679a) or section 30 of the Poultry Products Inspection Act (21 U.S.C. 471).

SEC. 708. No employee of the Department of Agriculture may be detailed or assigned from an agency or office funded by this Act or any other Act to any other agency or office of the Department for more than 30 days unless the individual's employing agency or office is fully reimbursed by the receiving agency or office for the salary and expenses of the employee for the period of assignment.

SEC. 709. None of the funds appropriated or otherwise made available to the Department of Agriculture or the Food and Drug Administration shall be used to transmit or otherwise make available to any non-Department of Agriculture or non-Department of Health and Human Services employee questions or responses to questions that are a result of information requested for the appropriations hearing process.

SEC. 710. None of the funds made available to the Department of Agriculture by this Act may be used to acquire new information technology systems or significant upgrades, as determined by the Office of the Chief Information Officer, without the approval of the Chief Information Officer and the concurrence of the Executive Information Technology Investment Review Board: *Provided*, That notwithstanding any other provision of law, none of the funds appropriated or otherwise made available by this Act may be transferred to the Office of the Chief Information Officer without written notification to and the prior approval of the Committees on Appropriations of both Houses of Congress: *Provided further*, That none of the funds available to the Department of Agriculture for information technology shall be obligated for projects over $25,000 prior to receipt of written approval by the Chief Information Officer.

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

(1) creates new programs;

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

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

(4) relocates an office or employees;

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

(6) contracts out or privatizes any functions or activities presently performed by Federal employees;

unless the Secretary of Agriculture and the Secretary of Health and Human Services, notifies, in writing, the Committees on Appropriations of both Houses of Congress at least 30 days in advance of the reprogramming of such funds or the use of such authority.

(b) None of the funds provided by this Act, or provided by previous Appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in the current fiscal year, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming or use of the authorities referred to in subsection (a) involving funds in excess of $500,000 or 10 percent, whichever is less, that:

(1) augments existing programs, projects, or activities;

(2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or

(3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress;

unless the Secretary of Agriculture and the Secretary of Health and Human Services, notifies, in writing, the Committees on Appropriations of both Houses of Congress at least 30 days in advance of the reprogramming of such funds or the use of such authority.

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

SEC. 712. None of the funds appropriated by this or any other Act shall be used to pay the salaries and expenses of personnel who prepare or submit appropriations language as part of the President's Budget submission to the Congress of the United States for programs under the jurisdiction of the Appropriations Subcommittees on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies that assumes revenues or reflects a reduction from the previous year due to user fees proposals that have not been enacted into law prior to the submission of the Budget unless such Budget submission identifies which additional spending reductions should occur in the event the user fees proposals are not enacted prior to the date of the convening of a committee of conference for the fiscal year 2012 appropriations Act.

SEC. 713. None of the funds made available by this or any other Act may be used to close or relocate a Rural Development office unless or until the Secretary of Agriculture determines the cost effectiveness and/or enhancement of program delivery: *Provided*, That not later than 120 days before the date of the proposed closure or relocation, the Secretary notifies in writing the Committees on Appropriation of the House and Senate, and the members of Congress from the State in which the office is located of the proposed closure or relocation and provides a report that describes the justifications for such closures and relocations.

SEC. 714. None of the funds made available in fiscal year 2010 or preceding fiscal years for programs authorized under the Food for Peace Act (7 U.S.C. 1691 et seq.) in excess of $20,000,000 shall be used to reimburse the Commodity Credit Corporation for the release of eligible commodities under section 302(f)(2)(A) of the Bill Emerson Humanitarian Trust Act (7 U.S.C. 1736f–1): *Provided*, That any such funds made available to reimburse the Commodity Credit Corporation shall only be used pursuant to section 302(b)(2)(B)(i) of the Bill Emerson Humanitarian Trust Act.

SEC. 715. None of the funds made available to the Food and Drug Administration by this Act shall be used to close or relocate, or to plan to close or relocate, the Food and Drug Administration Division of Pharmaceutical Analysis in St. Louis, Missouri, outside the city or county limits of St. Louis, Missouri.

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

SEC. 717. Unless otherwise authorized by existing law, none of the funds provided in this Act, may be used by an executive branch agency to produce any prepackaged news story intended for broadcast or distribution in the United States unless the story includes a clear notification within the text or audio of the prepackaged news story that the prepackaged news story was prepared or funded by that executive branch agency.

SEC. 718. There is hereby appropriated $5,000,000, to remain available until expended, for a grant to the National Center for Natural Products Research for construction or renovation to carry out the research objectives of the natural products research grant issued by the Food and Drug Administration.

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

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

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

(3) A program under subsection (b)(2)(A)(iii) of section 14222 of Public Law 110–246 in excess of $1,052,000,000: *Provided*, That none of the funds made available in this Act or any other Act shall be used for salaries and expenses to carry out section 19(i)(1)(D) of the Richard B. Russell National School Lunch Act as amended by section 4304 of Public Law 110–246 in excess of $37,000,000, including the transfer of funds under subsection (c) of section 14222 of Public Law 110–246, until October 1, 2011: *Provided further*, That $113,000,000 made available on October 1, 2011, to carry out section 19(i)(1)(D) of the Richard B. Russell National School Lunch Act as amended by section 4304 of Public Law 110–246 shall be excluded from the limitation described in subsection (b)(2)(A)(iv) of section 14222 of Public Law 110–246.

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

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

SEC. 721. None of the funds made available to the Department of Agriculture in this Act may be used to implement the risk-based inspection program in the 30 prototype locations announced on February 22, 2007, by the Under Secretary for Food Safety, or at any other locations, until the USDA Office of Inspector General has provided its findings to the Food Safety and Inspection Service and the Committees on Appropriations of the House of Representatives and the Senate on the data used in support of the development and design of the risk-based inspection program and FSIS has addressed and resolved issues identified by OIG.

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

(1) shall consider—

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

(B) the town of Brattleboro, VT, (including individuals and entities with projects within the town) eligible for loans and grants funded through the Rural Utilities Service water and waste disposal program;

(C) the cities of Greenwood, SC, and Paragould, AR, (including individuals and entities with projects within the cities) eligible for loans and grants funded through the Rural Community Facilities Program Account;

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

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

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

(2) may fund Rural Community Facility Program projects of the Rural Housing Service and Water and Waste Disposal Program projects of the Rural Utilities Service for communities and municipal districts and areas in New York that filed applications for such projects with the appropriate Rural Development field office of the Department of Agriculture prior to January 1, 2010, and that such projects were determined by the field office to be eligible for funding.

SEC. 723. There is hereby appropriated $2,600,000, to remain available until expended, for the construction and interim operations for establishment of an agricultural pest facility in the State of Hawaii.

SEC. 724. Notwithstanding any other provision of law, the Natural Resources Conservation Service shall provide financial and technical assistance through the Watershed and Flood Prevention Operations program to carry out—

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

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

(3) the Gin Bayou Bank Stabilization in Mississippi;

(4) the North Drainage Projects in Mississippi;

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

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

(7) the Little Otter Creek Watershed project in Missouri. The sponsoring local organization may obtain land rights by perpetual easements;

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

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

(10) the North Fork of Elkhorn Creek Watershed project in the State of West Virginia;

(11) the Pocasset River Floodplain Management project in the State of Rhode Island; and

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

SEC. 725. Notwithstanding any other provision of law, for the purposes of a grant under section 412 of the Agricultural Research, Extension, and Education Reform Act of 1998, none of the funds in this or any other Act may be used to prohibit the provision of in-kind support from non-Federal sources under section 412(e)(3) in the form of unrecovered indirect costs not otherwise charged against the grant, consistent with the indirect rate of cost approved for a recipient.

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

(1) $3,000,000 of which $2,000,000 shall be for a grant to the Wisconsin Department of Agriculture, Trade, and Consumer Protection, and $1,000,000 shall be for a grant to the Vermont Agency of Agriculture, Foods, and Markets, as authorized by section 6402 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1621 note);

(2) $350,000 for a grant to the Wisconsin Department of Agriculture, Trade and Consumer Protection; and

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

SEC. 727. The Secretary of Agriculture may authorize a State agency to use funds provided in this Act to exceed the maximum amount of liquid infant formula specified in 7 C.F.R. 246.10 when issuing liquid infant formula to participants.

SEC. 728. Of the unobligated balances provided pursuant to section 16(h)(1)(A) of the Food and Nutrition Act of 2008, $15,000,000 is hereby rescinded.

SEC. 729. (a) None of the funds made available by this Act may be used to promulgate or implement a poultry products inspection rule allowing processed poultry or processed poultry products to be imported into the United States from the People's Republic of China unless the Secretary of Agriculture formally notifies Congress that the Department will—

(1) not provide any preferential consideration to any application by the People's Republic of China for authorization to export poultry or poultry products to the United States;

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

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

(4) establish and conduct a formal and expeditious information sharing program with other countries importing processed poultry or processed poultry products from China that have conducted audits and plant inspections;

(5) report to the House and Senate Committees on Appropriations within 60 days of the date of enactment of this Act, and every 90 days thereafter for an indefinite period, with respect to the promulgation or implementation of any poultry products inspection rule authorizing the People's Republic of China to export poultry or poultry products to the United States, including—

(A) actions taken or to be taken by the Secretary, including new audits and on-site reviews, to implement any poultry products inspection rule authorizing the People's Republic of China to export processed poultry or processed poultry products to the United States;

(B) actions taken or to be taken by the Secretary, including new audits and on-site reviews, to determine whether the poultry inspection system of the People's Republic of China achieves a level of sanitary protection equivalent to that achieved under United States standards;

(C) actions taken or to be taken by the Secretary to determine whether the administration and enforcement of the poultry and poultry products inspection system of the People's Republic of China ensures that it achieves a level of sanitary protection equivalent to that achieved under United States standards;

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

(E) a work plan incorporating any understandings or agreements between FSIS and relevant authorities of the People's Republic of China with respect to carrying out the Secretary's assessment of the equivalency of the poultry products inspection system of the People's Republic of China;

(6) make publicly available, no later than 30 days from the date they are finalized, the reports of any new audits and on-site reviews conducted by the Secretary, and, in addition, when such audit or review is being conducted to determine whether the People's Republic of China's poultry inspection system achieves a level of sanitary protection equivalent to that achieved under United States standards, to make the final report of such audit or review publicly available no later than 30 days prior to the publication of any notice of proposed rulemaking for such determination; and

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

(b) None of the funds made available by this Act may be used to promulgate any proposed or final rule allowing the importation into the United States of poultry slaughtered or poultry products produced from poultry slaughtered in the People's Republic of China unless such rule is promulgated in accordance with the procedures for significant rules specified in Executive Order 12866.

(c) This section shall be applied in a manner consistent with United States obligations under its international trade agreements.

SEC. 730. None of the funds made available in this Act may be used to pay the salaries or expenses of personnel to—

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

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

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

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

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

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

(1) such funds shall be available for salaries and related administrative expenses, including technical assistance, associated with the implementation of the program, without regard to the limitation on the total amount of allotments and fund transfers contained in section 11 of the Commodity Credit Corporation Charter Act (15 U.S.C. 714i); and

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

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

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

SEC. 736. Appropriations to the Department of Agriculture made available in fiscal years 2005, 2006, and 2007 to carry out section 601 of the Rural Electrification Act of 1936 (7 U.S.C. 950bb) for the cost of direct loans shall remain available until expended to disburse valid obligations made in fiscal years 2005, 2006, 2007, and 2008.

SEC. 737. Of the unobligated balances in the Agricultural Research Service, Buildings and Facilities account, $2,226,000 are hereby rescinded: *Provided*, That no amounts may be

rescinded from amounts that were designated by the Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That no amounts may be rescinded from amounts greater than $5,000,000 or that have received an appropriation since 2007 unless construction of those facilities has been completed.

SEC. 738. Of the unobligated balances in the Distance Learning, Telemedicine and Broadband Program for the cost of the broadband loans, $39,000,000 are rescinded: *Provided*, That no amounts may be rescinded from amounts that were designated by the Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

SEC. 739. Of the unobligated balances available for Cooperative State Research, Education, and Extension Service, Buildings and Facilities, $3,531,000 are rescinded.

SEC. 740. For an additional amount for the ''Departmental Administration'' account, $1,000,000, to increase the Department's acquisition workforce capacity and capabilities: *Provided*, That such funds may be transferred by the Secretary to any other account in the Department to carry out the purposes provided herein: *Provided further*, That such transfer authority is in addition to any other transfer authority provided in this Act: *Provided further*, That such funds shall be available only to supplement and not to supplant existing acquisition workforce activities: *Provided further*, That such funds shall be available for training, recruitment, and retention of additional members of the acquisition workforce as defined by the Office of Federal Procurement Policy Act, as amended (41 U.S.C. 401 et seq.): *Provided further*, That such funds shall be available for information technology in support of acquisition workforce effectiveness or for management solutions to improve acquisition management.

SEC. 741. Notwithstanding any other provision of law, school food authorities which received a grant for equipment assistance under the grant program carried out pursuant to the heading ''Food and Nutrition Service Child Nutrition Programs'' in title I of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) shall be eligible to receive a grant under section 749 (j) of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2010 (Public Law 111–80).

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

SEC. 743. (a) When implementing the authority provided in paragraphs (2) and (3) of section 740(c) of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2010 (Public Law 111–80) that requires the Commissioner of Food and Drugs to develop updated guidance documents and review standards for the development of safe and effective products to treat rare diseases and neglected tropical diseases, the Commissioner shall—

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

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

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

(4) implement mechanisms for enhanced collaboration between the Food and Drug Administration and National Regulatory Authorities in developing countries;

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

(6) develop guidance on the use of surrogate endpoints that are reasonably likely to predict clinical benefit of drugs and biological products under the regulations under subpart H of part 314 of title 21, Code of Federal Regulations and subpart E of part 601 of title 21, Code of Federal Regulations; and

(7) increase coordination among individual drug, biological product, and device review divisions across Food and Drug Administration centers to support the development of safe and effective medical products for rare and neglected diseases.

(b) The Commissioner of Food and Drugs shall submit a report to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives not later than 180 days after the report required in section 740(c)(1) of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2010 (Public Law 111–80) is submitted: *Provided*, That the report submitted in response to this section shall describe in detail how the Food and Drug Administration is implementing subsection (a).

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

(b) FORMATION.—

(1) ESTABLISHMENT.—Not later than 180 days after the date of the enactment of this section, the person, firm or organization that specializes in facilitating meetings described in subsection (a) shall select the members, convene, and preside over the Stakeholder Panel to analyze public health needs related to food safety and develop a concept for a modern food safety system designed to reduce the risk of foodborne illness for products regulated by the Food Safety and Inspection Service.

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

(A) membership-based consumer organizations;

(B) the public health profession;

(C) Federal and industry employees, including a representative of employees of the Food Safety and Inspection Service that are represented by a labor organization (as defined in section (a)(4) of the Civil Service Reform Act (5 U.S.C. 7103)) and a representative of employees of the industries regulated by the Food Safety and Inspection Service that are represented by a labor organization (as defined in section 2 of the National Labor Relations Act (29 U.S.C. 152));

(D) agriculture and livestock producers of varying sizes whose products are regulated by the Food Safety and Inspection Service, including one representative of small agriculture or livestock producers; and

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

(3) INITIAL DUTIES AND REPORT.—Not later than 180 days after the date on which the stakeholder panel is initially convened, the stakeholder panel shall develop and submit to the Secretary of Agriculture the terms of reference and the scope of the work to be addressed by the Institute of Medicine and the National Research Council of the National Academy of Sciences study described in subsection (c) based on an analysis of public health needs related to food safety and a conception of a modern food safety system.

(4) POLICY RECOMMENDATIONS AND FINAL REPORT.—Not later than one year after the date on which the Secretary of Agriculture submits to the stakeholder panel the report described in subsection (c)(3), the stakeholder panel shall develop and submit to the congressional agriculture committees policy recommendations, including identifying statutory and regulatory changes necessary, on how to improve the food safety system for products regulated by the Food Safety and Inspection Service based on an analysis of public health needs, a conception of a modern food safety system, and considering the report described in subsection (c)(3).

(c) NATIONAL ACADEMY OF SCIENCES STUDY.—

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

(2) USE OF TERMS AND SCOPE.—The study described in subparagraph (1) shall use the terms of reference and be conducted within the scope developed by the stakeholder panel under subsection (b)(4).

(3) REPORT.—Not later than one year after the date on which the stakeholder panel submits the report required under subsection (b)(3), the Institute of Medicine and the National Research Council of the National Academy of Sciences shall submit to the Secretary of Agriculture a report detailing the results of the study conducted under this subsection. Upon receipt of such report, the Secretary of Agriculture shall submit such report to the stakeholder panel.

(d) DEFINITIONS.—In this section:

(1) CONGRESSIONAL AGRICULTURE COMMITTEES.—The term ''congressional agriculture committees'' means—

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

(B) the Committee on Agriculture, Nutrition, and Forestry and the Committee on Appropriations of the Senate.

(2) FOOD SAFETY AND INSPECTION SERVICE.—The term ''Food Safety and Inspection Service'' means the Food Safety and Inspection Service of the Department of Agriculture.

(3) STAKEHOLDER PANEL.—The term ''stakeholder panel'' means the stakeholder panel established under subsection (b)(2).

SEC. 745. The unobligated balances available for the wildlife habitat incentives program under section 1240N of the Food Security Act of 1985 (16 U.S.C. 3839bb–1), as identified by Treasury Appropriation Fund Symbol 12X3322, are rescinded; for the program under the Water Bank Act (16 U.S.C. 1301 et seq.), as identified by Treasury Appropriation Fund Symbol 12X3320; and for the wetlands reserve program under section 1237 of the Food Security Act of 1985 (16 U.S.C. 3837), as

identified by Treasury Appropriation Fund Symbol 12X1080; are rescinded.

SEC. 746. Hereafter, under the Rural Electrification Act of 1936 the Secretary of Agriculture shall conduct a pilot program that provides loans or loan guarantees for the construction of not more than three baseload electric generation plants: *Provided*, That in issuing loans and loan guarantees the Secretary shall not discriminate based on the fuel input of such plants as long as the input is from fossil fuels and the generation facility emits into the ambient air $CO_2$ at a rate, in lbs $CO_2$/MWh, not greater than the $CO_2$ emitted from a natural gas fired generation facility of a similar size that began operation within the last 10 years, as determined by the Secretary: *Provided further*, That the Secretary shall charge an upfront fee equal to the subsidy cost of such loans as calculated in accordance with section 502 of the Federal Credit Reform Act of 1990: *Provided further*, That the fee shall be paid from non-Federal sources: *Provided further*, That the source of such payment received from borrowers is not a loan or other debt obligation that is guaranteed by the Federal Government: *Provided further*, That gross obligations for the principal amount of loans authorized by this section shall not exceed $1,500,000,000.

SEC. 747. The unobligated balances available for the Outreach for Socially Disadvantaged Farmers account, as identified by Treasury Appropriation Fund Symbol 12X0601, are rescinded; for the Rural Community Advancement Program, as identified by Treasury Appropriation Fund Symbol 12X0400, are rescinded; for the Payments to States program, as identified by Treasury Appropriation Fund symbol 12X2501, are rescinded; for the Common Computing Environment account, as identified by Treasury Appropriation Fund Symbol 12X0113, $1,866,000 are rescinded; for the Office of the Secretary, as identified by Treasury Appropriation Fund Symbol 12X0115, are rescinded; for the Agricultural Credit Insurance Fund, as identified by Treasury Appropriation Fund Symbol 12X1140, $3,000,000 are rescinded; for the Resource Conservation and Development program, as identified by Treasury Appropriation Fund Symbol 12X1010, $1,563,000 are rescinded; for the Emergency Conservation Program, as identified by Treasury Appropriation Fund Symbol 12X3316, $19,939,000 are rescinded; for Watershed and Flood Prevention Operations, as identified by Treasury Appropriation Fund Symbol 12X1072, $38,846,000 are rescinded; for the Animal and Plant Health Inspection Service—Buildings and Facilities account, as identified by Treasury Appropriation Fund Symbol 12X1601, $3,000,000 are rescinded. In addition, from prior year unobligated balances of Animal and Plant Health Inspection Service—Salaries and Expenses account, the following amounts are rescinded: Sudden Oak Death, $295,000; Sirex Woodwasp, $408,000; Avian Influenza, $8,000,000; Information Technology Infrastructure, $86,000; Screwworm, $1,000,000; HUB Relocation, $98,000; H1N1, $5,000,000; and Contingency Funds, $1,000,000.

SEC. 748. The unobligated balances available for the Agricultural Research Service—Salaries and Expenses account, as identified by Treasury Appropriation Fund Symbol 12X1400, as provided through Public Law 109–234 and Public Law 111–32, $971,000 is hereby rescinded; the unobligated balances provided pursuant to section 9005 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8105), $28,042,000 is hereby rescinded; the unobligated balances provided pursuant to section 9003 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8103), $56,084,000 is hereby rescinded.

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

This division may be cited as the ''Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2011''.

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

### TITLE I

### DEPARTMENT OF COMMERCE

#### INTERNATIONAL TRADE ADMINISTRATION

##### OPERATIONS AND ADMINISTRATION

For necessary expenses for international trade activities of the Department of Commerce provided for by law, and for engaging in trade promotional activities abroad, including expenses of grants and cooperative agreements for the purpose of promoting exports of United States firms, without regard to 44 U.S.C. 3702 and 3703; full medical coverage for dependent members of immediate families of employees stationed overseas and employees temporarily posted overseas; travel and transportation of employees of the International Trade Administration between two points abroad, without regard to 49 U.S.C. 40118; employment of Americans and aliens by contract for services; rental of space abroad for periods not exceeding 10 years, and expenses of alteration, repair, or improvement; purchase or construction of temporary demountable exhibition structures for use abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed $245,250 for official representation expenses abroad; purchase of passenger motor vehicles for official use abroad, not to exceed $45,000 per vehicle; obtaining insurance on official motor vehicles; and rental of tie lines, $514,204,000, to remain available until September 30, 2012, of which $9,439,000 is to be derived from fees to be retained and used by the International Trade Administration, notwithstanding 31 U.S.C. 3302: *Provided*, That not less than $7,000,000 shall be for the Office of China Compliance, and not less than $4,400,000 shall be for the China Countervailing Duty Group: *Provided further*, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities without regard to section 5412 of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 4912); and that for the purpose of this Act, contributions under the provisions of the Mutual Educational and Cultural Exchange Act of 1961 shall include payment for assessments for services provided as part of these activities: *Provided further*, That negotiations shall be conducted within the World Trade Organization to recognize the right of members to distribute monies collected from antidumping and countervailing duties: *Provided further*, That negotiations shall be conducted within the World Trade Organization consistent with the negotiating objectives contained in the Trade Act of 2002, Public Law 107–210: *Provided further*, That within the amounts appropriated, $3,400,000 shall be used for the projects, and in the amounts, as specified in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

#### BUREAU OF INDUSTRY AND SECURITY

##### OPERATIONS AND ADMINISTRATION

For necessary expenses for export administration and national security activities of the Department of Commerce, including costs associated with the performance of export administration field activities both domestically and abroad; full medical coverage for dependent members of immediate families of employees stationed overseas; employment of Americans and aliens by contract for services abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed $11,250 for official representation expenses abroad; awards of compensation to informers under the Export Administration Act of 1979, and as authorized by 22 U.S.C. 401(b); and purchase of passenger motor vehicles for official use and motor vehicles for law enforcement use with special requirement vehicles eligible for purchase without regard to any price limitation otherwise established by law, $109,975,000, to remain available until expended, of which $31,680,000 shall be for inspections and other activities related to national security: *Provided*, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities: *Provided further*, That payments and contributions collected and accepted for materials or services provided as part of such activities may be retained for use in covering the cost of such activities, and for providing information to the public with respect to the export administration and national security activities of the Department of Commerce and other export control programs of the United States and other governments.

#### ECONOMIC DEVELOPMENT ADMINISTRATION

##### ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

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

##### SALARIES AND EXPENSES

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

#### MINORITY BUSINESS DEVELOPMENT AGENCY

##### MINORITY BUSINESS DEVELOPMENT

For necessary expenses of the Department of Commerce in fostering, promoting, and developing minority business enterprise, including expenses of grants, contracts, and other agreements with public or private organizations, $32,316,000.

#### ECONOMIC AND STATISTICAL ANALYSIS

##### SALARIES AND EXPENSES

For necessary expenses, as authorized by law, of economic and statistical analysis programs of the Department of Commerce, $110,000,000, to remain available until September 30, 2012.

#### BUREAU OF THE CENSUS

##### SALARIES AND EXPENSES

For expenses necessary for collecting, compiling, analyzing, preparing, and publishing statistics, provided for by law, $271,364,000.

##### PERIODIC CENSUSES AND PROGRAMS

For necessary expenses to collect and publish statistics for periodic censuses and programs provided for by law, $964,059,000, to remain available until September 30, 2012: *Provided*, That from amounts provided herein, funds may be used for promotion, outreach, and marketing activities.

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, as provided for by law, of the National Telecommunications and Information Administration (NTIA), $41,568,000, to remain available until September 30, 2012: *Provided*, That, notwithstanding 31 U.S.C. 1535(d), the Secretary of Commerce shall charge Federal agencies for costs incurred in spectrum management, analysis, operations, and related services, and such fees shall be retained and used as offsetting collections for costs of such spectrum services, to remain available until expended: *Provided further*, That the Secretary of Commerce is authorized to retain and use as offsetting collections all funds transferred, or previously transferred, from other Government agencies for all costs incurred in telecommunications research, engineering, and related activities by the Institute for Telecommunication Sciences of NTIA, in furtherance of its assigned functions under this paragraph, and such funds received from other Government agencies shall remain available until expended.

PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING AND CONSTRUCTION

For the administration of grants, authorized by section 392 of the Communications Act of 1934, $20,000,000, to remain available until expended as authorized by section 391 of the Act: *Provided*, That not to exceed $2,000,000 shall be available for program administration as authorized by section 391 of the Act: *Provided further*, That, notwithstanding the provisions of section 391 of the Act, the prior year unobligated balances may be made available for grants for projects for which applications have been submitted and approved during any fiscal year.

UNITED STATES PATENT AND TRADEMARK OFFICE

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the United States Patent and Trademark Office (USPTO) provided for by law, including defense of suits instituted against the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office, $2,262,000,000, to remain available until expended: *Provided*, That the sum herein appropriated from the general fund shall be reduced as offsetting collections assessed and collected pursuant to 15 U.S.C. 1113 and 35 U.S.C. 41 and 376 are received during fiscal year 2011, so as to result in a fiscal year 2011 appropriation from the general fund estimated at $0: *Provided further*, That during fiscal year 2011, should the total amount of offsetting collections, and the surcharge provided herein, be less than $2,262,000,000, this amount shall be reduced accordingly: *Provided further*, That any amount received in excess of $2,262,000,000 in fiscal year 2011, in an amount up to $200,000,000, shall remain available until expended: *Provided further*, That from amounts provided herein, not to exceed $750 shall be made available in fiscal year 2011 for official reception and representation expenses: *Provided further*, That in fiscal year 2011 from the amounts made available for ''Salaries and Expenses'' for the USPTO, the amounts necessary to pay: (1) the difference between the percentage of basic pay contributed by the USPTO and employees under section 8334(a) of title 5, United States Code, and the normal cost percentage (as defined by section 8331(17) of that title) of basic pay, of employees subject to subchapter III of chapter 83 of that title; and (2) the present value of the otherwise unfunded accruing costs, as determined by the Office of Personnel Management, of post-retirement life insurance and post-retirement health benefits coverage for all USPTO employees, shall be transferred to the Civil Service Retirement and Disability Fund, the Employees Life Insurance Fund, and the Employees Health Benefits Fund, as appropriate, and shall be available for the authorized purposes of those accounts: *Provided further*, That sections 801, 802, and 803 of division B, Public Law 108–447 shall remain in effect during fiscal year 2011: *Provided further*, That the Director may, this year, reduce by regulation fees payable for documents in patent and trademark matters, in connection with the filing of documents filed electronically in a form prescribed by the Director: *Provided further*, That from the amounts provided herein, no less than $4,000,000 shall be available only for the USPTO contribution in a cooperative or joint agreement or agreements with a nonprofit organization or organizations, successfully audited within the previous year, and with previous experience in such programs, to conduct policy studies, including studies relating to activities of United Nations Specialized agencies and other international organizations, as well as conferences and other development programs, in support of fair international protection of intellectual property rights: *Provided further*, That there shall be a surcharge of 15 percent, rounded by standard arithmetic rules, on fees charged or authorized by subsections (a), (b) and (d)(1) of section 41 of title 35, United States Code, as administered under Public Law 108–447 and this Act and on fees charged or authorized by section 132(b) of title 35, United States Code: *Provided further*, That the surcharge established under the previous proviso shall be separate from, and in addition to, any other surcharge that may be required pursuant to any provision of title 35, United States Code: *Provided further*, That the surcharge established in the previous two provisions shall take effect on the date that is 10 days after the date of enactment of this Act, and shall remain in effect during fiscal year 2011: *Provided further*, That, the receipts collected as a result of these surcharges shall be available, within the amounts provided herein, to the USPTO without fiscal year limitation, for all authorized activities and operations of the Office: *Provided further*, That within the amounts appropriated, $1,000,000 shall be transferred to the Office of Inspector General for activities associated with carrying out investigations and audits related to the USPTO.

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

For necessary expenses of the National Institute of Standards and Technology, $541,246,000, to remain available until expended, of which not to exceed $9,000,000 may be transferred to the ''Working Capital Fund'': *Provided*, That not to exceed $7,500 shall be for official reception and representation expenses: *Provided further*, That within the amounts appropriated, $5,275,000 shall be used for the projects, and in the amounts, as specified in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

INDUSTRIAL TECHNOLOGY SERVICES

For necessary expenses of the Industrial Technology Services of the National Institute of Standards and Technology, $204,454,000, to remain available until expended: *Provided*, That of the amounts appropriated, $124,700,000 shall be for the Hollings Manufacturing Extension Partnership, $69,900,000 shall be for the Technology Innovation Program, and $9,854,000 shall be for the Baldrige Performance Excellence Program.

CONSTRUCTION OF RESEARCH FACILITIES

For construction of new research facilities, including architectural and engineering design, and for renovation and maintenance of existing facilities, not otherwise provided for the National Institute of Standards and Technology, as authorized by 15 U.S.C. 278c–278e, $132,000,000, to remain available until expended, of which $20,000,000 is for a competitive construction grant program for research science buildings: *Provided*, That within the amounts appropriated, $50,000,000 shall be used for the projects, and in the amounts, as specified in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided further*, That the Secretary of Commerce shall include in the budget justification materials that the Secretary submits to Congress in support of the Department of Commerce budget (as submitted with the budget of the President under section 1105(a) of title 31, United States Code) an estimate for each National Institute of Standards and Technology construction project having a total multi-year program cost of more than $5,000,000 and simultaneously the budget justification materials shall include an estimate of the budgetary requirements for each such project for each of the five subsequent fiscal years.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of activities authorized by law for the National Oceanic and Atmospheric Administration (NOAA), including maintenance, operation, and hire of aircraft and vessels; grants, contracts, or other payments to nonprofit organizations for the purposes of conducting activities pursuant to cooperative agreements; and relocation of facilities, $3,475,460,000, to remain available until September 30, 2012, except for funds provided for cooperative enforcement, which shall remain available until September 30, 2013: *Provided*, That fees and donations received by the National Ocean Service for the management of national marine sanctuaries may be retained and used for the salaries and expenses associated with those activities, notwithstanding 31 U.S.C. 3302: *Provided further*, That in addition, $3,000,000 shall be derived by transfer from the fund entitled ''Coastal Zone Management'' and in addition $68,000,000 shall be derived by transfer from the fund entitled ''Promote and Develop Fishery Products and Research Pertaining to American Fisheries'' and $6,000,000 is derived from recoveries of prior-year obligations: *Provided further*, That of the $3,552,460,000 provided for in direct obligations under this heading $3,475,460,000 is appropriated from the general fund, and $71,000,000 is provided by transfer: *Provided further*, That no more than $391,000,000 of these funds may be used for administrative costs incurred by NOAA's corporate staff and line office headquarters offices, and within this amount $245,028,000 shall be available for the NOAA corporate service administrative support costs: *Provided further*, That this $391,000,000 limitation may be increased up to 5 percent, provided that the Administrator of NOAA shall notify the Committees on Appropriations at least 15 days in advance of the need with the reasons for any proposed increase: *Provided further*, That payments of funds made available under this heading to the Department of Commerce Working Capital Fund including Department of Commerce General Counsel legal services shall not exceed $41,944,000: *Provided further*, That

within the amounts appropriated, $97,565,000 shall be used for the projects, and in the amounts, as specified in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided further*, That none of the funds within the Fisheries Enforcement Asset Forfeiture Fund shall be available for obligation until the Administrator of NOAA completes a comprehensive independent audit of the fund's assets and related transactions, defines precisely what monies constitute fund assets, states how the fund will comply with all applicable laws, and receives approval from the Committees on Appropriations for its spend plan: *Provided further*, That the Administrator shall identify and account for the Fisheries Enforcement Asset Forfeiture Fund as a separate and distinct part of the agency's annual budget submissions: *Provided further*, That any deviation from the amounts designated for specific activities in the explanatory statement accompanying this Act, or any use of deobligated balances of funds provided under this heading in previous years, shall be subject to the procedures set forth in section 505 of this Act: *Provided further*, That in allocating grants under sections 306 and 306A of the Coastal Zone Management Act of 1972, as amended, no coastal State shall receive more than 5 percent or less than 1 percent of increased funds appropriated over the previous fiscal year.

In addition, for necessary retired pay expenses under the Retired Serviceman's Family Protection and Survivor Benefits Plan, and for payments for the medical care of retired personnel and their dependents under the Dependents Medical Care Act (10 U.S.C. 55), such sums as may be necessary.

PROCUREMENT, ACQUISITION AND CONSTRUCTION

(INCLUDING TRANSFER OF FUNDS)

For procurement, acquisition and construction of capital assets, including alteration and modification costs, of the National Oceanic and Atmospheric Administration (NOAA), $2,002,219,000, to remain available until September 30, 2013, except funds provided for construction of facilities which shall remain available until expended: *Provided*, That of the $2,009,219,000 provided for in direct obligations under this heading, $2,002,219,000 is appropriated from the general fund and $7,000,000 is provided from recoveries of prior year obligations: *Provided further*, That no more than $22,000,000 of these funds may be used for administrative costs incurred by NOAA's corporate staff and line office headquarters offices: *Provided further*, That this $22,000,000 limitation may be increased up to 5 percent, provided that the Administrator of NOAA shall notify the Committees on Appropriations of the House of Representatives and the Senate at least 15 days in advance of the need with the reasons for any proposed increase: *Provided further*, That any deviation from the amounts designated for specific activities in the explanatory statement accompanying this Act, or any use of deobligated balances of funds provided under this heading in previous years, shall be subject to the procedures set forth in section 505 of this Act: *Provided further*, That except to the extent expressly prohibited by any other law, the Department of Defense may delegate procurement functions related to the National Polar-orbiting Operational Environmental Satellite System to officials of the Department of Commerce pursuant to section 2311 of title 10, United States Code: *Provided further*, That within the amounts appropriated, $6,575,000 shall be used for the projects, and in the amounts, as specified in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided further*, That the Secretary of Commerce shall include in budget justification materials that the Secretary submits to Congress in support of the Department of Commerce budget (as submitted with the budget of the President under section 1105(a) of title 31, United States Code) an estimate for each NOAA Procurement, Acquisition or Construction project having a total of more than $5,000,000 and simultaneously the budget justification shall include an estimate of the budgetary requirements for each such project for each of the five subsequent fiscal years: *Provided further*, That within the amounts appropriated, $1,000,000 shall be transferred to the Office of Inspector General for activities associated with carrying out investigations and audits related to NOAA satellite programs.

PACIFIC COASTAL SALMON RECOVERY

For necessary expenses associated with the restoration of Pacific salmon populations, $80,000,000, to remain available until September 30, 2012: *Provided*, That of the funds provided herein the Secretary of Commerce may issue grants to the States of Washington, Oregon, Idaho, Nevada, California, and Alaska, and Federally-recognized tribes of the Columbia River and Pacific Coast (including Alaska) for projects necessary for conservation of salmon and steelhead populations that are listed as threatened or endangered, or identified by a State as at-risk to be so-listed, for maintaining populations necessary for exercise of tribal treaty fishing rights or native subsistence fishing, or for conservation of Pacific coastal salmon and steelhead habitat, based on guidelines to be developed by the Secretary of Commerce: *Provided further*, That all funds shall be allocated based on scientific and other merit principles and shall not be available for marketing activities: *Provided further*, That funds disbursed to States shall be subject to a matching requirement of funds or documented in-kind contributions of at least 33 percent of the Federal funds.

FISHERMEN'S CONTINGENCY FUND

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

COASTAL ZONE MANAGEMENT FUND

(INCLUDING TRANSFER OF FUNDS)

Of amounts collected pursuant to section 308 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1456a), not to exceed $3,000,000 shall be transferred to the ''Operations, Research, and Facilities'' account to offset the costs of implementing such Act.

FISHERIES FINANCE PROGRAM ACCOUNT

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

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For expenses necessary for the departmental management of the Department of Commerce provided for by law, including not to exceed $5,000 for official reception and representation, $64,595,000: *Provided*, That the Secretary, within 60 days of enactment of this Act, shall provide a report to the Committees on Appropriations that audits and evaluates all decision documents and expenditures by the Bureau of the Census as they relate to the 2010 and 2020 decennials: *Provided further*, That of the amounts provided to the Secretary within this account, $5,000,000 shall not become available for obligation until the Secretary certifies to the Committees on Appropriations that the Bureau of the Census has followed and met all standards and best practices, and all Office of Management and Budget guidelines related to information technology projects and contract management.

RENOVATION AND MODERNIZATION

For expenses necessary, including blast windows, for the renovation and modernization of Department of Commerce facilities, $5,000,000, to remain available until expended.

OFFICE OF INSPECTOR GENERAL

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

GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

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

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

SEC. 103. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Commerce in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: *Provided further*, That the Secretary of Commerce shall notify the Committees on Appropriations at least 15 days in advance of the acquisition or disposal of any capital asset (including land, structures, and equipment) not specifically provided for in this Act or any other law appropriating funds for the Department of Commerce.

SEC. 104. Any costs incurred by a department or agency funded under this title resulting from personnel actions taken in response to funding reductions included in this title or from actions taken for the care and protection of loan collateral or grant property shall be absorbed within the total budgetary resources available to such department or agency: *Provided*, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: *Provided further*, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

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

SEC. 106. Notwithstanding any other law, the Secretary may furnish services (including but not limited to utilities, telecommunications, and security services) necessary to support the operation, maintenance, and improvement of space that persons, firms or organizations are authorized pursuant to the Public Buildings Cooperative Use Act of 1976 or other authority to use or occupy in the Herbert C. Hoover Building, Washington, DC, or other buildings, the maintenance, operation, and protection of which has been delegated to the Secretary from the Administrator of General Services pursuant to the Federal Property and Administrative Services Act of 1949, as amended, on a reimbursable or non-reimbursable basis. Amounts received as reimbursement for services provided under this section or the authority under which the use or occupancy of the space is authorized, up to $200,000, shall be credited to the appropriation or fund which initially bears the costs of such services.

SEC. 107. Nothing in this title shall be construed to prevent a grant recipient from deterring child pornography, copyright infringement, or any other unlawful activity over its networks.

SEC. 108. The Administrator of the National Oceanic and Atmospheric Administration is authorized to use, with their consent, with reimbursement and subject to the limits of available appropriations, the land, services, equipment, personnel, and facilities of any department, agency or instrumentality of the United States, or of any State, local government, Indian tribal government, Territory or possession, or of any political subdivision thereof, or of any foreign government or international organization for purposes related to carrying out the responsibilities of any statute administered by the National Oceanic and Atmospheric Administration.

SEC. 109. (a) The Secretary of State shall ensure participation in the Commission for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (''Commission'') and its subsidiary bodies by American Samoa, Guam, and the Northern Mariana Islands (collectively, the U.S. Participating Territories) to the same extent provided to the territories of other nations.

(b) The U.S. Participating Territories are each authorized to use, assign, and allocate catch limits of highly migratory fish stocks, or fishing effort limits, agreed to by the Commission for the participating territories of the Convention for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean, through arrangements with U.S. vessels with permits issued under the Pelagic Fishery Management Plan of the Western Pacific Region. Vessels under such arrangements are integral to the domestic fisheries of the U.S. Participating Territories, provided that such arrangements are funded by deposits to the Western Pacific Sustainable Fisheries Fund in support of fisheries development projects identified in a Territory's Marine Conservation Plan and adopted pursuant to section 204 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1824). The Secretary of Commerce shall attribute catches made by vessels operating under such arrangements to the U.S. Participating Territories for the purposes of annual reporting to the Commission.

(c) The Western Pacific Regional Fisheries Management Council—

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

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

(3) shall recommend an amendment to the Pelagics Fishery Ecosystem Plan for the Western Pacific Region, and associated regulations, to implement this section.

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

(1) the Western Pacific Regional Fishery Management Council recommends an amendment to the Pelagics Fishery Ecosystem Plan for the Western Pacific Region, and implementing regulations, to the Secretary of Commerce that authorize use, assignment, and allocation of catch limits of highly migratory fish stocks, or fishing effort limits, established by the Commission and applicable to U.S. Participating Territories;

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

(3) such implementing regulations become effective.

This title may be cited as the ''Department of Commerce Appropriations Act, 2011''.

## TITLE II

## DEPARTMENT OF JUSTICE

### GENERAL ADMINISTRATION

#### SALARIES AND EXPENSES

For expenses necessary for the administration of the Department of Justice, $145,565,000, of which not to exceed $4,000,000 for security and construction of Department of Justice facilities shall remain available until expended: *Provided*, That the Attorney General is authorized to transfer funds appropriated within General Administration to any office in this account: *Provided further*, That $32,701,000 is for Department Leadership; $10,402,000 is for Intergovernmental Relations/External Affairs; $13,477,000 is for Executive Support/Professional Responsibility; and $88,985,000 is for the Justice Management Division: *Provided further*, That any change in amounts specified in the preceding proviso greater than 5 percent shall be submitted for approval to the House and Senate Committees on Appropriations consistent with the terms of section 505 of this Act: *Provided further*, That this transfer authority is in addition to transfers authorized under section 505 of this Act.

#### NATIONAL DRUG INTELLIGENCE CENTER

For necessary expenses of the National Drug Intelligence Center, including reimbursement of Air Force personnel for the National Drug Intelligence Center to support the Department of Defense's counter-drug intelligence responsibilities, $44,580,000: *Provided*, That the National Drug Intelligence Center shall maintain the personnel and technical resources to provide timely support to law enforcement authorities and the intelligence community by conducting document and computer exploitation of materials collected in Federal, State, and local law enforcement activity associated with counter-drug, counterterrorism, and national security investigations and operations.

#### JUSTICE INFORMATION SHARING TECHNOLOGY

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

#### LAW ENFORCEMENT WIRELESS COMMUNICATIONS

For the costs of developing and implementing a nation-wide Integrated Wireless Network supporting Federal law enforcement communications, and for the costs of operations and maintenance of existing Land Mobile Radio legacy systems, $207,727,000, to remain available until expended: *Provided*, That the Attorney General shall transfer to this account all funds made available to the Department of Justice for the purchase of portable and mobile radios: *Provided further*, That any transfer made under the preceding proviso shall be subject to section 505 of this Act.

#### ADMINISTRATIVE REVIEW AND APPEALS

For expenses necessary for the administration of pardon and clemency petitions and immigration-related activities, $319,420,000, of which $4,000,000 shall be derived by transfer from the Executive Office for Immigration Review fees deposited in the ''Immigration Examinations Fee'' account.

#### DETENTION TRUSTEE

For necessary expenses of the Federal Detention Trustee, $1,533,863,000, to remain available until expended: *Provided*, That the Trustee shall be responsible for managing the Justice Prisoner and Alien Transportation System: *Provided further*, That not to exceed $20,000,000 shall be considered ''funds appropriated for State and local law enforcement assistance'' pursuant to 18 U.S.C. 4013(b).

#### OFFICE OF INSPECTOR GENERAL

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

### UNITED STATES PAROLE COMMISSION

#### SALARIES AND EXPENSES

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

### LEGAL ACTIVITIES

#### SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For expenses necessary for the legal activities of the Department of Justice, not otherwise provided for, including not to exceed $20,000 for expenses of collecting evidence, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; and rent of private or Government-owned space in the District of Columbia, $969,989,000, of which not to exceed $10,000,000 for litigation support contracts shall remain available until expended: *Provided*, That of the total amount appropriated, not to exceed $7,500 shall be available to the United States National Central Bureau, INTERPOL, for official reception and representation expenses: *Provided further*, That notwithstanding section 205 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for litigation activities of the Civil Division, the Attorney General may transfer such amounts to ''Salaries and Expenses, General Legal Activities'' from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: *Provided further*, That any transfer pursuant to the previous proviso shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: *Provided further*, That of the amount appropriated, such sums as may be necessary shall be available to reimburse the Office of Personnel Management for salaries and expenses associated with the election monitoring program under section 8 of the Voting Rights Act of 1965 (42 U.S.C. 1973f): *Provided further*, That of the amounts provided under this heading for the election monitoring program $3,390,000, shall remain available until expended.

In addition, for reimbursement of expenses of the Department of Justice associated with processing cases under the National Childhood Vaccine Injury Act of 1986, not to exceed $7,833,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

SALARIES AND EXPENSES, ANTITRUST DIVISION

For expenses necessary for the enforcement of antitrust and kindred laws, $167,028,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18a), regardless of the year of collection (and estimated to be $96,000,000 in fiscal year 2011), shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: *Provided further*, That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year 2011, so as to result in a final fiscal year 2011 appropriation from the general fund estimated at $71,028,000.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For necessary expenses of the Offices of the United States Attorneys, including intergovernmental and cooperative agreements, $2,041,269,000: *Provided*, That of the total amount appropriated, not to exceed $6,000 shall be available for official reception and representation expenses: *Provided further*, That not to exceed $25,000,000 shall remain available until expended: *Provided further*, That of the amount provided under this heading, not less than $38,460,000 shall be used for salaries and expenses for assistant U.S. Attorneys to carry out section 704 of the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109–248) concerning the prosecution of offenses relating to the sexual exploitation of children: *Provided further*, That of the amount provided under this heading, not less than $31,965,000 is for prosecutions of serious crimes in Indian Country.

UNITED STATES TRUSTEE SYSTEM FUND

For necessary expenses of the United States Trustee Program, as authorized, $236,435,000, to remain available until expended and to be derived from the United States Trustee System Fund: *Provided*, That notwithstanding any other provision of law, deposits to the Fund shall be available in such amounts as may be necessary to pay refunds due depositors: *Provided further*, That, notwithstanding any other provision of law, $231,435,000 of offsetting collections pursuant to 28 U.S.C. 589a(b) shall be retained and used for necessary expenses in this appropriation and shall remain available until expended: *Provided further*, That the sum herein appropriated from the Fund shall be reduced as such offsetting collections are received during fiscal year 2011, so as to result in a final fiscal year 2011 appropriation from the Fund estimated at $0.

SALARIES AND EXPENSES, FOREIGN CLAIMS SETTLEMENT COMMISSION

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

FEES AND EXPENSES OF WITNESSES

For fees and expenses of witnesses, for expenses of contracts for the procurement and supervision of expert witnesses, for private counsel expenses, including advances, and for expenses of foreign counsel, $270,000,000, to remain available until expended: *Provided*, That not to exceed $10,000,000 may be made available for construction of buildings for protected witness safesites: *Provided further*, That not to exceed $3,000,000 may be made available for the purchase and maintenance of armored and other vehicles for witness security caravans: *Provided further*, That not to exceed $11,000,000 may be made available for the purchase, installation, maintenance, and upgrade of secure telecommunications equipment and a secure automated information network to store and retrieve the identities and locations of protected witnesses.

SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE

For necessary expenses of the Community Relations Service, $12,606,000: *Provided*, That notwithstanding section 205 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for conflict resolution and violence prevention activities of the Community Relations Service, the Attorney General may transfer such amounts to the Community Relations Service, from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: *Provided further*, That any transfer pursuant to the preceding proviso shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

ASSETS FORFEITURE FUND

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

UNITED STATES MARSHALS SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Marshals Service, $1,180,534,000; of which not to exceed $6,000 shall be available for official reception and representation expenses; and of which not to exceed $10,000,000 shall remain available until expended for information technology systems.

CONSTRUCTION

For construction in space controlled, occupied or utilized by the United States Marshals Service for prisoner holding and related support, $26,625,000, to remain available until expended; of which not less than $12,625,000 shall be available for the costs of courthouse security equipment, including furnishings, relocations, and telephone systems and cabling.

NATIONAL SECURITY DIVISION

SALARIES AND EXPENSES

For expenses necessary to carry out the activities of the National Security Division, $99,537,000; of which not to exceed $5,000,000 for information technology systems shall remain available until expended: *Provided*, That notwithstanding section 205 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for the activities of the National Security Division, the Attorney General may transfer such amounts to this heading from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: *Provided further*, That any transfer pursuant to the preceding proviso shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

INTERAGENCY LAW ENFORCEMENT

INTERAGENCY CRIME AND DRUG ENFORCEMENT

For necessary expenses for the identification, investigation, and prosecution of individuals associated with the most significant drug trafficking and affiliated money laundering organizations not otherwise provided for, to include inter-governmental agreements with State and local law enforcement agencies engaged in the investigation and prosecution of individuals involved in organized crime drug trafficking, $574,319,000, of which $50,000,000 shall remain available until expended: *Provided*, That any amounts obligated from appropriations under this heading may be used under authorities available to the organizations reimbursed from this appropriation.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For necessary expenses of the Federal Bureau of Investigation for detection, investigation, and prosecution of crimes against the United States, $8,089,597,000, of which not to exceed $150,000,000 shall remain available until expended: *Provided*, That not to exceed $153,750 shall be available for official reception and representation expenses: *Provided further*, That of the amount provided under this heading, not less than $42,752,000 is for the investigation of serious crimes in Indian Country.

CONSTRUCTION

For necessary expenses, to include the cost of equipment, furniture, and information technology requirements, related to construction or acquisition of buildings, facilities and sites by purchase, or as otherwise authorized by law; conversion, modification and extension of federally owned buildings; preliminary planning and design of projects; and operation and maintenance of secure work environment facilities and secure networking capabilities; $130,589,000, to remain available until expended.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Drug Enforcement Administration, including not to exceed $70,000 to meet unforeseen emergencies of a confidential character pursuant to 28 U.S.C. 530C; and expenses for conducting drug education and training programs, including travel and related expenses for participants in such programs and the distribution of items of token value that promote the goals of such programs, $2,088,176,000; of which not to exceed $75,000,000 shall remain available until expended; and of which not to exceed $75,000 shall be available for official reception and representation expenses.

CONSTRUCTION

For necessary expenses, to include the cost of equipment, furniture, and information technology requirements, related to construction or acquisition of buildings; and operation and maintenance of secure work environment facilities and secure networking capabilities; $41,941,000, to remain available until expended.

BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES

SALARIES AND EXPENSES

For necessary expenses of the Bureau of Alcohol, Tobacco, Firearms and Explosives, not to exceed $30,000 for official reception and representation expenses; for training of State and local law enforcement agencies with or without reimbursement, including training in connection with the training and acquisition of canines for explosives and fire accelerants detection; and for provision of laboratory assistance to State and local law enforcement agencies, with or without reimbursement, $1,162,986,000, of which not to exceed $1,000,000 shall be available for the payment of attorneys' fees as provided by section 924(d)(2) of title 18, United States Code;

and of which not to exceed $20,000,000 shall remain available until expended: *Provided*, That no funds appropriated herein shall be available for salaries or administrative expenses in connection with consolidating or centralizing, within the Department of Justice, the records, or any portion thereof, of acquisition and disposition of firearms maintained by Federal firearms licensees: *Provided further*, That no funds appropriated herein shall be used to pay administrative expenses or the compensation of any officer or employee of the United States to implement an amendment or amendments to 27 CFR 478.118 or to change the definition of ''Curios or relics'' in 27 CFR 478.11 or remove any item from ATF Publication 5300.11 as it existed on January 1, 1994: *Provided further*, That none of the funds appropriated herein shall be available to investigate or act upon applications for relief from Federal firearms disabilities under 18 U.S.C. 925(c): *Provided further*, That such funds shall be available to investigate and act upon applications filed by corporations for relief from Federal firearms disabilities under section 925(c) of title 18, United States Code: *Provided further*, That no funds made available by this or any other Act may be used to transfer the functions, missions, or activities of the Bureau of Alcohol, Tobacco, Firearms and Explosives to other agencies or Departments in fiscal year 2011: *Provided further*, That, beginning in fiscal year 2011 and thereafter, no funds appropriated under this or any other Act may be used to disclose part or all of the contents of the Firearms Trace System database maintained by the National Trace Center of the Bureau of Alcohol, Tobacco, Firearms and Explosives or any information required to be kept by licensees pursuant to section 923(g) of title 18, United States Code, or required to be reported pursuant to paragraphs (3) and (7) of such section 923(g), except to: (1) a Federal, State, local, or tribal law enforcement agency, or a Federal, State, or local prosecutor; or (2) a foreign law enforcement agency solely in connection with or for use in a criminal investigation or prosecution; or (3) a Federal agency for a national security or intelligence purpose; unless such disclosure of such data to any of the entities described in (1), (2) or (3) of this proviso would compromise the identity of any undercover law enforcement officer or confidential informant, or interfere with any case under investigation; and no person or entity described in (1), (2) or (3) shall knowingly and publicly disclose such data; and all such data shall be immune from legal process, shall not be subject to subpoena or other discovery, shall be inadmissible in evidence, and shall not be used, relied on, or disclosed in any manner, nor shall testimony or other evidence be permitted based on the data, in a civil action in any State (including the District of Columbia) or Federal court or in an administrative proceeding other than a proceeding commenced by the Bureau of Alcohol, Tobacco, Firearms and Explosives to enforce the provisions of chapter 44 of such title, or a review of such an action or proceeding; except that this proviso shall not be construed to prevent: (A) the disclosure of statistical information concerning total production, importation, and exportation by each licensed importer (as defined in section 921(a)(9) of such title) and licensed manufacturer (as defined in section 921(a)(10) of such title); (B) the sharing or exchange of such information among and between Federal, State, local, or foreign law enforcement agencies, Federal, State, or local prosecutors, and Federal national security, intelligence, or counterterrorism officials; or (C) the publication of annual statistical reports on products regulated by the Bureau of Alcohol, Tobacco, Firearms and Explosives, including total production, importation, and exportation by each licensed importer (as so defined) and licensed manufacturer (as so defined), or statistical aggregate data regarding firearms traffickers and trafficking channels, or firearms misuse, felons, and trafficking investigations: *Provided further*, That no funds made available by this or any other Act shall be expended to promulgate or implement any rule requiring a physical inventory of any business licensed under section 923 of title 18, United States Code: *Provided further*, That no funds under this Act may be used to electronically retrieve information gathered pursuant to 18 U.S.C. 923(g)(4) by name or any personal identification code: *Provided further*, That no funds authorized or made available under this or any other Act may be used to deny any application for a license under section 923 of title 18, United States Code, or renewal of such a license due to a lack of business activity, provided that the applicant is otherwise eligible to receive such a license, and is eligible to report business income or to claim an income tax deduction for business expenses under the Internal Revenue Code of 1986.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

For necessary expenses of the Federal Prison System for the administration, operation, and maintenance of Federal penal and correctional institutions, including purchase (not to exceed 591, of which 559 are for replacement only) and hire of law enforcement and passenger motor vehicles, and for the provision of technical assistance and advice on corrections related issues to foreign governments, $6,553,779,000: *Provided*, That the Attorney General may transfer to the Health Resources and Services Administration such amounts as may be necessary for direct expenditures by that Administration for medical relief for inmates of Federal penal and correctional institutions: *Provided further*, That the Director of the Federal Prison System, where necessary, may enter into contracts with a fiscal agent or fiscal intermediary claims processor to determine the amounts payable to persons who, on behalf of the Federal Prison System, furnish health services to individuals committed to the custody of the Federal Prison System: *Provided further*, That not to exceed $4,500 shall be available for official reception and representation expenses: *Provided further*, That not to exceed $50,000,000 shall remain available for necessary operations until September 30, 2012: *Provided further*, That, of the amounts provided for contract confinement, not to exceed $20,000,000 shall remain available until expended to make payments in advance for grants, contracts and reimbursable agreements, and other expenses authorized by section 501(c) of the Refugee Education Assistance Act of 1980 (8 U.S.C. 1522 note), for the care and security in the United States of Cuban and Haitian entrants: *Provided further*, That the Director of the Federal Prison System may accept donated property and services relating to the operation of the prison card program from a not-for-profit entity which has operated such program in the past notwithstanding the fact that such not-for-profit entity furnishes services under contracts to the Federal Prison System relating to the operation of pre-release services, halfway houses, or other custodial facilities.

BUILDINGS AND FACILITIES

For planning, acquisition of sites and construction of new facilities; purchase and acquisition of facilities and remodeling, and equipping of such facilities for penal and correctional use, including all necessary expenses incident thereto, by contract or force account; and constructing, remodeling, and equipping necessary buildings and facilities at existing penal and correctional institutions, including all necessary expenses incident thereto, by contract or force account, $269,733,000, to remain available until expended, of which $75,000,000 shall be derived from available unobligated balances previously appropriated under this heading, and of which not to exceed $14,000,000 shall be available to construct areas for inmate work programs: *Provided*, That labor of United States prisoners may be used for work performed under this appropriation: *Provided further*, That none of the funds provided under this heading in this or any prior Act shall be available for the acquisition of any facility that is to be used wholly or in part for the incarceration or detention of any individual detained at Naval Station, Guantanamo Bay, Cuba, as of June 24, 2009.

FEDERAL PRISON INDUSTRIES, INCORPORATED

The Federal Prison Industries, Incorporated, is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available, and in accord with the law, and to make such contracts and commitments, without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the program set forth in the budget for the current fiscal year for such corporation, including purchase (not to exceed five for replacement only) and hire of passenger motor vehicles.

LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL PRISON INDUSTRIES, INCORPORATED

Not to exceed $2,700,000 of the funds of the Federal Prison Industries, Incorporated shall be available for its administrative expenses, and for services as authorized by section 3109 of title 5, United States Code, to be computed on an accrual basis to be determined in accordance with the corporation's current prescribed accounting system, and such amounts shall be exclusive of depreciation, payment of claims, and expenditures which such accounting system requires to be capitalized or charged to cost of commodities acquired or produced, including selling and shipping expenses, and expenses in connection with acquisition, construction, operation, maintenance, improvement, protection, or disposition of facilities and other property belonging to the corporation or in which it has an interest.

STATE AND LOCAL LAW ENFORCEMENT ACTIVITIES

OFFICE ON VIOLENCE AGAINST WOMEN

VIOLENCE AGAINST WOMEN PREVENTION AND PROSECUTION PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For grants, contracts, cooperative agreements, and other assistance for the prevention and prosecution of violence against women, as authorized by the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) (''the 1968 Act''); the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322) (''the 1994 Act''); the Victims of Child Abuse Act of 1990 (Public Law 101–647) (''the 1990 Act''); the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003 (Public Law 108–21); the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.) (''the 1974 Act''); the Victims of Trafficking and Violence Protection Act of 2000 (Public Law 106–386) (''the 2000 Act''); and the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162) (''the 2005 Act''); and for related victims services, $448,500,000, to remain available until expended: *Provided*, That except as otherwise provided by law, not to exceed 3 percent of

funds made available under this heading may be used for expenses related to evaluation, training, and technical assistance: *Provided further*, That of the amount provided (which shall be by transfer for programs administered by the Office of Justice Programs)—

(1) $198,000,000 is for grants to combat violence against women, as authorized by part T of the 1968 Act;

(2) $30,000,000 is for transitional housing assistance grants for victims of domestic violence, stalking or sexual assault as authorized by section 40299 of the 1994 Act;

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

(4) $45,000,000 is for grants to encourage arrest policies as authorized by part U of the 1968 Act;

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

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

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

(8) $50,000,000 is for legal assistance for victims, as authorized by section 1201 of the 2000 Act;

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

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

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

(12) $3,000,000 is for an engaging men and youth in prevention program, as authorized by section 41305 of the 1994 Act;

(13) $1,000,000 is for tracking of violence against Indian women, as authorized by section 905 of the 2005 Act and consistent with title I of the Adam Walsh Child Protection and Safety Act of 2006;

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

(15) $3,000,000 is for grants to assist children and youth exposed to violence, as authorized by section 41303 of the 1994 Act;

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

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

(18) $2,500,000 is for the Supporting Teens through Education and Protection program, as authorized by section 41204 of the 1994 Act;

(19) $3,000,000 is for analysis and research on violence against Indian women, including as authorized by section 904 of the 2005 Act;

(20) $500,000 is for the Office on Violence Against Women to establish a national clearinghouse that provides training and technical assistance on issues relating to sexual assault of American Indian and Alaska Native women; and

(21) $500,000 is for the Office on Violence Against Women to sponsor regional summits on violence against women in Indian country for Department of Justice representatives, local tribal advocates, law enforcement, and judges.

SALARIES AND EXPENSES

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

OFFICE OF JUSTICE PROGRAMS

RESEARCH, EVALUATION AND STATISTICS

(INCLUDING TRANSFER OF FUNDS)

For grants, contracts, cooperative agreements, and other assistance authorized by title I of the Omnibus Crime Control and Safe Streets Act of 1968 (''the 1968 Act''); the Violent Crime Control and Law Enforcement Act of 1994 (''the 1994 Act''); the Juvenile Justice and Delinquency Prevention Act of 1974 (''the 1974 Act''); the Missing Children's Assistance Act (42 U.S.C. 5771 et seq.); the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003 (Public Law 108–21); the Justice for All Act of 2004 (Public Law 108–405); the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162) (''the 2005 Act''); the Victims of Child Abuse Act of 1990 (Public Law 101–647); the Second Chance Act of 2007 (Public Law 110–199); the Victims of Crime Act of 1984 (Public Law 98–473); the Victims of Trafficking and Violence Protection Act of 2000 (Public Law 106–386); the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109–248); the NICS Improvement Amendments Act of 2007 (Public Law 110–180); the PROTECT Our Children Act of 2008 (Public Law 110–401); subtitle D of title II of the Homeland Security Act of 2002 (Public Law 107–296) (''the 2002 Act''); and other programs, $340,000,000, to remain available until expended, of which—

(1) $60,000,000 is for criminal justice statistics programs, and other activities, as authorized by part C of title I of the 1968 Act, of which $41,000,000 is for the administration and redesign of the National Crime Victimization Survey;

(2) $60,000,000 is for research, development, and evaluation programs, and other activities as authorized by part B of title I of the 1968 Act and subtitle D of title II of the 2002 Act: *Provided,* That of the amounts provided under this heading, $5,000,000 is transferred directly to the National Institute of Standards and Technology's Office of Law Enforcement Standards from the National Institute of Justice for research, testing and evaluation programs;

(3) $1,000,000 is for an evaluation clearinghouse program;

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

(5) $10,000,000 is for the National Criminal History Improvement Program for grants to upgrade criminal records;

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

(7) $3,000,000 is for grants to improve the stalking and domestic violence database, as authorized by section 40602 of the 1994 Act; and

(8) $161,000,000 is for DNA-related and forensic programs and activities, of which—

(A) $151,000,000 is for a DNA analysis and capacity enhancement program and for other local, State, and Federal forensic activities including the purposes of section 2 of the DNA Analysis Backlog Elimination Act of 2000 (the Debbie Smith DNA Backlog Grant Program);

(B) $5,000,000 is for the purposes described in the Kirk Bloodsworth Post-Conviction DNA Testing Program (Public Law 108–405, section 412); and

(C) $5,000,000 is for Sexual Assault Forensic Exam Program Grants as authorized by section 304 of Public Law 108–405.

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

(INCLUDING TRANSFER OF FUNDS)

For grants, contracts, cooperative agreements, and other assistance authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322) (''the 1994 Act''); the Omnibus Crime Control and Safe Streets Act of 1968 (''the 1968 Act''); the Justice for All Act of 2004 (Public Law 108–405); the Victims of Child Abuse Act of 1990 (Public Law 101–647) (''the 1990 Act''); the Trafficking Victims Protection Reauthorization Act of 2005 (Public Law 109–164); the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162) (''the 2005 Act''); the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109–248) (''the Adam Walsh Act''); the Victims of Trafficking and Violence Protection Act of 2000 (Public Law 106–386); subtitle D of title II of the Homeland Security Act of 2002 (Public Law 107–296) (''the 2002 Act''); the Second Chance Act of 2007 (Public Law 110–199); the Prioritizing Resources and Organization for Intellectual Property Act of 2008 (Public Law 110–403); the Victims of Crime Act of 1984 (Public Law 98–473); and other programs (including the Statewide Automated Victim Notification program of the Bureau of Justice Assistance), $1,651,780,000, to remain available until expended as follows—

(1) $519,000,000 for the Edward Byrne Memorial Justice Assistance Grant program as authorized by subpart 1 of part E of title I of the 1968 Act (except that section 1001(c), and the special rules for Puerto Rico under section 505(g), of title I of the 1968 Act shall not apply for purposes of this Act), of which $5,000,000 is for use by the National Institute of Justice in assisting units of local government to identify, select, develop, modernize, and purchase new technologies for use by law enforcement, $2,000,000 is for a program to improve State and local law enforcement intelligence capabilities including antiterrorism training and training to ensure that constitutional rights, civil liberties, civil rights, and privacy interests are protected throughout the intelligence process, $6,000,000 is for a State and local assistance help desk and diagnostic center program, and $7,000,000 is for necessary expenses to carry out the activities of the National Criminal Justice Commission, as authorized by section 542 of this Act;

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

(3) $20,000,000 for the Southwest Border Prosecutor Initiative to reimburse State, county, parish, tribal, or municipal governments for costs associated with the prosecution of criminal cases declined by local offices of the United States Attorneys;

(4) $199,780,000 for discretionary grants to improve the functioning of the criminal justice system, to prevent or combat juvenile delinquency, and to assist victims of crime (other than compensation), which shall be used for the projects, and in the amounts, as specified in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act);

(5) $35,000,000 for competitive grants to improve the functioning of the criminal justice system, to prevent or combat juvenile delinquency, and to assist victims of crime (other than compensation);

(6) $2,000,000 for the purposes described in the Missing Alzheimer's Disease Patient

Alert Program (section 240001 of the 1994 Act);

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

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

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

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

(11) $12,500,000 for the Capital Litigation Improvement Grant Program, as authorized by section 426 of Public Law 108–405, and for grants for wrongful conviction review;

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

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

(14) $23,000,000 for grants to prevent, investigate, prosecute, and otherwise combat economic, high technology and Internet crime, including as authorized by section 401 of Public Law 110–403;

(15) $3,500,000 for training programs as authorized by section 40152 of the 1994 Act, and for related local demonstration projects;

(16) $100,000,000 for offender reentry programs and research, as authorized by the Second Chance Act of 2007 (Public Law 110–199);

(17) $20,000,000 for activities related to comprehensive criminal justice reform and recidivism reduction efforts;

(18) $10,000,000 for a student loan repayment assistance program pursuant to section 952 of Public Law 110–315;

(19) $5,000,000 for the Northern Border Prosecutor Initiative to reimburse State, county, parish, tribal, or municipal governments for the costs associated with the prosecution of criminal cases declined by local offices of the United States Attorneys;

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

(21) $3,000,000 for technical and other targeted assistance to improve the functioning of the criminal justice system;

(22) $5,000,000 for a justice information-sharing and technology program;

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

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

(25) $30,000,000 for an Edward Byrne Memorial criminal justice innovation program;

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

(27) $25,000,000 for the matching grant program for law enforcement armor vests, as authorized by section 2501 of title I of the 1968 Act: *Provided*, That $1,500,000 is transferred directly to the National Institute of Standards and Technology's Office of Law Enforcement Standards for research, testing and evaluation programs;

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

(29) $10,000,000 for the Statewide Victim Notification System program of the Bureau of Justice Assistance;

(30) $40,000,000 for regional information sharing activities, as authorized by part M of title I of the 1968 Act;

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

(32) $6,000,000 for a program to prosecute, prevent, and otherwise combat hate crimes, including related research, of which $5,000,000 is for investigation and prosecution assistance grants and $1,000,000 is for a hate crimes training program; and

(33) $5,000,000 for a program to monitor prescription drugs and scheduled listed chemical products:

*Provided*, That if a unit of local government uses any of the funds made available under this heading to increase the number of law enforcement officers, the unit of local government will achieve a net gain in the number of law enforcement officers who perform nonadministrative public sector safety service.

JUVENILE JUSTICE PROGRAMS

For grants, contracts, cooperative agreements, and other assistance authorized by the Juvenile Justice and Delinquency Prevention Act of 1974 (''the 1974 Act''); the Omnibus Crime Control and Safe Streets Act of 1968 (''the 1968 Act''); the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162); the Missing Children's Assistance Act (42 U.S.C. 5771 et seq.); the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003 (Public Law 108–21); the Victims of Child Abuse Act of 1990 (Public Law 101–647) (''the 1990 Act''); the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109–248); the PROTECT Our Children Act of 2008 (Public Law 110–401); and other juvenile justice programs, $506,040,000, to remain available until expended as follows—

(1) $72,000,000 for programs authorized by section 221 of the 1974 Act, and for training and technical assistance to assist small, nonprofit organizations with the Federal grants process;

(2) $73,240,000 for grants and projects, as authorized by sections 261 and 262 of the 1974 Act, which shall be used for the projects, and in the amounts, as specified in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act);

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

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

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

(B) $15,000,000 shall be for gang and youth violence education and prevention and related activities; and

(C) $25,000,000 shall be for grants of $360,000 to each State and $4,840,000 shall be available for discretionary grants, for programs and activities to enforce State laws prohibiting the sale of alcoholic beverages to minors or the purchase or consumption of alcoholic beverages by minors, for prevention and reduction of consumption of alcoholic beverages by minors, and for technical assistance and training;

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

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

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

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

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

(10) $2,500,000 for child abuse training programs for judicial personnel and practitioners, as authorized by section 222 of the 1990 Act;

(11) $70,000,000 for missing and exploited children programs, including as authorized by sections 404(b) and 405(a) of the 1974 Act; and

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

*Provided*, That not more than 10 percent of each amount may be used for research, evaluation, and statistics activities designed to benefit the programs or activities authorized: *Provided further*, That not more than 2 percent of each amount may be used for training and technical assistance: *Provided further*, That the previous two provisos shall not apply to grants and projects authorized by sections 261 and 262 of the 1974 Act, or by sections 217 and 222 of the 1990 Act, or to missing and exploited children programs.

PUBLIC SAFETY OFFICER BENEFITS

For payments and expenses authorized under section 1001(a)(4) of title I of the Omnibus Crime Control and Safe Streets Act of 1968, such sums as are necessary (including amounts for administrative costs, which amounts shall be paid to the ''Salaries and Expenses'' account), to remain available until expended; and in addition, $16,300,000 for payments authorized by section 1201(b) of such Act and for educational assistance authorized by section 1218 of such Act, to remain available until expended: *Provided*, That notwithstanding section 205 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for such disability and education payments, the Attorney General may transfer such amounts to ''Public Safety Officer Benefits'' from available appropriations for the current fiscal year for the Department of Justice as may be necessary to respond to such circumstances: *Provided further*, That any transfer pursuant to the previous proviso shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SALARIES AND EXPENSES

For necessary expenses, not elsewhere specified in this title, for management and administration of programs within the Office of Justice Programs, $167,500,000: *Provided*, That, notwithstanding section 109 of title I of Public Law 90–351, an additional amount, not to exceed $32,500,000 shall be available for authorized activities of the Office of Audit, Assessment, and Management.

COMMUNITY ORIENTED POLICING SERVICES

COMMUNITY ORIENTED POLICING SERVICES PROGRAMS

(INCLUDING TRANSFERS OF FUNDS)

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

(1) $30,000,000 is for improving tribal law enforcement, including hiring, equipment, training, and anti-methamphetamine activities;

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

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

(4) $363,000,000 is for grants under section 1701 of title I of the 1968 Act (42 U.S.C. 3796dd) for the hiring and rehiring of additional career law enforcement officers under part Q of such title notwithstanding subsection (i) of such section and notwithstanding 42 U.S.C. 3796dd–3(c): *Provided*, That subsection (g) of the 1968 Act (42 U.S.C. 3796dd) shall not apply with respect to funds appropriated in this Act: *Provided further*, That within the amounts appropriated, $42,000,000 shall be transferred to the Tribal Resources Grant Program for improving tribal law enforcement: *Provided further*, That within the amounts appropriated, up to $30,000,000 is available for the hiring or rehiring of officers who will be assigned to Internet Crimes Against Children Task Forces: *Provided further*, That within the amounts appropriated, $26,000,000 is for community policing development activities;

(5) $17,185,000 is for grants to entities described in section 1701 of title I of the 1968 Act, to address public safety and methamphetamine manufacturing, sale, and use in hot spots as authorized by section 754 of Public Law 109–177, and for other anti-methamphetamine-related activities: *Provided*, That within the amounts appropriated, $7,185,000 shall be used for the projects, and in the amounts, as specified in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided further*, That within the amounts appropriated, $10,000,000 shall be transferred to the Drug Enforcement Administration upon enactment of this Act; and

(6) $98,885,000 is for a law enforcement technologies and interoperable communications program, and related law enforcement and public safety equipment: *Provided*, That within the amounts appropriated, $97,385,000 shall be used for the projects, and in the amounts, as specified in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided further*, That of the amounts provided under this heading, $1,500,000 is transferred directly to the National Institute of Standards and Technology's Office of Law Enforcement Standards from the Community Oriented Policing Services Office for research, testing, and evaluation programs.

SALARIES AND EXPENSES

For necessary expenses, not elsewhere specified in this title, for management and administration of programs within the Community Oriented Policing Services Office, $39,000,000.

GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

SEC. 201. In addition to amounts otherwise made available in this title for official reception and representation expenses, a total of not to exceed $56,250 from funds appropriated to the Department of Justice in this title shall be available to the Attorney General for official reception and representation expenses.

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

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

SEC. 204. Nothing in the preceding section shall remove the obligation of the Director of the Bureau of Prisons to provide escort services necessary for a female inmate to receive such service outside the Federal facility: *Provided*, That nothing in this section in any way diminishes the effect of section 203 intended to address the philosophical beliefs of individual employees of the Bureau of Prisons.

SEC. 205. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Justice in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section.

SEC. 206. The Attorney General is authorized to extend through September 30, 2012, the Personnel Management Demonstration Project transferred to the Attorney General pursuant to section 1115 of the Homeland Security Act of 2002, Public Law 107–296 (28 U.S.C. 599B) without limitation on the number of employees or the positions covered.

SEC. 207. Notwithstanding any other provision of law, Public Law 102–395 section 102(b) shall extend to the Bureau of Alcohol, Tobacco, Firearms and Explosives in the conduct of undercover investigative operations and shall apply without fiscal year limitation with respect to any undercover investigative operation by the Bureau of Alcohol, Tobacco, Firearms and Explosives that is necessary for the detection and prosecution of crimes against the United States.

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

SEC. 209. (a) None of the funds appropriated by this Act may be used by Federal prisons to purchase cable television services, to rent or purchase videocassettes, videocassette recorders, or other audiovisual or electronic equipment used primarily for recreational purposes.

(b) The preceding sentence does not preclude the renting, maintenance, or purchase of audiovisual or electronic equipment for inmate training, religious, or educational programs.

SEC. 210. None of the funds made available under this title shall be obligated or expended for Sentinel, or for any other major new or enhanced information technology program having total estimated development costs in excess of $100,000,000, unless the Deputy Attorney General and the investment review board certify to the Committees on Appropriations that the information technology program has appropriate program management and contractor oversight mechanisms in place, and that the program is compatible with the enterprise architecture of the Department of Justice.

SEC. 211. The notification thresholds and procedures set forth in section 505 of this Act shall apply to deviations from the amounts designated for specific activities in this Act and accompanying statement, and to any reobligation, for any purpose other than that of the program for which the prior obligation was made, of deobligated balances of funds provided under this title in previous years.

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

SEC. 213. Notwithstanding any other provision of law, no funds shall be available for the salary, benefits, or expenses of any United States Attorney assigned dual or additional responsibilities by the Attorney General or his designee that exempt that United States Attorney from the residency requirements of 28 U.S.C. 545.

SEC. 214. At the discretion of the Attorney General, and in addition to any amounts that otherwise may be available (or authorized to be made available) by law, with respect to funds appropriated by this Act under the headings for ''Research, Evaluation and Statistics'', ''State and Local Law Enforcement Assistance'' (other than funds specifically appropriated for discretionary grants to improve the functioning of the criminal justice system, to prevent or combat juvenile delinquency, and to assist victims of crime), and ''Juvenile Justice Programs'' (other than funds specifically appropriated for grants and projects, as authorized by sections 261 and 262 of the Juvenile Justice and Delinquency Prevention Act of 1974)—

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

(2) Notwithstanding section 205 of this Act, up to 3 percent of funds made available for grant or reimbursement programs under such headings, except for amounts appropriated specifically for research, evaluation, or statistical programs administered by the National Institute of Justice and the Bureau of Justice Statistics, may be transferred to and merged with funds provided to the National Institute of Justice and the Bureau of Justice Statistics, to be used by them for research, evaluation, or statistical purposes, without regard to the authorizations for such grant or reimbursement programs.

SEC. 215. The Attorney General may, upon request by a grantee and based upon a determination of fiscal hardship, waive the requirements of paragraph (1) of section 2976(g) and the requirements of paragraphs (1) and (2) of section 2978(e), and the requirements of section 2904 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797w(g)(1) and 42 U.S.C. 3797w–2(e)(1) and 42 U.S.C. 3797w–2(e)(2) and 42 U.S.C. 3797q–3) with respect to funds appropriated in this or any other Act making appropriations for fiscal years 2010 and 2011 for Adult and Juvenile Offender State and Local Reentry Demonstration Projects, State, Tribal and Local Reentry Courts, and the Prosecution Drug Treatment Alternatives to Prison Program authorized under parts CC and FF of such title of such Act of 1968.

SEC. 216. Section 530A of title 28, United States Code, is hereby amended by replacing ''appropriated'' with ''used from appropriations'', and by inserting ''(2),'' before ''(3)''.

This title may be cited as the ''Department of Justice Appropriations Act, 2011''.

TITLE III

SCIENCE

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

For necessary expenses of the Office of Science and Technology Policy, in carrying out the purposes of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6601–6671), hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, not to exceed $2,100

for official reception and representation expenses, and rental of conference rooms in the District of Columbia, $6,990,000.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

SCIENCE

For necessary expenses, not otherwise provided for, in the conduct and support of science research and development activities, including research, development, operations, support, and services; maintenance; space flight, spacecraft control, and communications activities; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, $5,005,600,000, to remain available until September 30, 2012: *Provided*, That of the funds provided under this heading, $15,000,000 shall be available for a reimbursable agreement with the Department of Energy for the re-establishment of facilities to produce fuel required for radioisotope thermoelectric generators to enable future science missions.

AERONAUTICS

For necessary expenses, not otherwise provided for, in the conduct and support of aeronautics research and development activities, including research, development, operations, support, and services; maintenance; space flight, spacecraft control, and communications activities; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, $579,600,000, to remain available until September 30, 2012.

SPACE RESEARCH AND TECHNOLOGY

For necessary expenses, not otherwise provided for, in the conduct and support of space research and technology development activities, including research, development, operations, support, and services; maintenance; space flight, spacecraft control, and communications activities; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, $559,000,000, to remain available until September 30, 2012.

EXPLORATION

For necessary expenses, not otherwise provided for, in the conduct and support of exploration research and development activities, including research, development, operations, support, and services; maintenance; space flight, spacecraft control, and communications activities; program management, personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, $3,706,000,000, to remain available until September 30, 2012: *Provided*, That not less than $300,000,000 shall be for commercial cargo development, not less than $250,000,000 shall be for commercial crew, not less than $1,800,000,000 shall be for the heavy lift launch vehicle system, and not less than $1,200,000,000 shall be for the multipurpose crew vehicle: *Provided further*, That the initial lift capability for the heavy lift launch vehicle system shall be not less than 130 tons and that the upper stage and other core elements shall be developed simultaneously.

SPACE OPERATIONS

For necessary expenses, not otherwise provided for, in the conduct and support of space operations research and development activities, including research, development, operations, support, and services; maintenance; space flight, spacecraft control and communications activities; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance and operation of mission and administrative aircraft, $5,247,900,000, to remain available until September 30, 2012: *Provided*, That of the amounts provided under this heading, $989,100,000 shall be for Space Shuttle operations, production, research, development, and support, $2,745,000,000 shall be for International Space Station operations, production, research, development, and support, and $688,800,000 shall be for Space and Flight Support: *Provided further*, That should the Administrator determine that the Smithsonian Institution is an appropriate venue for an orbiter, such orbiter shall be made available to the Smithsonian at no or nominal cost: *Provided further*, That any funds received by National Aeronautics and Space Administration (NASA) as a result of the disposition of any orbiter shall be available only as provided in subsequent appropriations Acts: *Provided further*, That funds made available under this heading in excess of those specified for Space Shuttle, International Space Station, and Space and Flight support may be transferred to ''Construction and Environmental Compliance and Restoration'' for construction activities only at NASA owned facilities: *Provided further*, That funds so transferred shall not be subject to section 505(a)(1) of this Act or to the transfer limitations described in the Administrative Provisions in this Act for NASA, and shall be available until September 30, 2015, only after notification of such transfers to the Committees on Appropriations.

EDUCATION

For necessary expenses, not otherwise provided for, in carrying out aerospace and aeronautical education research and development activities, including research, development, operations, support, and services; program management; personnel and related costs, uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, $180,000,000, to remain available until September 30, 2012: *Provided*, That within the amounts appropriated, $44,800,000 shall be for space grant activities: *Provided further*, That of the funds provided for space grant activities, none shall be available for National Aeronautics and Space Administration administrative costs: *Provided further*, That 42 U.S.C. 2467a is amended by adding at the end thereof:

''(d) AVAILABILITY OF FUNDS.—The interest accruing from the National Aeronautics and Space Administration Endeavor Teacher Fellowship Trust Fund principal shall be available in fiscal year 2011 for science, technology, engineering and math teacher development.''.

CROSS AGENCY SUPPORT

For necessary expenses, not otherwise provided for, in the conduct and support of science, aeronautics, space research and technology, exploration, space operations and education research and development activities, including research, development, operations, support, and services; maintenance; space flight, spacecraft control, and communications activities; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; travel expenses; purchase and hire of passenger motor vehicles; not to exceed $52,500 for official reception and representation expenses; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, $3,085,700,000: *Provided*, That $2,270,200,000 shall be available for center management and operations: *Provided further*, That not less than $47,500,000 shall be available for independent verification and validation activities: *Provided further*, That within the amounts appropriated, $56,125,000 shall be used for the projects, and in the amounts, as specified in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided further*, That contracts may be entered into under this heading in fiscal year 2011 for maintenance and operation of facilities, and for other services, to be provided during the next fiscal year.

CONSTRUCTION AND ENVIRONMENTAL COMPLIANCE AND RESTORATION

For necessary expenses for construction of facilities including repair, rehabilitation, revitalization, and modification of facilities, construction of new facilities and additions to existing facilities, facility planning and design, and restoration, and acquisition or condemnation of real property, as authorized by law, and environmental compliance and restoration; $508,700,000, together with $20,000,000 to be derived from available unobligated balances previously appropriated for construction of facilities, to remain available until September 30, 2015: *Provided*, That within the funds provided, $40,500,000 shall be available to support science research and development activities; $109,800,000 shall be available to support exploration research and development activities; $15,600,000 shall be available to support space operations research and development activities; $300,700,000 shall be available for institutional construction of facilities; and $62,100,000 shall be available for environmental compliance and restoration: *Provided further*, That proceeds from leases entered into under the authorities contained in 42 U.S.C. 2459j and deposited into this account shall be available for obligation for fiscal year 2011 in an amount not to exceed $5,592,400.

OFFICE OF INSPECTOR GENERAL

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

ADMINISTRATIVE PROVISIONS

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

Not to exceed 5 percent of any appropriation made available for the current fiscal year for the National Aeronautics and Space Administration (NASA) in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers. Balances transferred may be merged with funds in the recipient account and thereafter may be accounted for as one fund under the same terms and conditions as the recipient account. Any transfer pursuant to this provision shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section.

The unexpired balances of previous accounts, for activities for which funds are provided under this Act, may be transferred to

the new accounts established in this Act that provide such activity. Balances so transferred shall be merged with the funds in the newly established accounts, but shall be available under the same terms, conditions and period of time as previously appropriated.

Funding designations and minimum funding requirements contained in any other Act shall not be applicable to funds appropriated by this title for NASA.

Of funds provided under the headings ''Space Operations'' and ''Exploration'' in this Act, up to $60,000,000 may be transferred to ''Economic Development Assistance Programs, Economic Development Administration, Department of Commerce'', to spur regional economic growth in areas impacted by Shuttle retirement and exploration programmatic changes.

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in carrying out the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), and the Act to establish a National Medal of Science (42 U.S.C. 1880–1881); services as authorized by 5 U.S.C. 3109; maintenance and operation of aircraft and purchase of flight services for research support; acquisition of aircraft; and authorized travel; $5,949,080,000, to remain available until September 30, 2012, of which not to exceed $590,000,000 shall remain available until expended for polar research and operations support, and for reimbursement to other Federal agencies for operational and science support and logistical and other related activities for the United States Antarctic program: *Provided*, That from funds specified in the fiscal year 2011 budget request for icebreaking services, $54,000,000 shall be transferred to the U.S. Coast Guard ''Operating Expenses'' within 60 days of enactment of this Act: *Provided further*, That receipts for scientific support services and materials furnished by the National Research Centers and other National Science Foundation supported research facilities may be credited to this appropriation: *Provided further*, That not less than $156,000,000 shall be available for activities authorized by section 7002(c)(2)(A)(iv) of Public Law 110–69.

MAJOR RESEARCH EQUIPMENT AND FACILITIES CONSTRUCTION

For necessary expenses for the acquisition, construction, commissioning, and upgrading of major research equipment, facilities, and other such capital assets pursuant to the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), including authorized travel, $157,190,000, to remain available until expended: *Provided*, That none of the funds may be used to reimburse the Judgment Fund.

EDUCATION AND HUMAN RESOURCES

For necessary expenses in carrying out science, mathematics and engineering education and human resources programs and activities pursuant to the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), including services as authorized by 5 U.S.C. 3109, authorized travel, and rental of conference rooms in the District of Columbia, $900,000,000, to remain available until September 30, 2012: *Provided*, That not less than $55,000,000 shall be available until expended for activities authorized by section 7030 of Public Law 110–69, not less than $32,000,000 shall be available until expended for the Historically Black Colleges and Universities Undergraduate Program, and not less than $14,250,000 shall be available until expended for the Tribal Colleges and Universities Program.

AGENCY OPERATIONS AND AWARD MANAGEMENT

For agency operations and award management necessary in carrying out the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875); services authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; not to exceed $6,900 for official reception and representation expenses; uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; rental of conference rooms in the District of Columbia; and reimbursement of the Department of Homeland Security for security guard services; $319,190,000: *Provided*, That contracts may be entered into under this heading in fiscal year 2011 for maintenance and operation of facilities, and for other services, to be provided during the next fiscal year.

OFFICE OF THE NATIONAL SCIENCE BOARD

For necessary expenses (including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms in the District of Columbia, and the employment of experts and consultants under section 3109 of title 5, United States Code) involved in carrying out section 4 of the National Science Foundation Act of 1950, as amended (42 U.S.C. 1863) and Public Law 86–209 (42 U.S.C. 1880 et seq.), $4,840,000: *Provided*, That not to exceed $2,100 shall be available for official reception and representation expenses.

OFFICE OF INSPECTOR GENERAL

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

This title may be cited as the ''Science Appropriations Act, 2011''.

TITLE IV

RELATED AGENCIES

COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Commission on Civil Rights, including hire of passenger motor vehicles, $9,400,000: *Provided*, That none of the funds appropriated in this paragraph shall be used to employ in excess of four full-time individuals under Schedule C of the Excepted Service exclusive of one special assistant for each Commissioner: *Provided further*, That none of the funds appropriated in this paragraph shall be used to reimburse Commissioners for more than 75 billable days, with the exception of the chairperson, who is permitted 125 billable days: *Provided further*, That none of the funds appropriated in this paragraph shall be used for any activity or expense that is not explicitly authorized by 42 U.S.C. 1975a: *Provided further*, That there shall be an Inspector General at the Commission on Civil Rights who shall have the duties, responsibilities, and authorities specified in the Inspector General Act of 1978, as amended: *Provided further*, That an individual appointed to the position of Inspector General of the Equal Employment Opportunity Commission (EEOC) shall, by virtue of such appointment, also hold the position of Inspector General of the Commission on Civil Rights: *Provided further*, That the Inspector General of the Commission on Civil Rights shall utilize personnel of the Office of Inspector General of EEOC in performing the duties of the Inspector General of the Commission on Civil Rights, and shall not appoint any individuals to positions within the Commission on Civil Rights: *Provided further*, That of the amounts made available in this paragraph, $900,000 shall be transferred directly to the Office of Inspector General of EEOC upon enactment of this Act for salaries and expenses necessary to carry out the duties of the Inspector General of the Commission on Civil Rights.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Equal Employment Opportunity Commission as authorized by title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Equal Pay Act of 1963, the Americans with Disabilities Act of 1990, the Civil Rights Act of 1991, the Genetic Information Non-Discrimination Act (GINA) of 2008 (Public Law 110–233), the ADA Amendments Act of 2008 (Public Law 110–325), and the Lilly Ledbetter Fair Pay Act of 2009 (Public Law 111–2), including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); nonmonetary awards to private citizens, $355,303,000: *Provided*, That the Commission is authorized to make available for official reception and representation expenses not to exceed $1,875 from available funds: *Provided further*, That the Commission may take no action to implement any workforce repositioning, restructuring, or reorganization until such time as the Committees on Appropriations have been notified of such proposals, in accordance with the reprogramming requirements of section 505 of this Act: *Provided further*, That the Chair is authorized to accept and use any gift or donation to carry out the work of the Commission.

STATE AND LOCAL ASSISTANCE

For payments to State and local enforcement agencies for authorized services to the Commission, $30,000,000.

INTERNATIONAL TRADE COMMISSION

SALARIES AND EXPENSES

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

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, $440,000,000, of which $410,650,000 is for basic field programs and required independent audits; $4,350,000 is for the Office of Inspector General, of which such amounts as may be necessary may be used to conduct additional audits of recipients; $20,000,000 is for management and grants oversight; $4,000,000 is for client self-help and information technology; and $1,000,000 is for loan repayment assistance: *Provided*, That the Legal Services Corporation may continue to provide locality pay to officers and employees at a rate no greater than that provided by the Federal Government to Washington, DC-based employees as authorized by 5 U.S.C. 5304, notwithstanding section 1005(d) of the Legal Services Corporation Act, 42 U.S.C. 2996(d): *Provided further*, That the authorities provided in section 205 of this Act shall be applicable to the Legal Services Corporation.

ADMINISTRATIVE PROVISION—LEGAL SERVICES CORPORATION

None of the funds appropriated in this Act to the Legal Services Corporation shall be expended for any purpose prohibited or limited by, or contrary to any of the provisions of, sections 501, 502, 503, 504, 505, and 506 of Public Law 105–119, and all funds appropriated in this Act to the Legal Services Corporation shall be subject to the same terms and conditions set forth in such sections, except that all references in sections 502 and

503 to 1997 and 1998 shall be deemed to refer instead to 2010 and 2011, respectively.

MARINE MAMMAL COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Marine Mammal Commission as authorized by title II of Public Law 92–522, $3,500,000.

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

SALARIES AND EXPENSES

For necessary expenses of the Office of the United States Trade Representative, including the hire of passenger motor vehicles and the employment of experts and consultants as authorized by 5 U.S.C. 3109, $48,000,000, of which $1,000,000 shall remain available until expended: *Provided*, That not to exceed $93,000 shall be available for official reception and representation expenses: *Provided further*, That negotiations shall be conducted within the World Trade Organization to recognize the right of members to distribute monies collected from antidumping and countervailing duties: *Provided further*, That negotiations shall be conducted within the World Trade Organization consistent with the negotiating objectives contained in the Trade Act of 2002, Public Law 107–210.

STATE JUSTICE INSTITUTE

SALARIES AND EXPENSES

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

COMMISSION ON WARTIME RELOCATION AND INTERNMENT OF LATIN AMERICANS OF JAPANESE DESCENT

SALARIES AND EXPENSES

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

TITLE V

GENERAL PROVISIONS

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

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

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

SEC. 504. If any provision of this Act or the application of such provision to any person or circumstances shall be held invalid, the remainder of the Act and the application of each provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

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

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

(2) eliminates a program, project or activity, unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds;

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

(4) relocates an office or employees, unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds;

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

(6) contracts out or privatizes any functions or activities presently performed by Federal employees, unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds;

(7) proposes to use funds directed for a specific activity by either the House or Senate Committee on Appropriations for a different purpose, unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds;

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

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

(b) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2011, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure, through the reprogramming of funds after August 1, except in extraordinary circumstances, and only after the House and Senate Committees on Appropriations are notified 30 days in advance of such reprogramming of funds.

SEC. 506. Hereafter, none of the funds made available in this or any other Act may be used to implement, administer, or enforce any guidelines of the Equal Employment Opportunity Commission covering harassment based on religion, when it is made known to the Federal entity or official to which such funds are made available that such guidelines do not differ in any respect from the proposed guidelines published by the Commission on October 1, 1993 (58 Fed. Reg. 51266).

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

SEC. 508. The Departments of Commerce and Justice, the National Science Foundation, and the National Aeronautics and Space Administration, shall provide to the House and Senate Committees on Appropriations a quarterly accounting of the cumulative balances of any unobligated funds that were received by such agency during any previous fiscal year.

SEC. 509. Any costs incurred by a department or agency funded under this Act resulting from, or to prevent, personnel actions taken in response to funding reductions included in this Act shall be absorbed within the total budgetary resources available to such department or agency: *Provided*, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: *Provided further*, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

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

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

(1) the implementation of any tax or fee in connection with the implementation of subsection 922(t) of title 18, United States Code; and

(2) any system to implement subsection 922(t) of title 18, United States Code, that does not require and result in the destruction of any identifying information submitted by or on behalf of any person who has been determined not to be prohibited from possessing or receiving a firearm no more than 24 hours after the system advises a Federal firearms licensee that possession or receipt of a firearm by the prospective transferee would not violate subsection (g) or (n) of section 922 of title 18, United States Code, or State law.

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

SEC. 513. None of the funds made available to the Department of Justice in this Act may be used to discriminate against or denigrate the religious or moral beliefs of students who participate in programs for which financial assistance is provided from those funds, or of the parents or legal guardians of such students.

SEC. 514. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

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

SEC. 516. (a) Tracing studies conducted by the Bureau of Alcohol, Tobacco, Firearms and Explosives are released without adequate disclaimers regarding the limitations of the data.

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

(1) Firearm traces are designed to assist law enforcement authorities in conducting investigations by tracking the sale and possession of specific firearms. Law enforcement agencies may request firearms traces for any reason, and those reasons are not necessarily reported to the Federal Government. Not all firearms used in crime are traced and not all firearms traced are used in crime.

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

SEC. 517. (a) The Inspectors General of the Department of Commerce, the Department of Justice, the National Aeronautics and Space Administration, the National Science Foundation, and the Legal Services Corporation shall conduct audits, pursuant to the Inspector General Act (5 U.S.C. App.), of grants or contracts for which funds are appropriated by this Act, and shall submit reports to Congress on the progress of such audits, which may include preliminary findings and a description of areas of particular interest, within 180 days after initiating such an audit and every 180 days thereafter until any such audit is completed.

(b) Within 60 days after the date on which an audit described in subsection (a) by an Inspector General is completed, the Secretary, Attorney General, Administrator, Director, or President, as appropriate, shall make the results of the audit available to the public on the Internet Web site maintained by the Department, Administration, Foundation, or Corporation, respectively. The results shall be made available in redacted form to exclude—

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

(2) sensitive personal information for any individual, the public access to which could be used to commit identity theft or for other inappropriate or unlawful purposes.

(c) A grant or contract funded by amounts appropriated by this Act may not be used for the purpose of defraying the costs of a banquet or conference that is not directly and programmatically related to the purpose for which the grant or contract was awarded, such as a banquet or conference held in connection with planning, training, assessment, review, or other routine purposes related to a project funded by the grant or contract.

(d) Any person awarded a grant or contract funded by amounts appropriated by this Act shall submit a statement to the Secretary of Commerce, the Attorney General, the Administrator, Director, or President, as appropriate, certifying that no funds derived from the grant or contract will be made available through a subcontract or in any other manner to another person who has a financial interest in the person awarded the grant or contract.

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

SEC. 518. None of the funds appropriated or otherwise made available under this Act may be used to issue patents on claims directed to or encompassing a human organism.

SEC. 519. None of the funds made available in this Act shall be used in any way whatsoever to support or justify the use of torture by any official or contract employee of the United States Government.

SEC. 520. (a) Notwithstanding any other provision of law or treaty, none of the funds appropriated or otherwise made available under this Act or any other Act may be expended or obligated by a department, agency, or instrumentality of the United States to pay administrative expenses or to compensate an officer or employee of the United States in connection with requiring an export license for the export to Canada of components, parts, accessories or attachments for firearms listed in Category I, section 121.1 of title 22, Code of Federal Regulations (International Trafficking in Arms Regulations (ITAR), part 121, as it existed on April 1, 2005) with a total value not exceeding $500 wholesale in any transaction, provided that the conditions of subsection (b) of this section are met by the exporting party for such articles.

(b) The foregoing exemption from obtaining an export license—

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

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

(A) fully automatic firearms and components and parts for such firearms, other than for end use by the Federal Government, or a Provincial or Municipal Government of Canada;

(B) barrels, cylinders, receivers (frames) or complete breech mechanisms for any firearm listed in Category I, other than for end use by the Federal Government, or a Provincial or Municipal Government of Canada; or

(C) articles for export from Canada to another foreign destination.

(c) In accordance with this section, the District Directors of Customs and postmasters shall permit the permanent or temporary export without a license of any unclassified articles specified in subsection (a) to Canada for end use in Canada or return to the United States, or temporary import of Canadian-origin items from Canada for end use in the United States or return to Canada for a Canadian citizen.

(d) The President may require export licenses under this section on a temporary basis if the President determines, upon publication first in the Federal Register, that the Government of Canada has implemented or maintained inadequate import controls for the articles specified in subsection (a), such that a significant diversion of such articles has and continues to take place for use in international terrorism or in the escalation of a conflict in another nation. The President shall terminate the requirements of a license when reasons for the temporary requirements have ceased.

SEC. 521. Notwithstanding any other provision of law, no department, agency, or instrumentality of the United States receiving appropriated funds under this Act or any other Act shall obligate or expend in any way such funds to pay administrative expenses or the compensation of any officer or employee of the United States to deny any application submitted pursuant to 22 U.S.C. 2778(b)(1)(B) and qualified pursuant to 27 CFR section 478.112 or .113, for a permit to import United States origin ''curios or relics'' firearms, parts, or ammunition.

SEC. 522. None of the funds made available in this Act may be used to include in any new bilateral or multilateral trade agreement the text of—

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

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

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

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

SEC. 524. If at any time during any quarter, the program manager of a project within the jurisdiction of the Departments of Commerce or Justice, the National Aeronautics and Space Administration, or the National Science Foundation totaling more than $75,000,000 has reasonable cause to believe that the total program cost has increased by 10 percent, the program manager shall immediately inform the Secretary, Administrator, or Director. The Secretary, Administrator, or Director shall notify the House and Senate Committees on Appropriations within 30 days in writing of such increase, and shall include in such notice: the date on which such determination was made; a statement of the reasons for such increases; the action taken and proposed to be taken to control future cost growth of the project; changes made in the performance or schedule milestones and the degree to which such changes have contributed to the increase in total program costs or procurement costs; new estimates of the total project or procurement costs; and a statement validating that the project's management structure is adequate to control total project or procurement costs.

SEC. 525. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence or intelligence related activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2011 until the enactment of the Intelligence Authorization Act for fiscal year 2011.

SEC. 526. The Departments, agencies, and commissions funded under this Act, shall establish and maintain on the homepages of their Internet Web sites—

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

(2) mechanisms on the Offices of Inspectors General Web sites by which individuals may anonymously report cases of waste, fraud, or abuse with respect to those Departments, agencies, and commissions.

SEC. 527. None of the funds appropriated or otherwise made available by this Act may be used to enter into a contract in an amount greater than $5,000,000 or to award a grant in excess of such amount unless the prospective contractor or grantee certifies in writing to the agency awarding the contract or grant that, to the best of its knowledge and belief, the contractor or grantee has filed all Federal tax returns required during the three years preceding the certification, has not been convicted of a criminal offense under the Internal Revenue Code of 1986, and has

not, more than 90 days prior to certification, been notified of any unpaid Federal tax assessment for which the liability remains unsatisfied, unless the assessment is the subject of an installment agreement or offer in compromise that has been approved by the Internal Revenue Service and is not in default, or the assessment is the subject of a non-frivolous administrative or judicial proceeding.

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

(1) to enforce vigorously its trade laws, including antidumping, countervailing duty, and safeguard laws;

(2) to avoid agreements that—

(A) lessen the effectiveness of domestic and international disciplines on unfair trade, especially dumping and subsidies; or

(B) lessen the effectiveness of domestic and international safeguard provisions, in order to ensure that United States workers, agricultural producers, and firms can compete fully on fair terms and enjoy the benefits of reciprocal trade concessions; and

(3) to address and remedy market distortions that lead to dumping and subsidization, including overcapacity, cartelization, and market access barriers.

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

(RESCISSIONS)

SEC. 530. (a) Of the unobligated balances available to the Foreign Fishing Observer Fund, $350,000 are hereby rescinded;

(b) Of the unobligated balances available to the Department of Justice from prior appropriations, the following funds are hereby rescinded, not later than September 30, 2011, from the following accounts in the specified amounts—

(1) ''Legal Activities, Assets Forfeiture Fund'', $850,000,000;

(2) ''Bureau of Alcohol, Tobacco, Firearms and Explosives, Violent Crime Reduction Program'', $1,028,000;

(3) ''Office of Justice Programs'', $42,000,000;

(4) ''Community Oriented Policing Services'', $10,200,000;

(5) ''Working Capital Fund'', $20,000,000;

(6) ''Federal Bureau of Investigation, Salaries and Expenses'', $57,000,000; and

(7) ''Detention Trustee'', $6,000,000.

(c) Of the unobligated balances available to the National Aeronautics and Space Administration from prior year appropriations under the heading ''Exploration'', $14,000,000 are hereby rescinded.

(d) Of the unobligated balances available to the Bureau of the Census from prior year appropriations, $1,740,000,000 under the heading ''Periodic Censuses and Programs'' are hereby rescinded.

(e) Within 30 days of enactment of this Act, the Department of Justice, the National Aeronautics and Space Administration, and the Department of Commerce shall submit to the Committees on Appropriations of the House and Senate a report specifying the amount of each rescission made pursuant to this section.

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

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

SEC. 532. None of the funds made available in this Act may be used to send or otherwise pay for the attendance of more than 50 employees from a Federal department or agency at any single conference occurring outside the United States. This provision shall not apply to law enforcement training and/or operational conferences for law enforcement personnel when the majority of Federal employees in attendance are law enforcement personnel stationed outside the United States.

SEC. 533. None of the funds made available under this Act may be distributed to the Association of Community Organizations for Reform Now (ACORN) or its subsidiaries.

SEC. 534. To the extent practicable, funds made available in this Act should be used to purchase light bulbs that are ''Energy Star'' qualified or have the ''Federal Energy Management Program'' designation.

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

SEC. 536. (a) The head of any department, agency, board or commission funded by this Act shall submit quarterly reports to the Inspector General for any entity without an inspector general or the senior ethics official of the appropriate department, agency, board or commission regarding the costs and contracting procedures relating to each conference held by the department, agency, board or commission during fiscal year 2011 for which the cost to the Government was more than $20,000.

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

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

(2) a detailed statement of the costs to the Government relating to that conference, including—

(A) the cost of any food or beverages;

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

(C) a discussion of the methodology used to determine which costs relate to that conference; and

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

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

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

SEC. 537. The Departments of Commerce and Justice, the National Aeronautics and Space Administration, and the National Science Foundation shall provide to the House and Senate Committees on Appropriations an annual report, by September 30, 2011, and annually thereafter, on the progress toward achieving the sustainability goals and targets described in Executive Order 13514.

SEC. 538. (a) Of the amounts appropriated for grants and projects, as authorized by sections 261 and 262 of the Juvenile Justice and Delinquency Prevention Act of 1974, under the heading ''Juvenile Justice Programs'' under the major heading ''Office of Justice Programs'' under the overarching heading ''State and Local Law Enforcement Activities'' under division B, title II of the Omnibus Appropriations Act, 2009 (Public Law 111–8; 123 Stat. 581), the amounts to be made available to Youth Alive, Inc. in Louisville, Kentucky, for At-Risk Youths Crime Prevention pursuant to the joint statement of managers accompanying that Act shall be made available to the St. Stephen Family Life Center in Louisville, Kentucky, for a youth mentoring program.

(b) Of the amounts appropriated for discretionary grants to improve the functioning of the criminal justice system, to prevent or combat juvenile delinquency, and to assist victims of crime (other than compensation), under the heading ''State and Local Law Enforcement Assistance'' under the major heading ''Office of Justice Programs'' under the overarching heading ''State and Local Law Enforcement Activities'' under division B, title II of the Consolidated Appropriations Act, 2010 (Public Law 111–117; 123 Stat. 3133), the amounts to be made available to the Texas Engineering Extension Service in San Marcos, Texas, for the ALERRT program pursuant to the joint statement of managers accompanying that Act shall be made available to Texas State University in San Marcos, Texas, for the same purpose.

(c) Of the amounts appropriated for a law enforcement technologies and interoperable communications program under the heading ''Community Oriented Policing Services'' under the overarching heading ''State and Local Law Enforcement Activities'' under division B, title II of the Consolidated Appropriations Act, 2010 (Public Law 111–117; 123 Stat. 3137), the amounts to be made available to the Elgin Police Department in Elgin, Illinois, for Police Car Video Recording Replacement pursuant to the joint statement of managers accompanying that Act shall be made available to the same entity, for law enforcement technology.

(d) Of the amounts appropriated for a law enforcement technologies and interoperable communications program under the heading ''Community Oriented Policing Services''under the overarching heading ''State and Local Law Enforcement Activities'' under division B, title II of the Omnibus Appropriations Act, 2009 (Public Law 111–8; 123 Stat. 583), the amounts to be made available to the City of Monroe, North Carolina, for an In-Car Camera Project pursuant to the joint statement of managers accompanying that Act shall be made available to the same entity, for an interoperable radio project.

(e) Of the amounts appropriated for a law enforcement technologies and interoperable communications program under the major heading ''Community Oriented Policing Services'' under the overarching heading ''State and Local Law Enforcement Activities'' under division B, title II of the Consolidated Appropriations Act, 2010 (Public Law 111–117; 123 Stat. 3137), the amounts to be made available to the Beaver County Sheriff in Beaver, Pennsylvania, for Law Enforcement Technology and Equipment pursuant to the joint statement of managers accompanying that Act shall be transferred to the appropriation for discretionary grants to improve the functioning of the criminal justice system, to prevent or combat juvenile delinquency, and to assist victims of crime (other than compensation) under the heading ''State and Local Law Enforcement Assistance'', under the major heading ''Office of Justice Programs'' under the same overarching heading, for the same entity, for the same purpose.

(f) Of the amounts appropriated for a law enforcement technologies and interoperable communications program under the major heading ''Community Oriented Policing Services'' under the overarching heading ''State and Local Law Enforcement Activities'' under division B, title II of the Consolidated Appropriations Act, 2010 (Public Law 111–117; 123 Stat. 3137), the amounts to be made available to the Lawrence County Sheriff in New Castle, Pennsylvania, for Law Enforcement Technology and Equipment

pursuant to the joint statement of managers accompanying that Act shall be transferred to the appropriation for discretionary grants to improve the functioning of the criminal justice system, to prevent or combat juvenile delinquency, and to assist victims of crime (other than compensation) under the heading ''State and Local Law Enforcement Assistance'', under the major heading ''Office of Justice Programs'' under the same overarching heading, for the same entity, for the same purpose.

(g) Of the amounts appropriated for a law enforcement technologies and interoperable communications program under the heading ''Community Oriented Policing Services'' under the overarching heading ''State and Local Law Enforcement Activities'' under division B, title II of the Omnibus Appropriations Act, 2009 (Public Law 111–8; 123 Stat. 583), the amounts to be made available to the City of Green Bay, Wisconsin, for a Police Department Drying Room pursuant to the joint statement of managers accompanying that Act shall be made available to the same entity, for forensics equipment.

(h) Of the amounts appropriated for discretionary grants to improve the functioning of the criminal justice system, to prevent or combat juvenile delinquency, and to assist victims of crime (other than compensation), under the heading ''State and Local Law Enforcement Assistance'', under the major heading ''Office of Justice Programs'', under the overarching heading ''State and Local Law Enforcement Activities'', under division B, title II of the Consolidated Appropriations Act, 2010 (Public Law 111–117, 123 Stat. 3133), the amounts to be made available to the Montana Sheriffs and Peace Officers Association in Helena, Montana, for the Montana Offender Notification and Tracking System—Juvenile Justice System (MONTS–JJS), pursuant to the joint explanatory statement of the Committee of Conference accompanying that Act, shall be made available, instead, for adult initiatives.

(i) Of the amounts appropriated for grants and projects, as authorized by sections 261 and 262 of the Juvenile Justice and Delinquency Prevention Act of 1974, under the heading ''Juvenile Justice Programs'', under the major heading ''Office of Justice Programs'', under the overarching heading ''State and Local Law Enforcement Activities'', under division B, title II of the Omnibus Appropriations Act, 2009 (Public Law 111–8; 123 Stat. 581), the amounts to be made available to the Self-Reliance Foundation in Washington, DC, for a Latino Youth Gang Prevention Project pursuant to the joint statement of managers accompanying that Act shall be made available to Identity, Inc. in Gaithersburg, Maryland, for the same purpose.

(j) Of the amounts appropriated for a law enforcement technologies and interoperable communications program under the heading ''Community Oriented Policing Services'', under the overarching heading ''State and Local Law Enforcement Activities'', under division B, title II of the Consolidated Appropriations Act, 2010 (Public Law 111–117; 123 Stat. 3137), the amounts to be made available to the Webb County Sheriff in Laredo, Texas, for a South Texas Forensics Laboratory pursuant to the joint statement of managers accompanying that Act shall be made available to the same entity, for South Texas emergency operations equipment.

(k) Of the amounts appropriated for grants and projects, as authorized by sections 261 and 262 of the Juvenile Justice and Delinquency Prevention Act of 1974, under the heading ''Juvenile Justice Programs'', under the major heading ''Office of Justice Programs'', under the overarching heading ''State and Local Law Enforcement Activities'', under division B, title II of the Omnibus Appropriations Act, 2009 (Public Law 111–8; 123 Stat. 581), the amounts to be made available to the Self-Reliance Foundation in Washington, DC, for a Wake County Gang Prevention Partnership Spanish Language Anti-Gang Campaign pursuant to the joint statement of managers accompanying that Act shall be made available to the Department of 4–H Youth Development and Family & Consumer Sciences at North Carolina State University in Raleigh, North Carolina, for the same purpose.

(l) Of the amounts appropriated for discretionary grants to improve the functioning of the criminal justice system, to prevent or combat juvenile delinquency, and to assist victims of crime (other than compensation), under the heading ''State and Local Law Enforcement Assistance'' under the major heading ''Office of Justice Programs'' under the overarching heading ''State and Local Law Enforcement Activities'', under division B, title II of the Omnibus Appropriations Act, 2009 (Public Law 111–8; 123 Stat. 579), the amounts to be made available to the Louisiana District Attorney's Association in Baton Rouge, Louisiana, to support an early intervention program for at-risk elementary students, pursuant to the joint statement of managers accompanying that Act, shall be made available to the University of Louisiana-Lafayette in Lafayette, Louisiana, for the same purpose.

(m) Of the amounts appropriated for discretionary grants to improve the functioning of the criminal justice system, to prevent or combat juvenile delinquency, and to assist victims of crime (other than compensation), under the heading ''State and Local Law Enforcement Assistance'' under the major heading ''Office of Justice Programs'', under the overarching heading ''State and Local Law Enforcement Activities'', under division B, title II of the Omnibus Appropriations Act, 2009 (Public Law 111–8; 123 Stat. 579), the amounts to be made available to the City of Las Vegas, Nevada, for copper wire theft prevention efforts, pursuant to the joint statement of managers accompanying that Act, shall be made available to the City of Las Vegas for the Shared Computer Operation for Protection and Enforcement (SCOPE), Las Vegas, Nevada.

COMMISSION ON WARTIME RELOCATION AND INTERNMENT OF LATIN AMERICANS OF JAPANESE DESCENT

SEC. 539. (a) FINDINGS.—Based on a preliminary study published in December 1982 by the Commission on Wartime Relocation and Internment of Civilians, Congress finds the following:

(1) During World War II, the United States—

(A) expanded its internment program and national security investigations to conduct the program and investigations in Latin America; and

(B) financed relocation to the United States, and internment, of approximately 2,300 Latin Americans of Japanese descent, for the purpose of exchanging the Latin Americans of Japanese descent for United States citizens held by Axis countries.

(2) Approximately 2,300 men, women, and children of Japanese descent from 13 Latin American countries were held in the custody of the Department of State in internment camps operated by the Immigration and Naturalization Service from 1941 through 1948.

(3) Those men, women, and children either—

(A) were arrested without a warrant, hearing, or indictment by local police, and sent to the United States for internment; or

(B) in some cases involving women and children, voluntarily entered internment camps to remain with their arrested husbands, fathers, and other male relatives.

(4) Passports held by individuals who were Latin Americans of Japanese descent were routinely confiscated before the individuals arrived in the United States, and the Department of State ordered United States consuls in Latin American countries to refuse to issue visas to the individuals prior to departure.

(5) Despite their involuntary arrival, Latin American internees of Japanese descent were considered to be and treated as illegal entrants by the Immigration and Naturalization Service. Thus, the internees became illegal aliens in United States custody who were subject to deportation proceedings for immediate removal from the United States. In some cases, Latin American internees of Japanese descent were deported to Axis countries to enable the United States to conduct prisoner exchanges.

(6) Approximately 2,300 men, women, and children of Japanese descent were relocated from their homes in Latin America, detained in internment camps in the United States, and in some cases, deported to Axis countries to enable the United States to conduct prisoner exchanges.

(7) The Commission on Wartime Relocation and Internment of Civilians studied Federal actions conducted pursuant to Executive Order 9066 (relating to authorizing the Secretary of War to prescribe military areas). Although the United States program of interning Latin Americans of Japanese descent was not conducted pursuant to Executive Order 9066, an examination of that extraordinary program is necessary to establish a complete account of Federal actions to detain and intern civilians of enemy or foreign nationality, particularly of Japanese descent. Although historical documents relating to the program exist in distant archives, the Commission on Wartime Relocation and Internment of Civilians did not research those documents.

(8) Latin American internees of Japanese descent were a group not covered by the Civil Liberties Act of 1988 (50 U.S.C. App. 1989b et seq.), which formally apologized and provided compensation payments to former Japanese Americans interned pursuant to Executive Order 9066.

(b) PURPOSE.—The purpose of this section is to establish a fact-finding Commission to extend the study of the Commission on Wartime Relocation and Internment of Civilians to investigate and determine facts and circumstances surrounding the relocation, internment, and deportation to Axis countries of Latin Americans of Japanese descent from December 1941 through February 1948, and the impact of those actions by the United States, and to recommend appropriate remedies, if any, based on preliminary findings by the original Commission and new discoveries.

(c) ESTABLISHMENT OF THE COMMISSION.—

(1) IN GENERAL.—There is established the Commission on Wartime Relocation and Internment of Latin Americans of Japanese descent (referred to in this section as the ''Commission'').

(2) COMPOSITION.—The Commission shall be composed of 9 members, who shall be appointed not later than 60 days after the date of enactment of this section, of whom—

(A) 3 members shall be appointed by the President;

(B) 3 members shall be appointed by the Speaker of the House of Representatives, on the joint recommendation of the majority leader of the House of Representatives and the minority leader of the House of Representatives; and

(C) 3 members shall be appointed by the President pro tempore of the Senate, on the

joint recommendation of the majority leader of the Senate and the minority leader of the Senate.

(3) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Commission. A vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment was made.

(4) MEETINGS.—

(A) FIRST MEETING.—The President shall call the first meeting of the Commission not later than the later of—

(i) 60 days after the date of enactment of this section; or

(ii) 30 days after the date of enactment of legislation making appropriations to carry out this section.

(B) SUBSEQUENT MEETINGS.—Except as provided in subparagraph (A), the Commission shall meet at the call of the Chairperson.

(5) QUORUM.—Five members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(6) CHAIRPERSON AND VICE CHAIRPERSON.—The Commission shall elect a Chairperson and Vice Chairperson from among its members. The Chairperson and Vice Chairperson shall serve for the life of the Commission.

(d) DUTIES OF THE COMMISSION.—

(1) IN GENERAL.—The Commission shall—

(A) extend the study of the Commission on Wartime Relocation and Internment of Civilians, established by the Commission on Wartime Relocation and Internment of Civilians Act—

(i) to investigate and determine facts and circumstances surrounding the United States' relocation, internment, and deportation to Axis countries of Latin Americans of Japanese descent from December 1941 through February 1948, and the impact of those actions by the United States; and

(ii) in investigating those facts and circumstances, to review directives of the United States Armed Forces and the Department of State requiring the relocation, detention in internment camps, and deportation to Axis countries of Latin Americans of Japanese descent; and

(B) recommend appropriate remedies, if any, based on preliminary findings by the original Commission and new discoveries.

(2) REPORT.—Not later than 1 year after the date of the first meeting of the Commission pursuant to subsection (c)(4)(A), the Commission shall submit a written report to Congress, which shall contain findings resulting from the investigation conducted under paragraph (1)(A) and recommendations described in paragraph (1)(B).

(e) POWERS OF THE COMMISSION.—

(1) HEARINGS.—The Commission or, at its direction, any subcommittee or member of the Commission, may, for the purpose of carrying out this section—

(A) hold such public hearings in such cities and countries, sit and act at such times and places, take such testimony, receive such evidence, and administer such oaths as the Commission or such subcommittee or member considers advisable; and

(B) require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, documents, tapes, and materials as the Commission or such subcommittee or member considers advisable.

(2) ISSUANCE AND ENFORCEMENT OF SUBPOENAS.—

(A) ISSUANCE.—Subpoenas issued under paragraph (1) shall bear the signature of the Chairperson of the Commission and shall be served by any person or class of persons designated by the Chairperson for that purpose.

(B) ENFORCEMENT.—In the case of contumacy or failure to obey a subpoena issued under paragraph (1), the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found may issue an order requiring such person to appear at any designated place to testify or to produce documentary or other evidence. Any failure to obey the order of the court may be punished by the court as a contempt of that court.

(3) WITNESS ALLOWANCES AND FEES.—Section 1821 of title 28, United States Code, shall apply to witnesses requested or subpoenaed to appear at any hearing of the Commission. The per diem and mileage allowances for witnesses shall be paid from funds available to pay the expenses of the Commission.

(4) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to perform its duties. Upon request of the Chairperson of the Commission, the head of such department or agency shall furnish such information to the Commission.

(5) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(f) PERSONNEL AND ADMINISTRATIVE PROVISIONS.—

(1) COMPENSATION OF MEMBERS.—Each member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(2) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(3) STAFF.—

(A) IN GENERAL.—The Chairperson of the Commission may, without regard to the civil service laws and regulations, appoint and terminate the employment of such personnel as may be necessary to enable the Commission to perform its duties.

(B) COMPENSATION.—The Chairperson of the Commission may fix the compensation of the personnel without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(4) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(5) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(6) OTHER ADMINISTRATIVE MATTERS.—The Commission may—

(A) enter into agreements with the Administrator of General Services to procure necessary financial and administrative services;

(B) enter into contracts to procure supplies, services, and property; and

(C) enter into contracts with Federal, State, or local agencies, or private institutions or organizations, for the conduct of research or surveys, the preparation of reports, and other activities necessary to enable the Commission to perform its duties.

(g) TERMINATION.—The Commission shall terminate 90 days after the date on which the Commission submits its report to Congress under subsection (d)(2).

(h) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

(2) AVAILABILITY.—Any sums appropriated under the authorization contained in this subsection shall remain available, without fiscal year limitation, until expended.

SEC. 540. (a) Using funds appropriated to the Legal Services Corporation (''Corporation'') in this Act, the Corporation shall comply with, and ensure that recipients and recipient attorneys comply with, the corresponding recommendations contained in the provisions of—

(1) the report entitled ''Governance and Accountability Practices Need to Be Modernized and Strengthened'', GAO–07–993, issued August 2007 by the Government Accountability Office;

(2) the report entitled ''Improved Internal Controls Needed in Grants Management and Oversight'', GAO–08–37, issued December 2007 by the Government Accountability Office;

(3) the report entitled ''Selected Internal Controls at Legal Services NYC'', Report No. AU09–01, issued December 11, 2008 by the Office of Inspector General of the Corporation;

(4) the report entitled ''Selected Internal Controls at Legal Aid and Defender Association, Inc.'', Report No. AU09–02, issued February 5, 2009 by that Office of Inspector General;

(5) the report entitled ''Selected Internal Controls at California Indian Legal Services'', Report No. AU09–03, issued March 27, 2009 by that Office of Inspector General;

(6) the report entitled ''Selected Internal Controls at Legal Assistance Foundation of Metropolitan Chicago'', Report No. AU08–05, issued September 30, 2008 by that Office of Inspector General;

(7) the report entitled ''Selected Internal Controls at Philadelphia Legal Assistance Center'', Report No. AU08–04, issued August 14, 2008 by that Office of Inspector General;

(8) the report entitled ''Legal Services Corporation FY 2008 Financial Statement Audit Report'', issued January 28, 2009 by that Office of Inspector General;

(9) the report entitled ''Audit of Legal Services Corporation's Consultant Contract'', Report No. AU09–05, issued July 7, 2009 by that Office of Inspector General;

(10) the report entitled ''Selected Internal Controls at Legal Aid of Northwest Texas'', Report No. AU09–06, issued August 10, 2009 by that Office of Inspector General; and

(11) the report entitled ''Protocol for the Acceptance and Use of Private Contributions to LSC'', issued August 2008 by the Audit Committee of the Board of Directors of the Corporation.

(b) The Corporation may not expend $5,000,000 of the funds described in subsection (a) until the President and the Chairman submit the certification described in subsection (c).

(c) The President and the Chairman shall, not later than 30 days after enactment of this Act, determine whether the Corporation has met the requirements of subsection (a). The President and the Chairman shall make

the determination based on the standards, best management practices, and guidelines in the provisions described in subsection (a). If the President and the Chairman determine that the Corporation has met the requirements, the President and the Chairman shall submit a certification to the Committee on Appropriations of the House of Representatives, and the Committee on Appropriations of the Senate. Upon the President's and the Chairman's joint submission of the certification, the Corporation may expend the amount described in subsection (b).

(d) In this section, the terms ''Corporation'' and ''recipient'' have the meanings given the terms in section 1002 of the Legal Services Corporation Act (42 U.S.C. 2996a).

(e) In this section, the terms ''President'' and ''Chairman'' refer to the President of the Legal Services Corporation and the Chairman of the Board of the Legal Services Corporation.

SEC. 541. Chapter 85 of title 18, United States Code, is amended in section 1761—

(1) by striking ''non-Federal'' in subsection (c)(1);

(2) by redesignating subsection (d) as subsection (e); and

(3) by adding after subsection (c) the following new subsection:

''(d) This chapter shall not apply to goods, wares, or merchandise manufactured, produced, mined or assembled by convicts or prisoners who are participating in any pilot project approved by the Federal Prison Industries Board of Directors, which are currently, or would otherwise be, manufactured, produced, mined, or assembled outside the United States.''.

NATIONAL CRIMINAL JUSTICE COMMISSION ACT OF 2010

SEC. 542. (a) SHORT TITLE.—This section may be cited as the ''National Criminal Justice Commission Act of 2010''.

(b) FINDINGS.—Congress finds that—

(1) it is in the interest of the Nation to establish a commission to undertake a comprehensive review of the criminal justice system;

(2) there has not been a comprehensive study since the President's Commission on Law Enforcement and Administration of Justice was established in 1965;

(3) that commission, in a span of 18 months, produced a comprehensive report entitled ''The Challenge of Crime in a Free Society,'' which contained 200 specific recommendations on all aspects of the criminal justice system involving Federal, State, tribal, and local governments, civic organizations, religious institutions, business groups, and individual citizens; and

(4) developments over the intervening 45 years require once again that Federal, State, tribal, and local governments, civic organizations, religious institutions, business groups, and individual citizens come together to review evidence and consider how to improve the criminal justice system.

(c) ESTABLISHMENT OF COMMISSION.—There is established a commission to be known as the ''National Criminal Justice Commission'' (referred to in this section as the ''Commission'').

(d) PURPOSE OF THE COMMISSION.—The Commission shall undertake a comprehensive review of the criminal justice system, encompassing current Federal, State, local, and tribal criminal justice policies and practices, and make reform recommendations for the President, Congress, State, local, and tribal governments.

(e) REVIEW AND RECOMMENDATIONS.—

(1) GENERAL REVIEW.—The Commission shall undertake a comprehensive review of all areas of the criminal justice system, including Federal, State, local, and tribal governments' criminal justice costs, practices, and policies.

(2) FINDINGS AND RECOMMENDATIONS.—After conducting a review of the United States criminal justice system as required by paragraph (1), the Commission shall make findings regarding such review and recommendations for changes in oversight, policies, practices, and laws designed to prevent, deter, and reduce crime and violence, reduce recidivism, improve cost-effectiveness, and ensure the interests of justice at every step of the criminal justice system.

(3) PRIOR COMMISSIONS.—The Commission shall take into consideration the work of prior relevant commissions in conducting its review.

(4) STATE AND LOCAL GOVERNMENT.—In making its recommendations, the Commission should consider the financial and human resources of State and local governments. Recommendations shall not infringe on the legitimate rights of the States to determine their own criminal laws or the enforcement of such laws.

(5) PUBLIC HEARINGS.—The Commission shall conduct public hearings in various locations around the United States.

(6) CONSULTATION WITH GOVERNMENT AND NONGOVERNMENT REPRESENTATIVES.—

(A) IN GENERAL.—The Commission shall—

(i) closely consult with Federal, State, local, and tribal government and nongovernmental leaders, including State, local, and tribal law enforcement officials, legislators, public health officials, judges, court administrators, prosecutors, defense counsel, victims' rights organizations, probation and parole officials, criminal justice planners, criminologists, civil rights and liberties organizations, formerly incarcerated individuals, professional organizations, and corrections officials; and

(ii) include in the final report required by paragraph (7) summaries of the input and recommendations of these leaders.

(B) UNITED STATES SENTENCING COMMISSION.—To the extent the review and recommendations required by this section relate to sentencing policies and practices for the Federal criminal justice system, the Commission shall conduct such review and make such recommendations in consultation with the United States Sentencing Commission.

(7) REPORT.—

(A) REPORT.—Not later than 18 months after the first meeting of the Commission, the Commission shall prepare and submit a final report that contains a detailed statement of findings, conclusions, and recommendations of the Commission to Congress, the President, State, local, and tribal governments.

(B) GOAL OF UNANIMITY.—It is the sense of the Congress that, given the national importance of the matters before the Commission, the Commission should work toward unanimously supported findings and recommendations.

(C) PUBLIC AVAILABILITY.—The report submitted under this paragraph shall be made available to the public.

(D) VOTES ON RECOMMENDATIONS IN REPORT.—Consistent with paragraph (2), the Commission shall state the vote total for each recommendation contained in its report to Congress.

(f) MEMBERSHIP.—

(1) IN GENERAL.—The Commission shall be composed of 14 members, as follows:

(A) 1 member shall be appointed by the President, who shall serve as co-chairman of the Commission;

(B) 1 member shall be appointed by the leader of the Senate (majority or minority leader, as the case may be) of the Republican Party, in consultation with the leader of the House of Representatives (majority or minority leader, as the case may be) of the Republican Party, who shall serve as co-chairman of the Commission;

(C) 2 members shall be appointed by the senior member of the Senate leadership of the Democratic Party, in consultation with the Democratic leadership of the Committee on the Judiciary.

(D) 2 members shall be appointed by the senior member of the Senate leadership of the Republican Party, in consultation with the Republican leadership of the Committee on the Judiciary.

(E) 2 members shall be appointed by the senior member of the leadership of the House of Representatives of the Republican Party, in consultation with the Republican leadership of the Committee on the Judiciary.

(F) 2 members shall be appointed by the senior member of the leadership of the House of Representatives of the Democratic Party, in consultation with the Democratic leadership of the Committee on the Judiciary.

(G) 2 members, who shall be State and local representatives, shall be appointed by the President in agreement with leader of the Senate (majority or minority leader, as the case may be) of the Republican Party and the leader of the House of Representatives (majority or minority leader, as the case may be) of the Republican Party.

(H) 2 members, who shall be State and local representatives, shall be appointed by the President in agreement with leader of the Senate (majority or minority leader, as the case may be) of the Democratic Party and the leader of the House of Representatives (majority or minority leader, as the case may be) of the Democratic Party.

(2) MEMBERSHIP.—

(A) QUALIFICATIONS.—The individuals appointed from private life as members of the Commission shall be individuals with distinguished reputations for integrity and nonpartisanship who are nationally recognized for expertise, knowledge, or experience in such relevant areas as—

(i) law enforcement;

(ii) criminal justice;

(iii) national security;

(iv) prison and jail administration;

(v) prisoner reentry;

(vi) public health, including physical and sexual victimization, drug addiction and mental health;

(vii) victims' rights;

(viii) civil liberties;

(ix) court administration;

(x) social services; and

(xi) State, local, and tribal government.

(B) DISQUALIFICATION.—An individual shall not be appointed as a member of the Commission if such individual possesses any personal financial interest in the discharge of any of the duties of the Commission.

(C) TERMS.—Members shall be appointed for the life of the Commission.

(3) APPOINTMENT; FIRST MEETING.—

(A) APPOINTMENT.—Members of the Commission shall be appointed not later than 45 days after the date of the enactment of this Act.

(B) FIRST MEETING.—The Commission shall hold its first meeting on the date that is 60 days after the date of enactment of this Act, or not later than 30 days after the date on which funds are made available for the Commission, whichever is later.

(C) ETHICS.—At the first meeting of the Commission, the Commission shall draft appropriate ethics guidelines for commissioners and staff, including guidelines relating to conflict of interest and financial disclosure. The Commission shall consult with the Senate and House Committees on the Judiciary as a part of drafting the guidelines

and furnish the Committees with a copy of the completed guidelines.

(4) MEETINGS; QUORUM; VACANCIES.—

(A) MEETINGS.—The Commission shall meet at the call of the co-chairs or a majority of its members.

(B) QUORUM.—Seven members of the Commission, including at least 2 members chosen by either the senior member of the Senate leadership of the Democratic Party, the senior member of the leadership of the House of Representatives of the Democratic Party, or the senior member of the Senate leadership of the Democratic Party and the senior member of the leadership of the House of Representatives of the Democratic Party in agreement with the President and 2 members chosen by either the senior member of the Senate leadership of the Republican Party, the senior member of the leadership of the House of Representatives of the Republican Party, or the senior member of the Senate leadership of the Republican Party and the senior member of the leadership of the House of Representatives of the Republican Party in agreement with the President, shall constitute a quorum for purposes of conducting business, except that 2 members of the Commission shall constitute a quorum for purposes of receiving testimony.

(C) VACANCIES.—Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made. If vacancies in the Commission occur on any day after 45 days after the date of the enactment of this Act, a quorum shall consist of a majority of the members of the Commission as of such day, so long as at least 1 Commission member chosen by a member of each party, Republican and Democratic, is present.

(5) ACTIONS OF COMMISSION.—

(A) IN GENERAL.—The Commission—

(i) shall act by resolution agreed to by a majority of the members of the Commission voting and present; and

(ii) may establish panels composed of less than the full membership of the Commission for purposes of carrying out the duties of the Commission under this title—

(I) which shall be subject to the review and control of the Commission; and

(II) any findings and determinations made by such a panel shall not be considered the findings and determinations of the Commission unless approved by the Commission.

(B) DELEGATION.—Any member, agent, or staff of the Commission may, if authorized by the co-chairs of the Commission, take any action which the Commission is authorized to take pursuant to this section.

(g) ADMINISTRATION.—

(1) STAFF.—

(A) EXECUTIVE DIRECTOR.—The Commission shall have a staff headed by an Executive Director. The Executive Director shall be paid at a rate established for the Certified Plan pay level for the Senior Executive Service under section 5382 of title 5, United States Code.

(B) APPOINTMENT AND COMPENSATION.—The co-chairs of the Commission shall designate and fix the compensation of the Executive Director and, in accordance with rules agreed upon by the Commission, may appoint and fix the compensation of such other personnel as may be necessary to enable the Commission to carry out its functions, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no rate of pay fixed under this paragraph may exceed the equivalent of that payable for a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(C) PERSONNEL AS FEDERAL EMPLOYEES.—

(i) IN GENERAL.—The executive director and any personnel of the Commission who are employees shall be employees under section 2105 of title 5, United States Code, for purposes of chapters 63, 81, 83, 84, 85, 87, 89, and 90 of that title.

(ii) MEMBERS OF COMMISSION.—Clause (i) shall not be construed to apply to members of the Commission.

(D) THE COMPENSATION OF COMMISSIONERS.—Each member of the Commission may be compensated at not to exceed the daily equivalent of the annual rate of basic pay in effect for a position at level V of the Executive Schedule under section 5315 of title 5, United States Code, for each day during which that member is engaged in the actual performance of the duties of the Commission. All members of the Commission who are officers or employees of the United States , State, or local government shall serve without compensation in addition to that received for their services as officers or employees.

(E) TRAVEL EXPENSES.—While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703(b) of title 5, United States Code.

(2) EXPERTS AND CONSULTANTS.—With the approval of the Commission, the Executive Director may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(3) DETAIL OF GOVERNMENT EMPLOYEES.—Upon the request of the Commission, the head of any Federal agency may detail, without reimbursement, any of the personnel of such agency to the Commission to assist in carrying out the duties of the Commission. Any such detail shall not interrupt or otherwise affect the civil service status or privileges of the Federal employee.

(4) OTHER RESOURCES.—The Commission shall have reasonable access to materials, resources, statistical data, and other information such Commission determines to be necessary to carry out its duties from the Library of Congress, the Department of Justice, the Office of National Drug Control Policy, the Department of State, and other agencies of the executive and legislative branches of the Federal Government. The co-chairs of the Commission shall make requests for such access in writing when necessary.

(5) VOLUNTEER SERVICES.—Notwithstanding the provisions of section 1342 of title 31, United States Code, the Commission is authorized to accept and utilize the services of volunteers serving without compensation. The Commission may reimburse such volunteers for local travel and office supplies, and for other travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code. A person providing volunteer services to the Commission shall be considered an employee of the Federal Government in performance of those services for the purposes of chapter 81 of title 5 of the United States Code, relating to compensation for work-related injuries, chapter 171 of title 28 of the United States Code, relating to tort claims, and chapter 11 of title 18 of the United States Code, relating to conflicts of interest.

(6) OBTAINING OFFICIAL DATA.—The Commission may secure directly from any agency of the United States information necessary to enable it to carry out this section. Upon the request of the co-chairs of the Commission, the head of that department or agency shall furnish that information to the Commission. The Commission shall not have access to sensitive information regarding ongoing investigations.

(7) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(8) ADMINISTRATIVE REPORTING.—The Commission shall issue bi-annual status reports to Congress regarding the use of resources, salaries, and all expenditures of appropriated funds.

(9) CONTRACTS.—The Commission is authorized to enter into contracts with Federal and State agencies, private firms, institutions, and individuals for the conduct of activities necessary to the discharge of its duties and responsibilities. A contract, lease or other legal agreement entered into by the Commission may not extend beyond the date of the termination of the Commission.

(10) GIFTS.—Subject to existing law, the Commission may accept, use, and dispose of gifts or donations of services or property.

(11) ADMINISTRATIVE ASSISTANCE.—The Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services necessary for the Commission to carry out its responsibilities under this section. These administrative services may include human resource management, budget, leasing, accounting, and payroll services.

(12) NONAPPLICABILITY OF FACA AND PUBLIC ACCESS TO MEETINGS AND MINUTES.—

(A) IN GENERAL.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

(B) MEETINGS AND MINUTES.—

(i) MEETINGS.—

(I) ADMINISTRATION.—All meetings of the Commission shall be open to the public, except that a meeting or any portion of it may be closed to the public if it concerns matters or information described in section 552b(c) of title 5, United States Code. Interested persons shall be permitted to appear at open meetings and present oral or written statements on the subject matter of the meeting. The Commission may administer oaths or affirmations to any person appearing before it.

(II) NOTICE.—All open meetings of the Commission shall be preceded by timely public notice in the Federal Register of the time, place, and subject of the meeting.

(ii) MINUTES AND PUBLIC AVAILABILITY.—Minutes of each open meeting shall be kept and shall contain a record of the people present, a description of the discussion that occurred, and copies of all statements filed. The minutes and records of all open meetings and other documents that were made available to or prepared for the Commission shall be available for public inspection and copying at a single location in the offices of the Commission.

(13) ARCHIVING.—Not later than the date of termination of the Commission, all records and papers of the Commission shall be delivered to the Archivist of the United States for deposit in the National Archives.

(h) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated for fiscal years 2011 and 2012 such sums are as necessary to carry out the purposes of this section, not to exceed $7,000,000 per year for each fiscal year, and not more than $14,000,000 total. None of the funds appropriated under this section may be utilized for international travel.

(2) AVAILABILITY.—Any sums appropriated under the paragraph (1) shall remain available, without fiscal year limitation, until expended.

(i) SUNSET.—The Commission shall terminate 60 days after it submits its report to Congress.

This division may be cited as the ''Commerce, Justice, Science, and Related Agencies Appropriations Act, 2011''.

## DIVISION C—DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2011

### TITLE I

### MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

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

MILITARY PERSONNEL, NAVY

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

MILITARY PERSONNEL, MARINE CORPS

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

MILITARY PERSONNEL, AIR FORCE

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Air Force on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; for members of the Reserve Officers' Training Corps; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $27,105,755,000.

RESERVE PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army Reserve on active duty under sections 10211, 10302, and 3038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $4,333,165,000.

RESERVE PERSONNEL, NAVY

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

RESERVE PERSONNEL, MARINE CORPS

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

RESERVE PERSONNEL, AIR FORCE

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

NATIONAL GUARD PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army National Guard while on duty under section 10211, 10302, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $7,514,896,000.

NATIONAL GUARD PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air National Guard on duty under section 10211, 10305, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $3,067,431,000.

### TITLE II

### OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Army, as authorized by law; and not to exceed $12,478,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Army, and payments may be made on his certificate of necessity for confidential military purposes, $33,351,597,000.

OPERATION AND MAINTENANCE, NAVY

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Navy and the Marine Corps, as authorized by law; and not to exceed $14,804,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Navy, and payments may be made on his certificate of necessity for confidential military purposes, $37,849,700,000.

OPERATION AND MAINTENANCE, MARINE CORPS

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Marine Corps, as authorized by law, $5,546,060,000.

OPERATION AND MAINTENANCE, AIR FORCE

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Air Force, as authorized by law; and not to exceed $7,699,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Air Force, and payments may be made on his certificate of necessity for confidential military purposes, $36,110,720,000.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of activities and agencies of the Department of Defense (other than the military departments), as authorized by law, $30,303,622,000: *Provided*, That not more than $50,000,000 may be used for the Combatant Commander Initiative Fund authorized under section 166a of title 10, United States Code: *Provided further*, That not to exceed $36,000,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of Defense, and payments may be made on his certificate of necessity for confidential military purposes: *Provided further*, That of the funds provided under this heading, not less than $31,659,000 shall be made available for the Procurement Technical Assistance Cooperative Agreement Program, of which not less than $3,600,000 shall be available for centers defined in 10 U.S.C. 2411(1)(D): *Provided further*, That none of the funds appropriated or otherwise made available by this Act may be used to plan or implement the consolidation of a budget or appropriations liaison office of the Office of the Secretary of Defense, the office of the Secretary of a military department, or the service headquarters of one of the Armed Forces into a legislative affairs or legislative liaison office: *Provided further*, That $8,251,000, to remain available until expended, is available only for expenses relating to certain classified activities, and may be transferred as necessary by the Secretary of Defense to operation and maintenance appropriations or research, development, test and evaluation appropriations, to be merged with and to be available for the same time period as the appropriations to which transferred: *Provided further*, That any ceiling on the investment item unit cost of items that may be purchased with operation and maintenance funds shall not apply to the funds

described in the preceding proviso: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

OPERATION AND MAINTENANCE, ARMY RESERVE

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

OPERATION AND MAINTENANCE, NAVY RESERVE

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

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

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

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

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

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For expenses of training, organizing, and administering the Army National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; hire of passenger motor vehicles; personnel services in the National Guard Bureau; travel expenses (other than mileage), as authorized by law for Army personnel on active duty, for Army National Guard division, regimental, and battalion commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau; supplying and equipping the Army National Guard as authorized by law; and expenses of repair, modification, maintenance, and issue of supplies and equipment (including aircraft), $6,504,424,000.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For expenses of training, organizing, and administering the Air National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; transportation of things, hire of passenger motor vehicles; supplying and equipping the Air National Guard, as authorized by law; expenses for repair, modification, maintenance, and issue of supplies and equipment, including those furnished from stocks under the control of agencies of the Department of Defense; travel expenses (other than mileage) on the same basis as authorized by law for Air National Guard personnel on active Federal duty, for Air National Guard commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau, $5,969,267,000.

UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES

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

ENVIRONMENTAL RESTORATION, ARMY

(INCLUDING TRANSFER OF FUNDS)

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

ENVIRONMENTAL RESTORATION, NAVY

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Navy, $304,867,000, to remain available until transferred: *Provided*, That the Secretary of the Navy shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Navy, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Navy, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

ENVIRONMENTAL RESTORATION, AIR FORCE

(INCLUDING TRANSFER OF FUNDS)

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

ENVIRONMENTAL RESTORATION, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

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

ENVIRONMENTAL RESTORATION, FORMERLY USED DEFENSE SITES

(INCLUDING TRANSFER OF FUNDS)

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

OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

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

COOPERATIVE THREAT REDUCTION ACCOUNT

For assistance to the republics of the former Soviet Union and, with appropriate authorization by the Department of Defense and Department of State, to countries outside of the former Soviet Union, including assistance provided by contract or by grants, for facilitating the elimination and the safe and secure transportation and storage of nuclear, chemical and other weapons; for establishing programs to prevent the proliferation of weapons, weapons components, and weapon-related technology and expertise; for programs relating to the training and support of defense and military personnel for demilitarization and protection of weapons, weapons components and weapons technology and expertise, and for defense and military contacts, $522,512,000, to remain available until

September 30, 2013: *Provided*, That of the amounts provided under this heading, not less than $13,500,000 shall be available only to support the dismantling and disposal of nuclear submarines, submarine reactor components, and security enhancements for transport and storage of nuclear warheads in the Russian Far East and North.

DEPARTMENT OF DEFENSE ACQUISITION WORKFORCE DEVELOPMENT FUND

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

TITLE III

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $5,268,991,000, to remain available for obligation until September 30, 2013.

MISSILE PROCUREMENT, ARMY

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

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For construction, procurement, production, and modification of weapons and tracked combat vehicles, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $1,477,922,000, to remain available for obligation until September 30, 2013.

PROCUREMENT OF AMMUNITION, ARMY

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $1,857,786,000, to remain available for obligation until September 30, 2013.

OTHER PROCUREMENT, ARMY

(INCLUDING TRANSFER OF FUNDS)

For construction, procurement, production, and modification of vehicles, including tactical, support, and non-tracked combat vehicles; the purchase of passenger motor vehicles for replacement only; communications and electronic equipment; other support equipment; spare parts, ordnance, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $8,204,605,000, to remain available for obligation until September 30, 2013: *Provided*, That of the funds made available in this paragraph, $15,000,000 shall be made available to procure equipment, not otherwise provided for, and may be transferred to other procurement accounts available to the Department of the Army, and that funds so transferred shall be available for the same purposes and the same time period as the account to which transferred.

AIRCRAFT PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $17,473,588,000, to remain available for obligation until September 30, 2013.

WEAPONS PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of missiles, torpedoes, other weapons, and related support equipment including spare parts, and accessories therefor; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $3,236,157,000, to remain available for obligation until September 30, 2013.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $790,527,000, to remain available for obligation until September 30, 2013.

SHIPBUILDING AND CONVERSION, NAVY

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

Carrier Replacement Program, $1,721,969,000;

Carrier Replacement Program (AP), $908,313,000;

NSSN, $3,430,343,000;

NSSN (AP), $1,691,236,000;

CVN Refueling, $1,248,999,000;

CVN Refuelings (AP), $408,037,000;

DDG–1000 Program, $77,512,000;

DDG–51 Destroyer, $2,868,454,000;

DDG–51 Destroyer (AP), $47,984,000;

Littoral Combat Ship, $1,168,984,000;

Littoral Combat Ship (AP), $190,351,000;

LHA–R, $942,837,000;

Joint High Speed Vessel, $180,703,000;

Oceanographic Ships, $88,561,000;

LCAC Service Life Extension Program, $83,035,000;

Service Craft, $13,770,000; and

For outfitting, post delivery, conversions, and first destination transportation, $295,570,000.

In all: $15,366,658,000, to remain available for obligation until September 30, 2015: *Provided*, That additional obligations may be incurred after September 30, 2015, for engineering services, tests, evaluations, and other such budgeted work that must be performed in the final stage of ship construction: *Provided further*, That none of the funds provided under this heading for the construction or conversion of any naval vessel to be constructed in shipyards in the United States shall be expended in foreign facilities for the construction of major components of such vessel: *Provided further*, That none of the funds provided under this heading shall be used for the construction of any naval vessel in foreign shipyards.

OTHER PROCUREMENT, NAVY

(INCLUDING TRANSFER OF FUNDS)

For procurement, production, and modernization of support equipment and materials not otherwise provided for, Navy ordnance (except ordnance for new aircraft, new ships, and ships authorized for conversion); the purchase of passenger motor vehicles for replacement only, and the purchase of seven vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed $250,000 per vehicle; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $5,833,683,000, to remain available for obligation until September 30, 2013: *Provided*, That of the funds made available in this paragraph, $15,000,000 shall be made available to procure equipment, not otherwise provided for, and may be transferred to

other procurement accounts available to the Department of the Navy, and that funds so transferred shall be available for the same purposes and the same time period as the account to which transferred.

PROCUREMENT, MARINE CORPS

For expenses necessary for the procurement, manufacture, and modification of missiles, armament, military equipment, spare parts, and accessories therefor; plant equipment, appliances, and machine tools, and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; vehicles for the Marine Corps, including the purchase of passenger motor vehicles for replacement only; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, $1,238,036,000, to remain available for obligation until September 30, 2013.

AIRCRAFT PROCUREMENT, AIR FORCE

For construction, procurement, and modification of aircraft and equipment, including armor and armament, specialized ground handling equipment, and training devices, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, $12,528,779,000, to remain available for obligation until September 30, 2013: *Provided*, That none of the funds provided in this Act for modification of C–17 aircraft, Global Hawk Unmanned Aerial Vehicle and F–22 aircraft may be obligated until all C–17, Global Hawk and F–22 contracts funded with prior year ''Aircraft Procurement, Air Force'' appropriated funds are definitized unless the Secretary of the Air Force certifies in writing to the congressional defense committees that each such obligation is necessary to meet the needs of a warfighting requirement or prevents increased costs to the taxpayer, and provides the reasons for failing to definitize the prior year contracts along with the prospective contract definitization schedule: *Provided further*, That the Secretary of the Air Force shall expand the current HH–60 Operational Loss Replacement program to meet the approved HH–60 Recapitalization program requirements.

MISSILE PROCUREMENT, AIR FORCE

For construction, procurement, and modification of missiles, spacecraft, rockets, and related equipment, including spare parts and accessories therefor, ground handling equipment, and training devices; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, $5,430,764,000, to remain available for obligation until September 30, 2013.

PROCUREMENT OF AMMUNITION, AIR FORCE

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $735,487,000, to remain available for obligation until September 30, 2013.

OTHER PROCUREMENT, AIR FORCE

(INCLUDING TRANSFER OF FUNDS)

For procurement and modification of equipment (including ground guidance and electronic control equipment, and ground electronic and communication equipment), and supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of passenger motor vehicles for replacement only, and the purchase of two vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed $250,000 per vehicle; lease of passenger motor vehicles; and expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon, prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, $17,598,331,000, to remain available for obligation until September 30, 2013: *Provided*, That of the funds made available in this paragraph, $15,000,000 shall be made available to procure equipment, not otherwise provided for, and may be transferred to other procurement accounts available to the Department of the Air Force, and that funds so transferred shall be available for the same purposes and the same time period as the account to which transferred.

PROCUREMENT, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For expenses of activities and agencies of the Department of Defense (other than the military departments) necessary for procurement, production, and modification of equipment, supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of passenger motor vehicles for replacement only; expansion of public and private plants, equipment, and installation thereof in such plants, erection of structures, and acquisition of land for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, $4,042,241,000, to remain available for obligation until September 30, 2013: *Provided*, That of the funds made available in this paragraph, $15,000,000 shall be made available to procure equipment, not otherwise provided for, and may be transferred to other procurement accounts available to the Department of Defense, and that funds so transferred shall be available for the same purposes and the same time period as the account to which transferred.

DEFENSE PRODUCTION ACT PURCHASES

For activities by the Department of Defense pursuant to sections 108, 301, 302, and 303 of the Defense Production Act of 1950 (50 U.S.C. App. 2078, 2091, 2092, and 2093), $74,906,000, to remain available until expended.

TITLE IV

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $10,775,081,000, to remain available for obligation until September 30, 2012.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $18,447,913,000, to remain available for obligation until September 30, 2012: *Provided*, That funds appropriated in this paragraph which are available for the V–22 may be used to meet unique operational requirements of the Special Operations Forces: *Provided further*, That funds appropriated in this paragraph shall be available for the Cobra Judy program.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $27,006,965,000, to remain available for obligation until September 30, 2012.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For expenses of activities and agencies of the Department of Defense (other than the military departments), necessary for basic and applied scientific research, development, test and evaluation; advanced research projects as may be designated and determined by the Secretary of Defense, pursuant to law; maintenance, rehabilitation, lease, and operation of facilities and equipment, $21,171,272,000, to remain available for obligation until September 30, 2012: *Provided*, That of the funds made available in this paragraph, $3,200,000 shall only be available for program management and oversight of innovative research and development.

OPERATIONAL TEST AND EVALUATION, DEFENSE

For expenses, not otherwise provided for, necessary for the independent activities of the Director, Operational Test and Evaluation, in the direction and supervision of operational test and evaluation, including initial operational test and evaluation which is conducted prior to, and in support of, production decisions; joint operational testing and evaluation; and administrative expenses in connection therewith, $194,910,000, to remain available for obligation until September 30, 2012.

TITLE V

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

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

NATIONAL DEFENSE SEALIFT FUND

For National Defense Sealift Fund programs, projects, and activities, and for expenses of the National Defense Reserve Fleet, as established by section 11 of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744), and for the necessary expenses to maintain and preserve a U.S.-flag merchant fleet to serve the national security needs of the United States, $1,077,266,000, to remain available until expended: *Provided*, That

none of the funds provided in this paragraph shall be used to award a new contract that provides for the acquisition of any of the following major components unless such components are manufactured in the United States: auxiliary equipment, including pumps, for all shipboard services; propulsion system components (engines, reduction gears, and propellers); shipboard cranes; and spreaders for shipboard cranes: *Provided further*, That the exercise of an option in a contract awarded through the obligation of previously appropriated funds shall not be considered to be the award of a new contract: *Provided further*, That the Secretary of the military department responsible for such procurement may waive the restrictions in the first proviso on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes.

TITLE VI

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For expenses, not otherwise provided for, for medical and health care programs of the Department of Defense as authorized by law, $31,460,770,000; of which $29,697,516,000 shall be for operation and maintenance, of which not to exceed 1 percent shall remain available until September 30, 2012, and of which up to $16,212,121,000 may be available for contracts entered into under the TRICARE program; of which $534,921,000, to remain available for obligation until September 30, 2013, shall be for procurement; and of which $1,228,333,000, to remain available for obligation until September 30, 2012, shall be for research, development, test and evaluation: *Provided*, That, notwithstanding any other provision of law, of the amount made available under this heading for research, development, test and evaluation, not less than $10,000,000 shall be available for HIV prevention educational activities undertaken in connection with United States military training, exercises, and humanitarian assistance activities conducted primarily in African nations.

CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE

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

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For drug interdiction and counter-drug activities of the Department of Defense, for transfer to appropriations available to the Department of Defense for military personnel of the reserve components serving under the provisions of title 10 and title 32, United States Code; for operation and maintenance; for procurement; and for research, development, test and evaluation, $1,207,877,000: *Provided*, That the funds appropriated under this heading shall be available for obligation for the same time period and for the same purpose as the appropriation to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority contained elsewhere in this Act.

OFFICE OF THE INSPECTOR GENERAL

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

TITLE VII

RELATED AGENCIES

CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM FUND

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

INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

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

TITLE VIII

GENERAL PROVISIONS

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

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

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

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

(TRANSFER OF FUNDS)

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

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

(b) Amounts specified in the referenced tables described in subsection (a) shall not be treated as subdivisions of appropriations for purposes of section 8005 of this Act: *Provided*, That section 8005 shall apply when transfers of the amounts described in subsection (a) occur between appropriation accounts.

SEC. 8007. (a) Not later than 60 days after enactment of this Act, the Department of Defense shall submit a report to the congressional defense committees to establish the baseline for application of reprogramming

and transfer authorities for fiscal year 2011: *Provided*, That the report shall include—

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

(2) a delineation in the table for each appropriation both by budget activity and program, project, and activity as detailed in the Budget Appendix; and

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

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

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

(TRANSFER OF FUNDS)

SEC. 8009. During the current fiscal year, cash balances in working capital funds of the Department of Defense established pursuant to section 2208 of title 10, United States Code, may be maintained in only such amounts as are necessary at any time for cash disbursements to be made from such funds: *Provided*, That transfers may be made between such funds: *Provided further*, That transfers may be made between working capital funds and the ''Foreign Currency Fluctuations, Defense'' appropriation and the ''Operation and Maintenance'' appropriation accounts in such amounts as may be determined by the Secretary of Defense, with the approval of the Office of Management and Budget, except that such transfers may not be made unless the Secretary of Defense has notified the Congress of the proposed transfer. Except in amounts equal to the amounts appropriated to working capital funds in this Act, no obligations may be made against a working capital fund to procure or increase the value of war reserve material inventory, unless the Secretary of Defense has notified the Congress prior to any such obligation.

SEC. 8010. Funds appropriated by this Act may not be used to initiate a special access program without prior notification 30 calendar days in advance to the congressional defense committees.

SEC. 8011. None of the funds provided in this Act shall be available to initiate: (1) a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any one year of the contract or that includes an unfunded contingent liability in excess of $20,000,000; or (2) a contract for advance procurement leading to a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any one year, unless the congressional defense committees have been notified at least 30 days in advance of the proposed contract award: *Provided*, That no part of any appropriation contained in this Act shall be available to initiate a multiyear contract for which the economic order quantity advance procurement is not funded at least to the limits of the Government's liability: *Provided further*, That no part of any appropriation contained in this Act shall be available to initiate multiyear procurement contracts for any systems or component thereof if the value of the multiyear contract would exceed $500,000,000 unless specifically provided in this Act: *Provided further*, That no multiyear procurement contract can be terminated without 10-day prior notification to the congressional defense committees: *Provided further*, That the execution of multiyear authority shall require the use of a present value analysis to determine lowest cost compared to an annual procurement: *Provided further*, That none of the funds provided in this Act may be used for a multiyear contract executed after the date of the enactment of this Act unless in the case of any such contract—

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

(2) cancellation provisions in the contract do not include consideration of recurring manufacturing costs of the contractor associated with the production of unfunded units to be delivered under the contract;

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

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

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

Navy MH–60R/S Helicopter Systems.

SEC. 8012. Within the funds appropriated for the operation and maintenance of the Armed Forces, funds are hereby appropriated pursuant to section 401 of title 10, United States Code, for humanitarian and civic assistance costs under chapter 20 of title 10, United States Code. Such funds may also be obligated for humanitarian and civic assistance costs incidental to authorized operations and pursuant to authority granted in section 401 of chapter 20 of title 10, United States Code, and these obligations shall be reported as required by section 401(d) of title 10, United States Code: *Provided*, That funds available for operation and maintenance shall be available for providing humanitarian and similar assistance by using Civic Action Teams in the Trust Territories of the Pacific Islands and freely associated states of Micronesia, pursuant to the Compact of Free Association as authorized by Public Law 99–239: *Provided further*, That upon a determination by the Secretary of the Army that such action is beneficial for graduate medical education programs conducted at Army medical facilities located in Hawaii, the Secretary of the Army may authorize the provision of medical services at such facilities and transportation to such facilities, on a nonreimbursable basis, for civilian patients from American Samoa, the Commonwealth of the Northern Mariana Islands, the Marshall Islands, the Federated States of Micronesia, Palau, and Guam.

SEC. 8013. (a) During fiscal year 2011, the civilian personnel of the Department of Defense may not be managed on the basis of any end-strength, and the management of such personnel during that fiscal year shall not be subject to any constraint or limitation (known as an end-strength) on the number of such personnel who may be employed on the last day of such fiscal year.

(b) The fiscal year 2012 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2012 Department of Defense budget request shall be prepared and submitted to the Congress as if subsections (a) and (b) of this provision were effective with regard to fiscal year 2012.

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

SEC. 8014. None of the funds made available by this Act shall be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before the Congress.

SEC. 8015. None of the funds appropriated by this Act shall be available for the basic pay and allowances of any member of the Army participating as a full-time student and receiving benefits paid by the Secretary of Veterans Affairs from the Department of Defense Education Benefits Fund when time spent as a full-time student is credited toward completion of a service commitment: *Provided*, That this section shall not apply to those members who have reenlisted with this option prior to October 1, 1987: *Provided further*, That this section applies only to active components of the Army.

SEC. 8016. (a) None of the funds appropriated by this Act shall be available to convert to contractor performance an activity or function of the Department of Defense that, on or after the date of the enactment of this Act, is performed by Department of Defense civilian employees unless—

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

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

(A) 10 percent of the most efficient organization's personnel-related costs for performance of that activity or function by Federal employees; or

(B) $10,000,000; and

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

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

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

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

(A) is included on the procurement list established pursuant to section 2 of the Javits-Wagner-O'Day Act (41 U.S.C. 47);

(B) is planned to be converted to performance by a qualified nonprofit agency for the blind or by a qualified nonprofit agency for other severely handicapped individuals in accordance with that Act; or

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

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

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

(TRANSFER OF FUNDS)

SEC. 8017. Funds appropriated in title III of this Act for the Department of Defense Pilot Mentor-Protege Program may be transferred to any other appropriation contained in this Act solely for the purpose of implementing a Mentor-Protege Program developmental assistance agreement pursuant to section 831 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 10 U.S.C. 2302 note), as amended, under the authority of this provision or any other transfer authority contained in this Act.

SEC. 8018. None of the funds in this Act may be available for the purchase by the Department of Defense (and its departments and agencies) of welded shipboard anchor and mooring chain 4 inches in diameter and under unless the anchor and mooring chain are manufactured in the United States from components which are substantially manufactured in the United States: *Provided*, That for the purpose of this section, the term ''manufactured'' shall include cutting, heat treating, quality control, testing of chain and welding (including the forging and shot blasting process): *Provided further*, That for the purpose of this section substantially all of the components of anchor and mooring chain shall be considered to be produced or manufactured in the United States if the aggregate cost of the components produced or manufactured in the United States exceeds the aggregate cost of the components produced or manufactured outside the United States: *Provided further*, That when adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis, the Secretary of the service responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations that such an acquisition must be made in order to acquire capability for national security purposes.

SEC. 8019. None of the funds available to the Department of Defense may be used to demilitarize or dispose of M–1 Carbines, M–1 Garand rifles, M–14 rifles, .22 caliber rifles, .30 caliber rifles, or M–1911 pistols, or to demilitarize or destroy small arms ammunition or ammunition components that are not otherwise prohibited from commercial sale under Federal law, unless the small arms ammunition or ammunition components are certified by the Secretary of the Army or designee as unserviceable or unsafe for further use.

SEC. 8020. No more than $500,000 of the funds appropriated or made available in this Act shall be used during a single fiscal year for any single relocation of an organization, unit, activity or function of the Department of Defense into or within the National Capital Region: *Provided*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the congressional defense committees that such a relocation is required in the best interest of the Government.

SEC. 8021. In addition to the funds provided elsewhere in this Act, $15,000,000 is appropriated only for incentive payments authorized by section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544): *Provided*, That a prime contractor or a subcontractor at any tier that makes a subcontract award to any subcontractor or supplier as defined in section 1544 of title 25, United States Code, or a small business owned and controlled by an individual or individuals defined under section 4221(9) of title 25, United States Code, shall be considered a contractor for the purposes of being allowed additional compensation under section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544) whenever the prime contract or subcontract amount is over $500,000 and involves the expenditure of funds appropriated by an Act making Appropriations for the Department of Defense with respect to any fiscal year: *Provided further*, That notwithstanding section 430 of title 41, United States Code, this section shall be applicable to any Department of Defense acquisition of supplies or services, including any contract and any subcontract at any tier for acquisition of commercial items produced or manufactured, in whole or in part by any subcontractor or supplier defined in section 1544 of title 25, United States Code, or a small business owned and controlled by an individual or individuals defined under section 4221(9) of title 25, United States Code.

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

SEC. 8023. During the current fiscal year, the Department of Defense is authorized to incur obligations of not to exceed $350,000,000 for purposes specified in section 2350j(c) of title 10, United States Code, in anticipation of receipt of contributions, only from the Government of Kuwait, under that section: *Provided*, That upon receipt, such contributions from the Government of Kuwait shall be credited to the appropriations or fund which incurred such obligations.

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

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

(2) $2,424,000 shall be available from ''Aircraft Procurement, Air Force''; and

(3) $902,000 shall be available from ''Other Procurement, Air Force'' for vehicle procurement.

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

SEC. 8025. (a) None of the funds appropriated in this Act are available to establish a new Department of Defense (department) federally funded research and development center (FFRDC), either as a new entity, or as a separate entity administrated by an organization managing another FFRDC, or as a nonprofit membership corporation consisting of a consortium of other FFRDCs and other nonprofit entities.

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

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

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

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

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

SEC. 8026. None of the funds appropriated or made available in this Act shall be used to procure carbon, alloy or armor steel plate for use in any Government-owned facility or property under the control of the Department of Defense which were not melted and rolled in the United States or Canada: *Provided*, That these procurement restrictions shall apply to any and all Federal Supply Class 9515, American Society of Testing and Materials (ASTM) or American Iron and Steel Institute (AISI) specifications of carbon, alloy or armor steel plate: *Provided further*, That the Secretary of the military department responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: *Provided further*, That these restrictions shall not apply to contracts which are in being as of the date of the enactment of this Act.

SEC. 8027. For the purposes of this Act, the term ''congressional defense committees'' means the Armed Services Committee of the House of Representatives, the Armed Services Committee of the Senate, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives.

SEC. 8028. During the current fiscal year, the Department of Defense may acquire the modification, depot maintenance and repair of aircraft, vehicles and vessels as well as the

production of components and other Defense-related articles, through competition between Department of Defense depot maintenance activities and private firms: *Provided*, That the Senior Acquisition Executive of the military department or Defense Agency concerned, with power of delegation, shall certify that successful bids include comparable estimates of all direct and indirect costs for both public and private bids: *Provided further*, That Office of Management and Budget Circular A–76 shall not apply to competitions conducted under this section.

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

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

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

(c) For purposes of this section, the term ''Buy American Act'' means title III of the Act entitled ''An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes'', approved March 3, 1933 (41 U.S.C. 10a et seq.).

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

SEC. 8031. (a) Notwithstanding any other provision of law, the Secretary of the Air Force may convey at no cost to the Air Force, without consideration, to Indian tribes located in the States of Nevada, Idaho, North Dakota, South Dakota, Montana, Oregon, Minnesota, and Washington relocatable military housing units located at Grand Forks Air Force Base, Malmstrom Air Force Base, Mountain Home Air Force Base, Ellsworth Air Force Base, and Minot Air Force Base that are excess to the needs of the Air Force.

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

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

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

SEC. 8032. During the current fiscal year, appropriations which are available to the Department of Defense for operation and maintenance may be used to purchase items having an investment item unit cost of not more than $250,000.

SEC. 8033. (a) During the current fiscal year, none of the appropriations or funds available to the Department of Defense Working Capital Funds shall be used for the purchase of an investment item for the purpose of acquiring a new inventory item for sale or anticipated sale during the current fiscal year or a subsequent fiscal year to customers of the Department of Defense Working Capital Funds if such an item would not have been chargeable to the Department of Defense Business Operations Fund during fiscal year 1994 and if the purchase of such an investment item would be chargeable during the current fiscal year to appropriations made to the Department of Defense for procurement.

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

SEC. 8034. None of the funds appropriated by this Act for programs of the Central Intelligence Agency shall remain available for obligation beyond the current fiscal year, except for funds appropriated for the Reserve for Contingencies, which shall remain available until September 30, 2012: *Provided*, That funds appropriated, transferred, or otherwise credited to the Central Intelligence Agency Central Services Working Capital Fund during this or any prior or subsequent fiscal year shall remain available until expended: *Provided further*, That any funds appropriated or transferred to the Central Intelligence Agency for advanced research and development acquisition, for agent operations, and for covert action programs authorized by the President under section 503 of the National Security Act of 1947, as amended, shall remain available until September 30, 2012.

SEC. 8035. Notwithstanding any other provision of law, funds made available in this Act for the Defense Intelligence Agency may be used for the design, development, and deployment of General Defense Intelligence Program intelligence communications and intelligence information systems for the Services, the Unified and Specified Commands, and the component commands.

SEC. 8036. Of the funds appropriated to the Department of Defense under the heading ''Operation and Maintenance, Defense-Wide'', not less than $12,000,000 shall be made available only for the mitigation of environmental impacts, including training and technical assistance to tribes, related administrative support, the gathering of information, documenting of environmental damage, and developing a system for prioritization of mitigation and cost to complete estimates for mitigation, on Indian lands resulting from Department of Defense activities.

SEC. 8037. (a) None of the funds appropriated in this Act may be expended by an entity of the Department of Defense unless the entity, in expending the funds, complies with the Buy American Act. For purposes of this subsection, the term ''Buy American Act'' means title III of the Act entitled ''An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes'', approved March 3, 1933 (41 U.S.C. 10a et seq.).

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

(c) In the case of any equipment or products purchased with appropriations provided under this Act, it is the sense of the Congress that any entity of the Department of Defense, in expending the appropriation, purchase only American-made equipment and products, provided that American-made equipment and products are cost-competitive, quality competitive, and available in a timely fashion.

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

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

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

(3) the purpose of the contract is to take advantage of unique and significant industrial accomplishment by a specific concern, or to insure that a new product or idea of a specific concern is given financial support: *Provided*, That this limitation shall not apply to contracts in an amount of less than $25,000, contracts related to improvements of equipment that is in development or production, or contracts as to which a civilian official of the Department of Defense, who has been confirmed by the Senate, determines that the award of such contract is in the interest of the national defense.

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

(1) to establish a field operating agency; or

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

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

(c) This section does not apply to—

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

(2) an Army field operating agency established to eliminate, mitigate, or counter the

effects of improvised explosive devices, and, as determined by the Secretary of the Army, other similar threats; or

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

SEC. 8040. The Secretary of Defense, notwithstanding any other provision of law, acting through the Office of Economic Adjustment of the Department of Defense, may use funds made available in this Act under the heading ''Operation and Maintenance, Defense-Wide'' to make grants and supplement other Federal funds in accordance with the guidance provided in the explanatory statement regarding this Act.

(RESCISSIONS)

SEC. 8041. Of the funds appropriated in Department of Defense Appropriations Acts, the following funds are hereby rescinded from the following accounts and programs in the specified amounts:

''Procurement of Weapons and Tracked Combat Vehicles, Army, 2009/2011'', $86,300,000;

''Other Procurement, Army, 2009/2011'', $147,600,000;

''Aircraft Procurement, Navy, 2009/2011'', $26,100,000;

''Aircraft Procurement, Air Force, 2009/2011'', $116,900,000;

''Aircraft Procurement, Army, 2010/2012'', $14,000,000;

''Procurement of Weapons and Tracked Combat Vehicles, Army, 2010/2012'', $36,000,000;

''Missile Procurement, Army, 2010/2012'', $9,171,000;

''Aircraft Procurement, Navy, 2010/2012'', $184,847,000;

''Procurement of Ammunition, Navy and Marine Corps, 2010/2012'', $11,576,000;

Under the heading, ''Shipbuilding and Conversion, Navy, 2010/2014'': DDG–51 Destroyer, $22,000,000;

''Other Procurement, Navy, 2010/2012'', $9,042,000;

''Aircraft Procurement, Air Force, 2010/2012'', $151,300,000;

''Other Procurement, Air Force, 2010/2012'', $36,600,000;

''Research, Development, Test and Evaluation, Army, 2010/2011'', $53,500,000;

''Research, Development, Test and Evaluation, Air Force, 2010/2011'', $198,600,000; and

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

SEC. 8042. None of the funds available in this Act may be used to reduce the authorized positions for military (civilian) technicians of the Army National Guard, Air National Guard, Army Reserve and Air Force Reserve for the purpose of applying any administratively imposed civilian personnel ceiling, freeze, or reduction on military (civilian) technicians, unless such reductions are a direct result of a reduction in military force structure.

SEC. 8043. None of the funds appropriated or otherwise made available in this Act may be obligated or expended for assistance to the Democratic People's Republic of Korea unless specifically appropriated for that purpose.

SEC. 8044. Funds appropriated in this Act for operation and maintenance of the Military Departments, Combatant Commands and Defense Agencies shall be available for reimbursement of pay, allowances and other expenses which would otherwise be incurred against appropriations for the National Guard and Reserve when members of the National Guard and Reserve provide intelligence or counterintelligence support to Combatant Commands, Defense Agencies and Joint Intelligence Activities, including the activities and programs included within the National Intelligence Program and the Military Intelligence Program: *Provided*, That nothing in this section authorizes deviation from established Reserve and National Guard personnel and training procedures.

SEC. 8045. During the current fiscal year, none of the funds appropriated in this Act may be used to reduce the civilian medical and medical support personnel assigned to military treatment facilities below the September 30, 2003, level: *Provided*, That the Service Surgeons General may waive this section by certifying to the congressional defense committees that the beneficiary population is declining in some catchment areas and civilian strength reductions may be consistent with responsible resource stewardship and capitation-based budgeting.

SEC. 8046. (a) None of the funds available to the Department of Defense for any fiscal year for drug interdiction or counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

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

SEC. 8047. None of the funds appropriated by this Act may be used for the procurement of ball and roller bearings other than those produced by a domestic source and of domestic origin: *Provided*, That the Secretary of the military department responsible for such procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate, that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: *Provided further*, That this restriction shall not apply to the purchase of ''commercial items'', as defined by section 4(12) of the Office of Federal Procurement Policy Act, except that the restriction shall apply to ball or roller bearings purchased as end items.

SEC. 8048. None of the funds in this Act may be used to purchase any supercomputer which is not manufactured in the United States, unless the Secretary of Defense certifies to the congressional defense committees that such an acquisition must be made in order to acquire capability for national security purposes that is not available from United States manufacturers.

SEC. 8049. None of the funds made available in this or any other Act may be used to pay the salary of any officer or employee of the Department of Defense who approves or implements the transfer of administrative responsibilities or budgetary resources of any program, project, or activity financed by this Act to the jurisdiction of another Federal agency not financed by this Act without the express authorization of Congress: *Provided*, That this limitation shall not apply to transfers of funds expressly provided for in Defense Appropriations Acts, or provisions of Acts providing supplemental appropriations for the Department of Defense.

SEC. 8050. (a) Notwithstanding any other provision of law, none of the funds available to the Department of Defense for the current fiscal year may be obligated or expended to transfer to another nation or an international organization any defense articles or services (other than intelligence services) for use in the activities described in subsection (b) unless the congressional defense committees, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Foreign Relations of the Senate are notified 15 days in advance of such transfer.

(b) This section applies to—

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

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

(c) A notice under subsection (a) shall include the following—

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

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

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

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

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

SEC. 8051. None of the funds available to the Department of Defense under this Act shall be obligated or expended to pay a contractor under a contract with the Department of Defense for costs of any amount paid by the contractor to an employee when—

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

(2) such bonus is part of restructuring costs associated with a business combination.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8052. During the current fiscal year, no more than $30,000,000 of appropriations made in this Act under the heading ''Operation and Maintenance, Defense-Wide'' may be transferred to appropriations available for the pay of military personnel, to be merged with, and to be available for the same time period as the appropriations to which transferred, to be used in support of such personnel in connection with support and services for eligible organizations and activities outside the Department of Defense pursuant to section 2012 of title 10, United States Code.

SEC. 8053. During the current fiscal year, in the case of an appropriation account of the Department of Defense for which the period of availability for obligation has expired or which has closed under the provisions of section 1552 of title 31, United States Code, and which has a negative unliquidated or unexpended balance, an obligation or an adjustment of an obligation may be charged to any current appropriation account for the same purpose as the expired or closed account if—

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

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

(3) in the case of an expired account, the obligation is not chargeable to a current appropriation of the Department of Defense under the provisions of section 1405(b)(8) of the National Defense Authorization Act for Fiscal Year 1991, Public Law 101–510, as amended (31 U.S.C. 1551 note): *Provided*, That in the case of an expired account, if subsequent review or investigation discloses that

there was not in fact a negative unliquidated or unexpended balance in the account, any charge to a current account under the authority of this section shall be reversed and recorded against the expired account: *Provided further*, That the total amount charged to a current appropriation under this section may not exceed an amount equal to 1 percent of the total appropriation for that account.

SEC. 8054. (a) Notwithstanding any other provision of law, the Chief of the National Guard Bureau may permit the use of equipment of the National Guard Distance Learning Project by any person or entity on a space-available, reimbursable basis. The Chief of the National Guard Bureau shall establish the amount of reimbursement for such use on a case-by-case basis.

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

SEC. 8055. Using funds available by this Act or any other Act, the Secretary of the Air Force, pursuant to a determination under section 2690 of title 10, United States Code, may implement cost-effective agreements for required heating facility modernization in the Kaiserslautern Military Community in the Federal Republic of Germany: *Provided*, That in the City of Kaiserslautern and at the Rhine Ordnance Barracks area, such agreements will include the use of United States anthracite as the base load energy for municipal district heat to the United States Defense installations: *Provided further*, That at Landstuhl Army Regional Medical Center and Ramstein Air Base, furnished heat may be obtained from private, regional or municipal services, if provisions are included for the consideration of United States coal as an energy source.

SEC. 8056. None of the funds appropriated in title IV of this Act may be used to procure end-items for delivery to military forces for operational training, operational use or inventory requirements: *Provided*, That this restriction does not apply to end-items used in development, prototyping, and test activities preceding and leading to acceptance for operational use: *Provided further*, That this restriction does not apply to programs funded within the National Intelligence Program: *Provided further*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so.

SEC. 8057. None of the funds made available in this Act may be used to approve or license the sale of the F–22A advanced tactical fighter to any foreign government: *Provided*, That the Department of Defense may conduct or participate in studies, research, design and other activities to define and develop a future export version of the F–22A that protects classified and sensitive information, technologies and U.S. warfighting capabilities.

SEC. 8058. (a) The Secretary of Defense may, on a case-by-case basis, waive with respect to a foreign country each limitation on the procurement of defense items from foreign sources provided in law if the Secretary determines that the application of the limitation with respect to that country would invalidate cooperative programs entered into between the Department of Defense and the foreign country, or would invalidate reciprocal trade agreements for the procurement of defense items entered into under section 2531 of title 10, United States Code, and the country does not discriminate against the same or similar defense items produced in the United States for that country.

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

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

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

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

SEC. 8059. (a) None of the funds made available by this Act may be used to support any training program involving a unit of the security forces or police of a foreign country if the Secretary of Defense has received credible information from the Department of State that the unit has committed a gross violation of human rights, unless all necessary corrective steps have been taken.

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

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

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

SEC. 8060. None of the funds appropriated or made available in this Act to the Department of the Navy shall be used to develop, lease or procure the T-AKE class of ships unless the main propulsion diesel engines and propulsors are manufactured in the United States by a domestically operated entity: *Provided*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes or there exists a significant cost or quality difference.

SEC. 8061. None of the funds appropriated or otherwise made available by this or other Department of Defense Appropriations Acts may be obligated or expended for the purpose of performing repairs or maintenance to military family housing units of the Department of Defense, including areas in such military family housing units that may be used for the purpose of conducting official Department of Defense business.

SEC. 8062. Notwithstanding any other provision of law, funds appropriated in this Act under the heading ''Research, Development, Test and Evaluation, Defense-Wide'' for any new start advanced concept technology demonstration project or joint capability demonstration project may only be obligated 30 days after a report, including a description of the project, the planned acquisition and transition strategy and its estimated annual and total cost, has been provided in writing to the congressional defense committees: *Provided*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying to the congressional defense committees that it is in the national interest to do so.

SEC. 8063. The Secretary of Defense shall provide a classified quarterly report beginning 30 days after enactment of this Act, to the House and Senate Appropriations Committees, Subcommittees on Defense on certain matters as directed in the classified annex accompanying this Act.

SEC. 8064. During the current fiscal year, none of the funds available to the Department of Defense may be used to provide support to another department or agency of the United States if such department or agency is more than 90 days in arrears in making payment to the Department of Defense for goods or services previously provided to such department or agency on a reimbursable basis: *Provided*, That this restriction shall not apply if the department is authorized by law to provide support to such department or agency on a nonreimbursable basis, and is providing the requested support pursuant to such authority: *Provided further*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so.

SEC. 8065. Notwithstanding section 12310(b) of title 10, United States Code, a Reserve who is a member of the National Guard serving on full-time National Guard duty under section 502(f) of title 32, United States Code, may perform duties in support of the ground-based elements of the National Ballistic Missile Defense System.

SEC. 8066. None of the funds provided in this Act may be used to transfer to any nongovernmental entity ammunition held by the Department of Defense that has a center-fire cartridge and a United States military nomenclature designation of ''armor penetrator'', ''armor piercing (AP)'', ''armor piercing incendiary (API)'', or ''armor-piercing incendiary tracer (API–T)'', except to an entity performing demilitarization services for the Department of Defense under a contract that requires the entity to demonstrate to the satisfaction of the Department of Defense that armor piercing projectiles are either: (1) rendered incapable of reuse by the demilitarization process; or (2) used to manufacture ammunition pursuant to a contract with the Department of Defense or the manufacture of ammunition for export pursuant to a License for Permanent Export of Unclassified Military Articles issued by the Department of State.

SEC. 8067. Notwithstanding any other provision of law, the Chief of the National Guard Bureau, or his designee, may waive payment of all or part of the consideration that otherwise would be required under section 2667 of title 10, United States Code, in the case of a lease of personal property for a period not in excess of 1 year to any organization specified in section 508(d) of title 32, United States Code, or any other youth, social, or fraternal nonprofit organization as may be approved by the Chief of the National Guard Bureau, or his designee, on a case-by-case basis.

SEC. 8068. None of the funds appropriated by this Act shall be used for the support of any nonappropriated funds activity of the Department of Defense that procures malt

beverages and wine with nonappropriated funds for resale (including such alcoholic beverages sold by the drink) on a military installation located in the United States unless such malt beverages and wine are procured within that State, or in the case of the District of Columbia, within the District of Columbia, in which the military installation is located: *Provided*, That in a case in which the military installation is located in more than one State, purchases may be made in any State in which the installation is located: *Provided further*, That such local procurement requirements for malt beverages and wine shall apply to all alcoholic beverages only for military installations in States which are not contiguous with another State: *Provided further*, That alcoholic beverages other than wine and malt beverages, in contiguous States and the District of Columbia shall be procured from the most competitive source, price and other factors considered.

SEC. 8069. Funds available to the Department of Defense for the Global Positioning System during the current fiscal year, and hereafter, may be used to fund civil requirements associated with the satellite and ground control segments of such system's modernization program.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8070. Of the amounts appropriated in this Act under the heading ''Operation and Maintenance, Army'', $147,258,300 shall remain available until expended: *Provided*, That notwithstanding any other provision of law, the Secretary of Defense is authorized to transfer such funds to other activities of the Federal Government: *Provided further*, That the Secretary of Defense is authorized to enter into and carry out contracts for the acquisition of real property, construction, personal services, and operations related to projects carrying out the purposes of this section: *Provided further*, That contracts entered into under the authority of this section may provide for such indemnification as the Secretary determines to be necessary: *Provided further*, That projects authorized by this section shall comply with applicable Federal, State, and local law to the maximum extent consistent with the national security, as determined by the Secretary of Defense.

SEC. 8071. Section 8106 of the Department of Defense Appropriations Act, 1997 (titles I through VIII of the matter under subsection 101(b) of Public Law 104–208; 110 Stat. 3009–111; 10 U.S.C. 113 note) shall continue in effect to apply to disbursements that are made by the Department of Defense in fiscal year 2011.

SEC. 8072. In addition to amounts provided elsewhere in this Act, $4,000,000 is hereby appropriated to the Department of Defense, to remain available for obligation until expended: *Provided*, That notwithstanding any other provision of law, these funds shall be available only for a grant to the Fisher House Foundation, Inc., only for the construction and furnishing of additional Fisher Houses to meet the needs of military family members when confronted with the illness or hospitalization of an eligible military beneficiary.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8073. Of the amounts appropriated in this Act under the headings ''Procurement, Defense-Wide'' and ''Research, Development, Test and Evaluation, Defense-Wide'', $415,115,000 shall be for the Israeli Cooperative Programs: *Provided*, That of this amount, $205,000,000 shall be for the Secretary of Defense to provide to the Government of Israel for the procurement of the Iron Dome defense system to counter short-range rocket threats, $84,722,000 shall be for the Short Range Ballistic Missile Defense (SRBMD) program, including cruise missile defense research and development under the SRBMD program, $58,966,000 shall be available for an upper-tier component to the Israeli Missile Defense Architecture, and $66,427,000 shall be for the Arrow System Improvement Program including development of a long range, ground and airborne, detection suite, of which $12,000,000 shall be for producing Arrow missile components in the United States and Arrow missile components in Israel to meet Israel's defense requirements, consistent with each nation's laws, regulations and procedures: *Provided further*, That funds made available under this provision for production of missiles and missile components may be transferred to appropriations available for the procurement of weapons and equipment, to be merged with and to be available for the same time period and the same purposes as the appropriation to which transferred: *Provided further*, That the transfer authority provided under this provision is in addition to any other transfer authority contained in this Act.

SEC. 8074. None of the funds available to the Department of Defense may be obligated to modify command and control relationships to give Fleet Forces Command administrative and operational control of U.S. Navy forces assigned to the Pacific fleet: *Provided*, That the command and control relationships which existed on October 1, 2004, shall remain in force unless changes are specifically authorized in a subsequent Act.

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

Pharmacists, Audiologists, Psychologists, Social Workers, Othotists/Prosthetists, Occupational Therapists, Physical Therapists, Rehabilitation Therapists, Respiratory Therapists, Speech Pathologists, Dietitian/Nutritionists, Industrial Hygienists, Psychology Technicians, Social Service Assistants, Practical Nurses, Nursing Assistants, and Dental Hygienists:

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

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

SEC. 8076. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2011 until the enactment of the Intelligence Authorization Act for Fiscal Year 2011.

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

SEC. 8078. In addition to funds made available elsewhere in this Act, $5,500,000 is hereby appropriated and shall remain available until expended to provide assistance, by grant or otherwise (such as the provision of funds for information technology and textbook purchases, professional development for educators, and student transition support) to public schools in states that are considered overseas assignments with unusually high concentrations of special needs military dependents enrolled: *Provided*, That up to 2 percent of the total appropriated funds under this section shall be available for the administration and execution of the programs and/or events that promote the purpose of this appropriation: *Provided further*, That up to 5 percent of the total appropriated funds under this section shall be available to public schools that have entered into a military partnership: *Provided further*, That $1,000,000 shall be available for a nonprofit trust fund to assist in the public-private funding of public school repair and maintenance projects: *Provided further*, That $500,000 shall be available to fund an ongoing special education support program in public schools with unusually high concentrations of active duty military dependents enrolled: *Provided further*, That to the extent a Federal agency provides this assistance by contract, grant, or otherwise, it may accept and expend non-Federal funds in combination with these Federal funds to provide assistance for the authorized purpose.

SEC. 8079. (a) In addition to the amounts provided elsewhere in this Act, $3,200,000 is hereby appropriated to the Department of Defense for ''Operation and Maintenance, Army National Guard''. Such amount shall be made available to the Secretary of the Army only to make a grant in the amount of $3,200,000 to the entity specified in subsection (b) to facilitate access by veterans to opportunities for skilled employment in the construction industry.

(b) The entity referred to in subsection (a) is the Center for Military Recruitment, Assessment and Veterans Employment, a nonprofit labor-management cooperation committee provided for by section 302(c)(9) of the Labor-Management Relations Act, 1947 (29 U.S.C. 186(c)(9)), for the purposes set forth in section 6(b) of the Labor Management Cooperation Act of 1978 (29 U.S.C. 175a note).

SEC. 8080. The budget of the President for fiscal year 2012 submitted to the Congress pursuant to section 1105 of title 31, United States Code, shall include separate budget justification documents for costs of United States Armed Forces' participation in contingency operations for the Military Personnel accounts, the Operation and Maintenance accounts, and the Procurement accounts: *Provided*, That these documents shall include a description of the funding requested for each contingency operation, for each military service, to include all Active and Reserve components, and for each appropriations account: *Provided further*, That these documents shall include estimated costs for each element of expense or object class, a reconciliation of increases and decreases for each contingency operation, and programmatic data including, but not limited to, troop strength for each Active and Reserve component, and estimates of the major weapons systems deployed in support of each contingency: *Provided further*, That these documents shall include budget exhibits OP–5 and OP–32 (as defined in the Department of Defense Financial Management Regulation) for all contingency operations for the budget year and the two preceding fiscal years.

SEC. 8081. None of the funds in this Act may be used for research, development, test, evaluation, procurement or deployment of nuclear armed interceptors of a missile defense system.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8082. In addition to the amounts appropriated or otherwise made available elsewhere in this Act, $65,200,000 is hereby appropriated to the Department of Defense: *Provided*, That the Secretary of Defense shall make grants in the amounts specified as follows: $20,000,000 to the United Service Organizations; $24,000,000 to the Red Cross;

$1,200,000 to the Special Olympics; and $20,000,000 to the Youth Mentoring Grants Program: *Provided further*, That funds available in this section for the Youth Mentoring Grants Program may be available for transfer to the Department of Justice Youth Mentoring Grants Program.

SEC. 8083. None of the funds appropriated or made available in this Act shall be used to reduce or disestablish the operation of the 53rd Weather Reconnaissance Squadron of the Air Force Reserve, if such action would reduce the WC–130 Weather Reconnaissance mission below the levels funded in this Act: *Provided*, That the Air Force shall allow the 53rd Weather Reconnaissance Squadron to perform other missions in support of national defense requirements during the non-hurricane season.

SEC. 8084. None of the funds provided in this Act shall be available for integration of foreign intelligence information unless the information has been lawfully collected and processed during the conduct of authorized foreign intelligence activities: *Provided*, That information pertaining to United States persons shall only be handled in accordance with protections provided in the Fourth Amendment of the United States Constitution as implemented through Executive Order No. 12333.

SEC. 8085. (a) At the time members of reserve components of the Armed Forces are called or ordered to active duty under section 12302(a) of title 10, United States Code, each member shall be notified in writing of the expected period during which the member will be mobilized.

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

(INCLUDING TRANSFER OF FUNDS)

SEC. 8086. The Secretary of Defense may transfer funds from any available Department of the Navy appropriation to any available Navy ship construction appropriation for the purpose of liquidating necessary changes resulting from inflation, market fluctuations, or rate adjustments for any ship construction program appropriated in law: *Provided*, That the Secretary may transfer not to exceed $100,000,000 under the authority provided by this section: *Provided further*, That the Secretary may not transfer any funds until 30 days after the proposed transfer has been reported to the Committees on Appropriations of the House of Representatives and the Senate, unless a response from the Committees is received sooner: *Provided further*, That any funds transferred pursuant to this section shall retain the same period of availability as when originally appropriated: *Provided further*, That the transfer authority provided by this section is in addition to any other transfer authority contained elsewhere in this Act.

SEC. 8087. For purposes of section 612 of title 41, United States Code, any subdivision of appropriations made under the heading ''Shipbuilding and Conversion, Navy'' that is not closed at the time reimbursement is made shall be available to reimburse the Judgment Fund and shall be considered for the same purposes as any subdivision under the heading ''Shipbuilding and Conversion, Navy'' appropriations in the current fiscal year or any prior fiscal year.

SEC. 8088. (a) None of the funds appropriated by this Act may be used to transfer research and development, acquisition, or other program authority relating to current tactical unmanned aerial vehicles (TUAVs) from the Army.

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

SEC. 8089. Of the funds provided in this Act, $7,080,000 shall be available for the operations and development of training and technology for the Joint Interagency Training and Education Center and the affiliated Center for National Response at the Memorial Tunnel and for providing homeland defense/security and traditional warfighting training to the Department of Defense, other Federal agencies, and State and local first responder personnel at the Joint Interagency Training and Education Center.

SEC. 8090. Notwithstanding any other provision of law or regulation, during the current fiscal year and hereafter, the Secretary of Defense may adjust wage rates for civilian employees hired for certain health care occupations as authorized for the Secretary of Veterans Affairs by section 7455 of title 38, United States Code.

SEC. 8091. Up to $15,000,000 of the funds appropriated under the heading ''Operation and Maintenance, Navy'' may be made available for the Asia Pacific Regional Initiative Program for the purpose of enabling the Pacific Command to execute Theater Security Cooperation activities such as humanitarian assistance, and payment of incremental and personnel costs of training and exercising with foreign security forces: *Provided*, That funds made available for this purpose may be used, notwithstanding any other funding authorities for humanitarian assistance, security assistance or combined exercise expenses: *Provided further*, That funds may not be obligated to provide assistance to any foreign country that is otherwise prohibited from receiving such type of assistance under any other provision of law.

SEC. 8092. None of the funds appropriated by this Act for programs of the Office of the Director of National Intelligence shall remain available for obligation beyond the current fiscal year, except for funds appropriated for research and technology, which shall remain available until September 30, 2012.

SEC. 8093. For purposes of section 1553(b) of title 31, United States Code, any subdivision of appropriations made in this Act under the heading ''Shipbuilding and Conversion, Navy'' shall be considered to be for the same purpose as any subdivision under the heading ''Shipbuilding and Conversion, Navy'' appropriations in any prior fiscal year, and the 1 percent limitation shall apply to the total amount of the appropriation.

SEC. 8094. Notwithstanding any other provision of law, not more than 35 percent of funds provided in this Act for environmental remediation may be obligated under indefinite delivery/indefinite quantity contracts with a total contract value of $130,000,000 or higher.

SEC. 8095. The Director of National Intelligence shall include the budget exhibits identified in paragraphs (1) and (2) as described in the Department of Defense Financial Management Regulation with the congressional budget justification books.

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

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

SEC. 8096. The Secretary of Defense shall create a major force program category for space for each future-years defense program of the Department of Defense submitted to Congress under section 221 of title 10, United States Code, during fiscal year 2011. The Secretary of Defense shall designate an official in the Office of the Secretary of Defense to provide overall supervision of the preparation and justification of program recommendations and budget proposals to be included in such major force program category.

SEC. 8097. (a) Not later than 60 days after enactment of this Act, the Office of the Director of National Intelligence shall submit a report to the congressional intelligence committees to establish the baseline for application of reprogramming and transfer authorities for fiscal year 2011: *Provided*, That the report shall include—

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

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

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

(b) None of the funds provided for the National Intelligence Program in this Act shall be available for reprogramming or transfer until the report identified in subsection (a) is submitted to the congressional intelligence committees, unless the Director of National Intelligence certifies in writing to the congressional intelligence committees that such reprogramming or transfer is necessary as an emergency requirement.

SEC. 8098. The Director of National Intelligence shall submit to Congress each year, at or about the time that the President's budget is submitted to Congress that year under section 1105(a) of title 31, United States Code, a future-years intelligence program (including associated annexes) reflecting the estimated expenditures and proposed appropriations included in that budget. Any such future-years intelligence program shall cover the fiscal year with respect to which the budget is submitted and at least the four succeeding fiscal years.

SEC. 8099. For the purposes of this Act, the term ''congressional intelligence committees'' means the Permanent Select Committee on Intelligence of the House of Representatives, the Select Committee on Intelligence of the Senate, the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives, and the Subcommittee on Defense of the Committee on Appropriations of the Senate.

SEC. 8100. The Department of Defense shall continue to report incremental contingency operations costs for Operation New Dawn and Operation Enduring Freedom on a monthly basis in the Cost of War Execution Report as prescribed in the Department of Defense Financial Management Regulation Department of Defense Instruction 7000.14, Volume 12, Chapter 23 ''Contingency Operations'', Annex 1, dated September 2005.

SEC. 8101. The amounts appropriated in title II of this Act are hereby reduced by $483,000,000 to reflect excess cash balances in Department of Defense Working Capital Funds, as follows: From ''Operation and Maintenance, Army'', $483,000,000.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8102. During the current fiscal year, not to exceed $11,000,000 from each of the appropriations made in title II of this Act for ''Operation and Maintenance, Army'', ''Operation and Maintenance, Navy'', and ''Operation and Maintenance, Air Force'' may be

transferred by the military department concerned to its central fund established for Fisher Houses and Suites pursuant to section 2493(d) of title 10, United States Code.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8103. Of the funds appropriated in the Intelligence Community Management Account for the Program Manager for the Information Sharing Environment, $24,000,000 is available for transfer by the Director of National Intelligence to other departments and agencies for purposes of Government-wide information sharing activities: *Provided*, That funds transferred under this provision are to be merged with and available for the same purposes and time period as the appropriation to which transferred: *Provided further*, That the Office of Management and Budget must approve any transfers made under this provision.

SEC. 8104. Funds appropriated by this Act for operation and maintenance may be available for the purpose of making remittances to the Defense Acquisition Workforce Development Fund in accordance with the requirements of section 1705 of title 10, United States Code.

SEC. 8105. (a) Any agency receiving funds made available in this Act, shall, subject to subsections (b) and (c), post on the public website of that agency any report required to be submitted by the Congress in this or any other Act, upon the determination by the head of the agency that it shall serve the national interest.

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

(1) the public posting of the report compromises national security; or

(2) the report contains proprietary information.

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

SEC. 8106. (a) None of the funds appropriated or otherwise made available by this Act may be expended for any Federal contract for an amount in excess of $1,000,000 unless the contractor agrees not to:

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

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

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

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

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

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

SEC. 8107. (a) PROHIBITION ON CONVERSION OF FUNCTIONS PERFORMED BY FEDERAL EMPLOYEES TO CONTRACTOR PERFORMANCE.—None of the funds appropriated by this Act or otherwise available to the Department of Defense may be used to begin or announce the competition to award to a contractor or convert to performance by a contractor any functions performed by Federal employees pursuant to a study conducted under Office of Management and Budget (OMB) Circular A–76.

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

SEC. 8108. (a)(1) No National Intelligence Program funds appropriated in this Act may be used for a mission critical or mission essential business management information technology system that is not registered with the Director of National Intelligence. A system shall be considered to be registered with that officer upon the furnishing notice of the system, together with such information concerning the system as the Director of the Business Transformation Office may prescribe.

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

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

(1) Business process reengineering.

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

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

(4) Performance measures.

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

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

(INCLUDING TRANSFER OF FUNDS)

SEC. 8109. Of the funds appropriated in this Act for the Office of the Director of National Intelligence, $50,000,000, may be transferred to appropriations available to the Central Intelligence Agency, the National Security Agency, and the National Geospatial Intelligence Agency, the Defense Intelligence Agency and the National Reconnaissance Office for the Business Transformation Transfer Funds, to be merged with and to be available for the same time period and the same purposes as the appropriation to which transferred: *Provided*, That the transfer authority provided under this provision is in addition to any other transfer authority contained in this Act.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8110. In addition to funds made available elsewhere in this Act, there is hereby appropriated $538,875,000, to remain available until transferred: *Provided*, That these funds are appropriated to the ''Tanker Replacement Transfer Fund'' (referred to as ''the Fund'' elsewhere in this section): *Provided further*, That the Secretary of the Air Force may transfer amounts in the Fund to ''Operation and Maintenance, Air Force'', ''Aircraft Procurement, Air Force'', and ''Research, Development, Test and Evaluation, Air Force'', only for the purposes of proceeding with a tanker acquisition program: *Provided further*, That funds transferred shall be merged with and be available for the same purposes and for the same time period as the appropriations or fund to which transferred: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That the Secretary of the Air Force shall, not fewer than 15 days prior to making transfers using funds provided in this section, notify the congressional defense committees in writing of the details of any such transfer: *Provided further*, That the Secretary shall submit a report no later than 30 days after the end of each fiscal quarter to the congressional defense committees summarizing the details of the transfer of funds from this appropriation.

SEC. 8111. (a) Each congressionally directed spending item specified in this Act or the explanatory statement regarding this Act intended for award to a for-profit entity shall be subject to acquisition regulations for full and open competition on the same basis as each spending item intended for a for-profit entity that is contained in the budget request of the President.

(b) EXCEPTIONS.—Subsection (a) shall not apply to any contract awarded—

(1) by a means that is required by Federal statute, including for a purchase made under a mandated preferential program;

(2) pursuant to the Small Business Act (15 U.S.C. 631 et seq.); or

(3) in an amount less than the simplified acquisition threshold described in section

302A(a) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 252a(a)).

(c) In this section, the term ''congressionally directed spending item'' means a congressionally directed spending item, as defined in Rule XLIV of the Standing Rules of the Senate.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8112. From within the funds appropriated for operation and maintenance for the Defense Health Program in this Act, up to $132,200,000, shall be available for transfer to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund in accordance with the provisions of section 1704 of the National Defense Authorization Act for Fiscal Year 2010, Public Law 111–84: *Provided*, That for purposes of section 1704(b), the facility operations funded are operations of the integrated Captain James A. Lovell Federal Health Care Center, consisting of the North Chicago Veterans Affairs Medical Center, the Navy Ambulatory Care Center, and supporting facilities designated as a combined Federal medical facility as described by section 706 of Public Law 110–417: *Provided further*, That additional funds may be transferred from funds appropriated for operation and maintenance for the Defense Health Program to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund upon written notification by the Secretary of Defense to the Committees on Appropriations of the House of Representatives and the Senate.

SEC. 8113. (a) Of the amounts made available in this Act under the heading ''Operation and Maintenance, Navy'', not less than $2,000,000, shall be made available for leveraging the Army's Contractor Manpower Reporting Application, modified as appropriate for Service-specific requirements, for documenting the number of full-time contractor employees (or its equivalent) pursuant to United States Code title 10, section 2330a(c) and meeting the requirements of United States Code title 10, section 2330a(e) and United States Code title 10, section 235.

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

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

(INCLUDING TRANSFER OF FUNDS)

SEC. 8114. In addition to amounts provided elsewhere in this Act, there is appropriated $250,000,000, for an additional amount for ''Operation and Maintenance, Defense-Wide'', to be available until expended: *Provided*, That such funds shall only be available to the Secretary of Defense, acting through the Office of Economic Adjustment of the Department of Defense, or for transfer to the Secretary of Education, notwithstanding any other provision of law, to make grants, conclude cooperative agreements, or supplement other Federal funds to construct, renovate, repair, or expand elementary and secondary public schools on military installations in order to address capacity or facility condition deficiencies at such schools: *Provided further*, That in making such funds available, the Office of Economic Adjustment or the Secretary of Education shall give priority consideration to those military installations with schools having the most serious capacity or facility condition deficiencies as determined by the Secretary of Defense.

SEC. 8115. In addition to amounts provided elsewhere in this Act, there is appropriated $300,000,000, for an additional amount for ''Operation and Maintenance, Defense-Wide'', to remain available until expended. Such funds may be available for the Office of Economic Adjustment, notwithstanding any other provision of law, for transportation infrastructure improvements associated with medical facilities related to recommendations of the Defense Base Closure and Realignment Commission.

SEC. 8116. Section 310(b) of the Supplemental Appropriations Act, 2009 (Public Law 111–32; 124 Stat. 1871) is amended by striking ''1 year'' both places it appears and inserting ''2 years''.

SEC. 8117. The Office of the Director of National Intelligence shall not employ more Senior Executive employees than are specified in the classified annex: *Provided*, That not later than 90 days after enactment of this Act, the Director of National Intelligence shall certify that the Office of the Director of National Intelligence selects individuals for Senior Executive positions in a manner consistent with statutes, regulations, and the requirements of other Federal agencies in making such appointments and will submit its policies and procedures related to the appointment of personnel to Senior Executive positions to the congressional intelligence oversight committees.

SEC. 8118. For all major defense acquisition programs for which the Department of Defense plans to proceed to source selection during the current fiscal year, the Secretary of Defense shall perform an assessment of the winning bidder to determine whether or not the proposed costs are realistic and reasonable with respect to proposed development and production costs. The Secretary of Defense shall provide a report of these assessments, to specifically include whether any cost assessments determined that such proposed costs were unreasonable or unrealistic, to the congressional defense committees not later than 60 days after enactment of this Act and on a quarterly basis thereafter.

SEC. 8119. (a) The Deputy Under Secretary of Defense for Installations and Environment, in collaboration with the Secretary of Energy, shall conduct energy security pilot projects at facilities of the Department of Defense.

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

SEC. 8120. None of the funds appropriated or otherwise made available by this Act may be obligated or expended to pay a retired general or flag officer to serve as a senior mentor advising the Department of Defense unless such retired officer files a Standard Form 278 (or successor form concerning public financial disclosure under part 2634 of title 5, Code of Federal Regulations) to the Office of Government Ethics.

SEC. 8121. Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, the Chief of the Air Force Reserve, and the Director of the National Guard Bureau, in collaboration with the Secretary of Agriculture and the Secretary of the Interior, shall submit to the Committees on Appropriations of the House and Senate, the House Committee on Agriculture, the Senate Committee on Agriculture, Nutrition and Forestry, the House Committee on Natural Resources, and the Senate Committee on Energy and Natural Resources a report of firefighting aviation assets. The report required under this section shall include each of the following:

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

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

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

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

(B) Associated maintenance and other support personnel and requirement for full-time equivalent positions.

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

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

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

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

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

SEC. 8122. In addition to the amounts appropriated or otherwise made available elsewhere in this Act, $41,400,000 is hereby appropriated to the Department of Defense: *Provided*, That the Secretary of Defense shall make grants in the amounts specified as follows: $6,400,000 to the SOAR Virtual School District; $7,800,000 to the New Jersey Technology Solutions Center; $8,000,000 to the Edward M. Kennedy Institute for the United States Senate; $10,000,000 to the John P. Murtha Foundation; $1,040,000 to the Women in Military Service for American Memorial Foundation; $8,000,000 to the Paralympics Military Program; and $160,000 to the Online Tax Preparation Assistance for Servicemembers.

SEC. 8123. Subject to the availability of appropriations, the Secretary of the Navy may award a contract or contracts for up to 20 Littoral Combat Ships (LCS).

SEC. 8124. Section 115 of the Miscellaneous Appropriations and Offsets Act, 2004 (division H of Public Law 108–199; 118 Stat. 439), as amended by section 1017 of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005 (Public Law 109–13; 119 Stat. 250), is amended by striking all after ''company'' through ''requirements.'' and inserting '', of ocean going commercial vessels of 20,000 dwt or greater capable of supporting military sealift requirements.''.

SEC. 8125. Of the funds provided in this Act, $3,600,000 shall be available for the operations and development of training and technology for the Columbia Geospatial Center and the affiliated universities for providing mapping information in support of emergency planning and response, economic development and resource management: *Provided*, That this funding will provide homeland defense/security and traditional warfighting training to the Department of Defense, other Federal agencies, and State and local first responder agencies and personnel: *Provided further*, That this funding is also available to pay for services provided to other Federal agencies and State and local first responder agencies and personnel by the Columbia Geospatial Center and the affiliated universities for service rendered between October 1, 2009 and September 30, 2010.

SEC. 8126. The authority provided by section 1222(e) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84), shall continue in effect through September 30, 2011.

SEC. 8127. The authority provided by section 1234 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2532) shall continue in effect through the earlier of the date of enactment of the National Defense Authorization Act for Fiscal Year 2011 or December 31, 2011.

SEC. 8128. The authority provided by section 1224 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2521) shall continue in effect through the earlier of the date of enactment of the National Defense Authorization Act for Fiscal Year 2011 or December 31, 2011.

SEC. 8129. Notwithstanding any other provision of law, during fiscal year 2011 up to $75,000,000 of funds made available for operation and maintenance in this Act may be obligated and expended for purposes of building the capacity of Yemeni Ministry of Interior forces to conduct counterterrorism operations, subject to the direction and control of the Secretary of Defense, with the concurrence of the Secretary of State: *Provided*, That the Secretary of Defense shall, not fewer than 15 days prior to providing assistance under this section, submit to the congressional defense committees a notice setting forth the assistance to be provided, including the types of such assistance, the budget for such assistance, and the completion date for the provision of such assistance.

SEC. 8130. The authority provided by section 1014 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417), shall continue in effect through the earlier of the date of enactment of the National Defense Authorization Act for Fiscal Year 2011 or December 31, 2011.

SEC. 8131. Section 8905a(d)(4)(B) of title 5, United States Code, is amended—

(1) in clause (i), by striking ''October 1, 2010'' and inserting ''December 31, 2011''; and

(2) in clause (ii)—

(A) by striking ''February 1, 2011'' and inserting ''February 1, 2012''; and

(B) by striking ''October 1, 2010'' and inserting ''December 31, 2011''.

SEC. 8132. The authority provided by section 1021 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2042), as amended by section 1011 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2441), shall continue in effect through the earlier of the date of enactment of the National Defense Authorization Act for Fiscal Year 2011 or September 30, 2011.

SEC. 8133. The authority provided by section 1022 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 10 U.S.C. 371 note), as amended by section 1012 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2441), shall continue in effect through the earlier of the date of enactment of the National Defense Authorization Act for Fiscal Year 2011 or September 30, 2011.

SEC. 8134. The authority provided by section 1033 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85), as amended by section 1014 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2442), shall continue in effect through the earlier of the date of enactment of the National Defense Authorization Act for Fiscal Year 2011 or September 30, 2011.

SEC. 8135. The authority provided by sections 611, 612, 613, 614, 615, and 616 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84) shall continue in effect through the earlier of the date of enactment of the National Defense Authorization Act for Fiscal Year 2011 or December 31, 2011.

SEC. 8136. The authority provided by section 631 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181) shall continue in effect through the earlier of the date of enactment of the National Defense Authorization Act for Fiscal Year 2011 or December 31, 2011.

SEC. 8137. The authority provided by section 1071 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84) shall continue in effect through the earlier of the date of enactment of the National Defense Authorization Act for Fiscal Year 2011 or December 31, 2011.

SEC. 8138. The authority provided by section 931 of the National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364) shall continue in effect through the earlier of the date of enactment of the National Defense Authorization Act for Fiscal Year 2011 or December 31, 2011.

SEC. 8139. The authority provided by section 1106 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84) shall continue in effect through the earlier of the date of enactment of the National Defense Authorization Act for Fiscal Year 2011 or December 31, 2011.

SEC. 8140. (a) EXTENSION OF WAIVER.—Paragraph (1) of section 941(b) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4577; 10 U.S.C. 184 note) is amended by striking ''fiscal years 2009 and 2010'' and inserting ''fiscal years 2009 through 2011.''

(b) ANNUAL REPORT.—Paragraph (3) of such section 941(b) is amended by striking ''in 2010 and 2011'' and inserting ''in each year through 2012.''

SEC. 8141. Subsection (a) of section 2808 of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108–136; 117 Stat. 1723), as amended by section 2806 of the Military Construction Authorization Act for Fiscal Year 2010 (division B of Public Law 111–84; 123 Stat. 2660), shall continue in effect through September 30, 2011.

## 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.

RESERVE PERSONNEL, AIR FORCE

For an additional amount for ''Reserve Personnel, Air Force'', $27,002,000.

NATIONAL GUARD PERSONNEL, ARMY

For an additional amount for ''National Guard Personnel, Army'', $853,022,000.

NATIONAL GUARD PERSONNEL, AIR FORCE

For an additional amount for ''National Guard Personnel, Air Force'', $16,860,000.

### OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for ''Operation and Maintenance, Army'', $59,212,782,000.

OPERATION AND MAINTENANCE, NAVY

For an additional amount for ''Operation and Maintenance, Navy'', $8,970,724,000.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for ''Operation and Maintenance, Marine Corps'', $4,008,022,000.

OPERATION AND MAINTENANCE, AIR FORCE

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

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for ''Operation and Maintenance, Defense-Wide'', $9,276,990,000, of which:

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

(2) Not to exceed $1,600,000,000, to remain available until expended, for payments to reimburse key cooperating nations for logistical, military, and other support, including access provided to United States military operations in support of Operation New Dawn and Operation Enduring Freedom, notwithstanding any other provision of law: *Provided*, That such reimbursement payments may be made in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State, and in consultation with the Director of the Office of Management and Budget, may determine, in his discretion, based on documentation determined by the Secretary of Defense to adequately account for the support provided, and such determination is final and conclusive upon the accounting officers of the United States, and 15 days following notification to the appropriate congressional committees: *Provided further*, That the requirement to provide notification shall not apply with respect to a reimbursement for access

based on an international agreement: *Provided further*, That these funds may be used for the purpose of providing specialized training and procuring supplies and specialized equipment and providing such supplies and loaning such equipment on a non-reimbursable basis to coalition forces supporting United States military operations in Iraq and Afghanistan, and 15 days following notification to the appropriate congressional committees: *Provided further*, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees on the use of funds provided in this paragraph.

OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for ''Operation and Maintenance, Army Reserve'', $206,784,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for ''Operation and Maintenance, Navy Reserve'', $93,559,000.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For an additional amount for ''Operation and Maintenance, Marine Corps Reserve'', $29,685,000.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For an additional amount for ''Operation and Maintenance, Air Force Reserve'', $203,807,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for ''Operation and Maintenance, Army National Guard'', $497,849,000.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For an additional amount for ''Operation and Maintenance, Air National Guard'', $417,983,000.

AFGHANISTAN INFRASTRUCTURE FUND

(INCLUDING TRANSFER OF FUNDS)

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

AFGHANISTAN SECURITY FORCES FUND

For the ''Afghanistan Security Forces Fund'', $11,619,283,000, to remain available until September 30, 2012: *Provided*, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Commander, Combined Security Transition Command—Afghanistan, or the Secretary's designee, to provide assistance, with the concurrence of the Secretary of State, to the security forces of Afghanistan, including the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, and construction, and funding: *Provided further*, That the authority to provide assistance under this heading is in addition to any other authority to provide assistance to foreign nations: *Provided further*, That up to $15,000,000 of these funds may be available for coalition police trainer life support costs: *Provided further*, That contributions of funds for the purposes provided herein from any person, foreign government, or international organization may be credited to this Fund and used for such purposes: *Provided further*, That the Secretary of Defense shall notify the congressional defense committees in writing upon the receipt and upon the obligation of any contribution, delineating the sources and amounts of the funds received and the specific use of such contributions: *Provided further*, That the Secretary of Defense shall, not fewer than 15 days prior to obligating from this appropriation account, notify the congressional defense committees in writing of the details of any such obligation: *Provided further*, That the Secretary of Defense shall notify the congressional defense committees of any proposed new projects or transfer of funds between budget sub-activity groups in excess of $20,000,000.

IRAQ SECURITY FORCES FUND

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

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For an additional amount for ''Aircraft Procurement, Army'', $2,720,138,000, to remain available until September 30, 2013.

MISSILE PROCUREMENT, ARMY

For an additional amount for ''Missile Procurement, Army'', $343,828,000, to remain available until September 30, 2013.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For an additional amount for ''Procurement of Weapons and Tracked Combat Vehicles, Army'', $896,996,000, to remain available until September 30, 2013.

PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for ''Procurement of Ammunition, Army'', $369,885,000, to remain available until September 30, 2013.

OTHER PROCUREMENT, ARMY

For an additional amount for ''Other Procurement, Army'', $6,423,832,000, to remain available until September 30, 2013.

AIRCRAFT PROCUREMENT, NAVY

For an additional amount for ''Aircraft Procurement, Navy'', $1,269,549,000, to remain available until September 30, 2013.

WEAPONS PROCUREMENT, NAVY

For an additional amount for ''Weapons Procurement, Navy'', $90,502,000, to remain available until September 30, 2013.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For an additional amount for ''Procurement of Ammunition, Navy and Marine Corps'', $558,024,000, to remain available until September 30, 2013.

OTHER PROCUREMENT, NAVY

For an additional amount for ''Other Procurement, Navy'', $316,835,000, to remain available until September 30, 2013.

PROCUREMENT, MARINE CORPS

For an additional amount for ''Procurement, Marine Corps'', $1,589,119,000, to remain available until September 30, 2013.

AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for ''Aircraft Procurement, Air Force'', $1,991,955,000, to remain available until September 30, 2013.

MISSILE PROCUREMENT, AIR FORCE

For an additional amount for ''Missile Procurement, Air Force'', $56,621,000, to remain available until September 30, 2013.

PROCUREMENT OF AMMUNITION, AIR FORCE

For an additional amount for ''Procurement of Ammunition, Air Force'',

$292,959,000, to remain available until September 30, 2013.

OTHER PROCUREMENT, AIR FORCE

For an additional amount for ''Other Procurement, Air Force'', $2,868,593,000, to remain available until September 30, 2013.

PROCUREMENT, DEFENSE-WIDE

For an additional amount for ''Procurement, Defense-Wide'', $1,262,499,000, to remain available until September 30, 2013.

NATIONAL GUARD AND RESERVE EQUIPMENT

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

MINE RESISTANT AMBUSH PROTECTED VEHICLE FUND

(INCLUDING TRANSFER OF FUNDS)

For the Mine Resistant Ambush Protected Vehicle Fund, $3,415,000,000, to remain available until September 30, 2012: *Provided*, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, to procure, sustain, transport, and field Mine Resistant Ambush Protected vehicles: *Provided further*, That the Secretary shall transfer such funds only to appropriations made available in this or any other Act for operation and maintenance; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purpose provided herein: *Provided further*, That such transferred funds shall be merged with and be available for the same purposes and the same time period as the appropriation to which transferred: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That the Secretary shall, not fewer than 10 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For an additional amount for ''Research, Development, Test and Evaluation, Army'', $143,234,000, to remain available until September 30, 2012.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For an additional amount for ''Research, Development, Test and Evaluation, Navy'', $104,781,000, to remain available until September 30, 2012.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For an additional amount for ''Research, Development, Test and Evaluation, Air Force'', $484,382,000, to remain available until September 30, 2012.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For an additional amount for ''Research, Development, Test and Evaluation, Defense-Wide'', $222,616,000, to remain available until September 30, 2012.

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For an additional amount for ''Defense Working Capital Funds'', $485,384,000.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For an additional amount for ''Defense Health Program'', $1,422,092,000, of which $1,398,092,000 shall be for operation and maintenance, to remain available until September 30, 2011, and of which $24,000,000 shall be for research, development, test and evaluation, to remain available until September 30, 2012.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

For an additional amount for ''Drug Interdiction and Counter-Drug Activities, Defense'', $440,510,000, to remain available until September 30, 2012.

JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND

(INCLUDING TRANSFER OF FUNDS)

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

OFFICE OF THE INSPECTOR GENERAL

For an additional amount for the ''Office of the Inspector General'', $10,529,000.

GENERAL PROVISIONS—THIS TITLE

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

(INCLUDING TRANSFER OF FUNDS)

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

SEC. 9003. Supervision and administration costs associated with a construction project funded with appropriations available for operation and maintenance or the ''Afghanistan Security Forces Fund'' provided in this Act and executed in direct support of overseas contingency operations in Afghanistan, may be obligated at the time a construction contract is awarded: *Provided*, That for the purpose of this section, supervision and administration costs include all in-house Government costs.

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

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

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

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

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

SEC. 9006. Funds available to the Department of Defense for operation and maintenance may be used, notwithstanding any other provision of law, to provide supplies, services, transportation, including airlift and sealift, and other logistical support to coalition forces supporting military and stability operations in Iraq and Afghanistan: *Provided*, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees regarding support provided under this section.

SEC. 9007. The amounts provided by this title are designated as described in section 5 (in the matter preceding division A of this consolidated Act).

SEC. 9008. None of the funds appropriated or otherwise made available by this or any other Act shall be obligated or expended by the United States Government for a purpose as follows:

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

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

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

SEC. 9009. None of the funds made available in this Act may be used in contravention of the following laws enacted or regulations promulgated to implement the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (done at New York on December 10, 1984):

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

(2) Section 2242 of the Foreign Affairs Reform and Restructuring Act of 1998 (division G of Public Law 105–277; 112 Stat. 2681–822; 8 U.S.C. 1231 note) and regulations prescribed thereto, including regulations under part 208 of title 8, Code of Federal Regulations, and part 95 of title 22, Code of Federal Regulations.

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

SEC. 9010. (a) The Secretary of Defense shall submit to the congressional defense committees not later than 45 days after the end of each fiscal quarter a report on the proposed use of all funds appropriated by this or any prior Act under each of the headings Iraq Security Forces Fund, Afghanistan Security Forces Fund, Afghanistan Infrastructure Fund, and Pakistan Counterinsurgency Fund on a project-by-project basis, for which the obligation of funds is anticipated during the 3-month period from such date, including estimates for the accounts referred to in this section of the costs required to complete each such project.

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

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

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

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

SEC. 9011. Funds made available in this title to the Department of Defense for operation and maintenance may be used to purchase items having an investment unit cost of not more than $250,000: *Provided*, That, upon determination by the Secretary of Defense that such action is necessary to meet the operational requirements of a Commander of a Combatant Command engaged in contingency operations overseas, such funds may be used to purchase items having an investment item unit cost of not more than $500,000.

(INCLUDING TRANSFER OF FUNDS)

SEC. 9012. Of the funds appropriated by this Act for the Office of the Director of National Intelligence, $3,375,000 is available, as specified in the classified annex, for transfer to other departments and agencies of the Federal Government.

SEC. 9013. (a) The Task Force for Business and Stability Operations in Afghanistan may, subject to the direction and control of the Secretary of Defense and with the concurrence of the Secretary of State, carry out projects in fiscal year 2011 to assist the commander of the United States Central Command in developing a link between United States military operations in Afghanistan under Operation Enduring Freedom and the economic elements of United States national power in order to reduce violence, enhance stability, and restore economic normalcy in Afghanistan through strategic business and economic opportunities.

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

(c) The Secretary may use up to $150,000,000 of the funds available for overseas contingency operations in ''Operation and Maintenance, Army'' for additional activities to carry out projects under paragraph (a).

SEC. 9014. (a) Not more than 85 percent of the funds provided in this title for Operation and Maintenance may be available for obligation or expenditure until the date on which the Secretary of Defense submits the report under subsection (b).

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

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

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

(A) the number of such employees planned by the Secretary to be employed during each such period in each of Iraq, Afghanistan, and all other areas of operations of the United States Central Command; and

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

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

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

### TITLE I

### CORPS OF ENGINEERS—CIVIL

### DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

The following appropriations shall be expended under the direction of the Secretary of the Army and the supervision of the Chief of Engineers for authorized civil functions of the Department of the Army pertaining to rivers and harbors, flood and storm damage reduction, shore protection, aquatic ecosystem restoration, and related efforts.

INVESTIGATIONS

For expenses necessary where authorized by law for the collection and study of basic information pertaining to river and harbor, flood and storm damage reduction, shore protection, aquatic ecosystem restoration, and related needs; for surveys and detailed studies, and plans and specifications of proposed river and harbor, flood and storm damage reduction, shore protection, and aquatic ecosystem restoration projects and related efforts prior to construction; for restudy of authorized projects; and for miscellaneous investigations and, when authorized by law, surveys and detailed studies, and plans and specifications of projects prior to construction, $150,000,000, to remain available until expended.

CONSTRUCTION

For expenses necessary for the construction of river and harbor, flood and storm damage reduction, shore protection, aquatic ecosystem restoration, and related projects authorized by law; for conducting detailed studies, and plans and specifications, of such projects (including those involving participation by States, local governments, or private groups) authorized or made eligible for selection by law (but such detailed studies, and plans and specifications, shall not constitute a commitment of the Government to construction); $1,823,625,000, to remain available until expended; of which such sums as are necessary to cover the Federal share of construction costs for facilities under the Dredged Material Disposal Facilities program shall be derived from the Harbor Maintenance Trust Fund as authorized by Public Law 104–303; and of which such sums as are necessary to cover one-half of the costs of construction, replacement, rehabilitation, and expansion of inland waterways projects (including only Kentucky Lock and Dam, Tennessee River, Kentucky; Lock and Dams 2, 3, and 4 Monongahela River, Pennsylvania; Lock and Dam 27, Mississippi River, Illinois; Markland Locks and Dam, Kentucky and Indiana; Olmsted Lock and Dam, Illinois and Kentucky; and Emsworth Locks and Dam, Ohio River, Pennsylvania) shall be derived from the Inland Waterways Trust Fund: *Provided*, That the Chief of Engineers is directed to use $20,500,000 of the funds appropriated herein for the Dallas Floodway Extension, Texas, project, including the Cadillac Heights feature, generally in accordance with the Chief of Engineers report dated December 7, 1999: *Provided further*, That the Chief of Engineers is directed to use $1,434,000 of funds available for the Greenbrier Basin, Marlinton, West Virginia, Local Protection Project to continue engineering and design efforts, execute a project partnership agreement for phases 1 and 2, and initiate construction of the project substantially in accordance with Alternative 1 as described in the Corps of Engineers Final Detailed Project Report and Environmental Impact Statement for Marlinton, West Virginia, Local Protection Project dated September 2008 with the Federal and non-Federal cost shares determined in accordance with the ability-to-pay provisions prescribed in section 103(m) of the Water Resources Development Act of 1986: *Provided further*, That the Chief of Engineers is directed to use $2,750,000 of the funds appropriated herein to continue planning, engineering, design or construction of the Lower Mingo County, Upper Mingo County, Wayne County, McDowell County, West Virginia, elements of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River Project: *Provided further*, That the limitation concerning total project costs in section 902 of the Water Resources Development Act of 1986 (33 U.S.C. 2280), shall not apply during

fiscal year 2011 to any project that received funds provided in this title.

MISSISSIPPI RIVER AND TRIBUTARIES

For expenses necessary for flood damage reduction projects and related efforts in the Mississippi River alluvial valley below Cape Girardeau, Missouri, as authorized by law, $325,000,000, to remain available until expended, of which such sums as are necessary to cover the Federal share of eligible operation and maintenance costs for inland harbors shall be derived from the Harbor Maintenance Trust Fund: *Provided*, That the Secretary of the Army, acting through the Chief of Engineers is directed to use $10,500,000 appropriated herein for construction of water withdrawal features of the Grand Prairie, Arkansas, project.

OPERATION AND MAINTENANCE

For expenses necessary for the operation, maintenance, and care of existing river and harbor, flood and storm damage reduction, aquatic ecosystem restoration, and related projects authorized by law; providing security for infrastructure owned or operated by the Corps, including administrative buildings and laboratories; maintaining harbor channels provided by a State, municipality, or other public agency that serve essential navigation needs of general commerce, where authorized by law; surveying and charting northern and northwestern lakes and connecting waters; clearing and straightening channels; and removing obstructions to navigation, $2,475,000,000, to remain available until expended, of which such sums as are necessary to cover the Federal share of eligible operation and maintenance costs for coastal harbors and channels, and for inland harbors shall be derived from the Harbor Maintenance Trust Fund; of which such sums as become available from the special account for the Corps established by the Land and Water Conservation Act of 1965 (16 U.S.C. 4601–6a(i)), shall be derived from that account for resource protection, research, interpretation, and maintenance activities related to resource protection in the areas at which outdoor recreation is available; and of which such sums as become available from fees collected under section 217 of the Water Resources Development Act of 1996 (Public Law 104–303) shall be used to cover the cost of operation and maintenance of the dredged material disposal facilities for which such fees have been collected: *Provided*, That 1 percent of the total amount of funds provided for each of the programs, projects or activities funded under this heading shall be available for use by the Chief of Engineers to fund such emergency activities as the Chief of Engineers determines to be necessary and appropriate.

REGULATORY PROGRAM

For expenses necessary for administration of laws pertaining to regulation of navigable waters and wetlands, $193,000,000, to remain available until expended.

FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM

For expenses necessary to clean up contamination from sites in the United States resulting from work performed as part of the Nation's early atomic energy program, $130,000,000, to remain available until expended.

FLOOD CONTROL AND COASTAL EMERGENCIES

For expenses necessary to prepare for flood, hurricane, and other natural disasters and to support emergency operations, repairs, and other activities in response to such disasters as authorized by law, $30,000,000, to remain available until expended.

EXPENSES

For expenses necessary for the supervision and general administration of the civil works program in Corps headquarters and division offices; and for the management and operation costs allocable to the civil works program of the Humphreys Engineer Center Support Activity, the Institute for Water Resources, the Engineer Research and Development Center, and the Corps Finance Center, $187,375,000, to remain available until expended, of which not to exceed $5,000 may be used for official reception and representation purposes and only during the current fiscal year: *Provided*, That no part of any other appropriation in this title shall be available to fund the above activities: *Provided further*, That any Flood Control and Coastal Emergencies appropriation may be used to fund the supervision and general administration of emergency operations, repairs, and other activities in response to any flood, hurricane, or other natural disaster.

OFFICE OF THE ASSISTANT SECRETARY OF THE ARMY FOR CIVIL WORKS

For the Office of the Assistant Secretary of the Army for Civil Works as authorized by 10 U.S.C. 3016(b)(3), $6,000,000, to remain available until expended.

ADMINISTRATIVE PROVISION

The Revolving Fund, Corps of Engineers, shall be available during the current fiscal year for purchase (not to exceed 100 for replacement only) and hire of passenger motor vehicles for the civil works program.

GENERAL PROVISIONS, CORPS OF ENGINEERS—CIVIL

SEC. 101. (a) None of the funds provided in title I of this Act, or provided by previous appropriations Acts to the agencies or entities funded in title I of this Act that remain available for obligation or expenditure in fiscal year 2011, shall be available for obligation or expenditure through a reprogramming of funds that:

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

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

(3) increases funds or personnel for any program, project, or activity for which funds have been denied or restricted by this Act, unless prior approval is received from the House and Senate Committees on Appropriations;

(4) proposes to uses funds directed for a specific activity for a different purpose, unless prior approval is received from the House and Senate Committees on Appropriations;

(5) augments or reduces existing programs, projects or activities in excess of the amounts contained in subsections 6 through 10, unless prior approval is received from the House and Senate Committees on Appropriations;

(6) INVESTIGATIONS.—For a base level over $100,000, reprogramming of 25 percent of the base amount up to a limit of $150,000 per project, study or activity is allowed: *Provided*, That for a base level less than $100,000, the reprogramming limit is $25,000: *Provided further*, That up to $25,000 may be reprogrammed to continue ongoing work on any program, project, or activity that did not receive an appropriation for existing obligations and concomitant administrative expenses;

(7) CONSTRUCTION.—For a base level over $2,000,000, reprogramming of 15 percent of the base amount up to a limit of $3,000,000 per project, study or activity is allowed: *Provided*, That for a base level less than $2,000,000, the reprogramming limit is $300,000: *Provided further*, That up to $3,000,000 may be reprogrammed for settled contractor claims, changed conditions, or real estate deficiency judgments: *Provided further*, That up to $300,000 may be reprogrammed into continuing any study or activity that did not receive an appropriation for existing obligations and concomitant administrative expenses;

(8) OPERATION AND MAINTENANCE.—Unlimited reprogramming authority is granted in order for the Corps to be able to respond to emergencies: *Provided*, That the Chief of Engineers must notify the House and Senate Committees on Appropriations of these emergency actions as soon thereafter as practicable: *Provided further*, That for a base level over $1,000,000, reprogramming of 15 percent of the base amount up to a limit of $5,000,000 per project, study or activity is allowed: *Provided further*, That for a base level less than $1,000,000, the reprogramming limit is $150,000: *Provided further*, That up to $150,000 may be reprogrammed into continuing any study or activity that did not receive an appropriation;

(9) MISSISSIPPI RIVER AND TRIBUTARIES.—The same reprogramming guidelines as provided in subsections 6 through 8 above apply to the Investigations, Construction, and Operation and Maintenance portions of the Mississippi River and Tributaries Account; and

(10) FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM.—Reprogramming of up to 15 percent of the base of the receiving project is permitted.

(b) DE MINIMIS REPROGRAMMINGS.—In no case should a reprogramming for less than $50,000 be submitted to the House and Senate Committees on Appropriations.

(c) Not later than 60 days after the date of enactment of this Act, the Corps of Engineers shall submit a report to the House and Senate Committees on Appropriations to establish the baseline for application of reprogramming and transfer authorities for the current fiscal year: *Provided*, That the report shall include:

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

(2) A delineation in the table for each appropriation both by object class and program, project and activity as detailed in the budget appendix for the respective appropriations; and

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

SEC. 102. None of the funds in this Act, or previous Acts, making funds available to the Corps, shall be used to implement any pending or future competitive sourcing actions under OMB Circular A–76 or High Performing Organizations for the U.S. Army Corps of Engineers.

SEC. 103. None of the funds in this Act, or previous Acts, making funds available to the Corps, shall be used to award any continuing contract that commits additional funding from the Inland Waterways Trust Fund unless or until such time that a long-term mechanism to enhance revenues in this Fund sufficient to meet the cost-sharing authorized in the Water Resources Development Act of 1986 (Public Law 99–662) is enacted.

SEC. 104. Within 120 days of the date of the Chief of Engineers Report on a water resource matter, the Assistant Secretary of the Army (Civil Works) shall submit the report to the appropriate authorizing and appropriating committees of the Congress.

SEC. 105. During the fiscal year period covered by this Act, the Secretary of the Army shall implement measures recommended in the efficacy study, or provided in interim reports, authorized under section 3061 of the Water Resources Development Act of 2007 (121 Stat. 1121), with such modifications or emergency measures as the Secretary of the Army determines to be appropriate, to prevent aquatic nuisance species from bypassing

the Chicago Sanitary and Ship Canal Dispersal Barrier Project referred to in that section and to prevent aquatic nuisance species from dispersing into the Great Lakes and such emergency measures as the Secretary of the Army determines to be appropriate to prevent such species from dispersing into the Great Lakes by way of any other hydrologic connections between the Great Lakes and the Mississippi River.

SEC. 106. That portion of the project for navigation, Block Island Harbor of Refuge, Rhode Island adopted by the Rivers and Harbors Act of July 11, 1870, consisting of the cut-stone breakwater lining the west side of the Inner Basin: Beginning at a point with coordinates N32579.55, E312625.53, thence running northerly about 76.59 feet to a point with coordinates N32655.92, E312631.32, thence running northerly about 206.81 feet to a point with coordinates N32858.33, E312673.74, thence running easterly about 109.00 feet to a point with coordinates N32832.15, E312779.54, shall no longer be authorized after the date of enactment of this Act.

SEC. 107. Section 595(a)(2) of the Water Resources Development Act of 1999 (113 Stat. 383; 117 Stat. 1836) is amended—

(1) in subparagraph (A), by striking ''; and'' and inserting a semicolon;

(2) in subparagraph (B), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(C) the portions of Utah County and Weber Counties that are located outside of a political subdivision, the population of which is greater than 10,000 residents.''.

SEC. 108. Section 595 of the Water Resources Development Act of 1999 (113 Stat. 383; 117 Stat. 1836; 118 Stat. 440), as amended by section 5067 of the Water Resources Development Act of 2007 (121 Stat. 1219), is amended in subsection (h) by striking ''$150,000,000 for rural Nevada'' and inserting ''$200,000,000 for rural Nevada''.

SEC. 109. (a) ACQUISITION.—The Secretary is authorized to acquire any real property and associated real property interests in the vicinity of Hanover, New Hampshire as may be needed for the Engineer Research and Development Center laboratory facilities at the Cold Regions Research and Engineering Laboratory.

(b) REVOLVING FUND.—The Secretary is authorized to use the Revolving Fund (33 U.S.C. 576) through the Plant Replacement and Improvement Program to acquire the real property and associated real property interests in subsection (a). The Secretary shall ensure that the Revolving Fund is appropriately reimbursed from the benefitting appropriations.

(c) RIGHT OF FIRST REFUSAL.—The Secretary may provide the seller of any real property and associated property interests identified in subsection (a)—

(1) a right of first refusal to acquire such property, or any portion thereof, in the event the property, or any portion thereof, is no longer needed by the Department of the Army.

(2) a right of first refusal to acquire any real property or associated real property interests acquired by condemnation in Civil Action No. 81–360–L, in the event the property, or any portion thereof, is no longer needed by the Department of the Army.

(3) The purchase of any property by the seller exercising either right of first refusal authorized in this section shall be for consideration acceptable to the Secretary and shall be for not less than fair market value at the time the property becomes available for purchase. The right of first refusal authorized in this section shall not inure to the benefit of the Seller's successors or assigns.

(d) DISPOSAL.—The Secretary of the Army is authorized to dispose of any property or associated real property interests that are subject to the exercise of the right of first refusal as set forth herein.

SEC. 110. The Secretary of the Army, acting through the Chief of Engineers, is authorized, using amounts available in the Revolving Fund established by section 101 of the Act of July 27, 1953, chap. 245 (33 U.S.C. 576), to construct a Ship/Tow Simulator building, an Engineer Research and Development Center headquarters building, and a Modular Hydraulic Flume building, and to purchase real estate, perform construction, and make facility, utility, street, road, and infrastructure improvements to the Engineer Research and Development Center's installations and facilities. The Secretary shall ensure that the Revolving Fund is appropriately reimbursed from the benefitting appropriations.

SEC. 111. Section 3113 of the Water Resources Development Act, 2007 (121 Stat. 1041) is amended by striking all after the words ''total cost of'' and inserting in lieu thereof the following: ''$38,800,000, with an estimated Federal cost of $25,220,000 and an estimated non-Federal cost of $13,580,000.''

SEC. 112. The boundaries of the project referred to as ''Des Moines Recreational River and Greenbelt, Iowa'' in the Supplemental Appropriations Act, 1985 (99 Stat. 313) are hereby expanded to include the entirety of sections 19 and 29, situated in T89N, R28W.

SEC. 113. That portion of the project of navigation, Chicago Harbor, Illinois, authorized by the River and Harbor Acts of March 3, 1899 and March 2, 1919, and that begins at the southwest corner of the Metropolitan Sanitary District of Greater Chicago sluice gate that abuts the north wall of the Chicago River Lock and that continues north for approximately 290 feet, thence east approximately 1,000 feet, then south approximately 290 feet, thence west approximately 1,000 feet to the point of beginning shall no longer be authorized as of the date of enactment of this Act.

SEC. 114. (a) The Secretary shall assume responsibility for the long-term maintenance and repair of the major flood damage reduction features constructed by the Corps of Engineers at Devils Lake, North Dakota. The City of Devils Lake, North Dakota, shall be responsible for all costs of operation and maintenance other than those defined as Long-Term Maintenance and Repair in subsection (b) below.

(b) Long-Term Maintenance and Repair consists of replacing, reconstructing, or rehabilitating major flood damage reduction features such as embankments, pump stations, pumps and gate wells that: (1) have become dilapidated or in need of repair as a result of the passage of time or ordinary wear and tear; or (2) have been damaged or destroyed by wind, wave, or water action of other than an ordinary nature when, in the discretion of the Secretary, such replacement, reconstruction, or rehabilitation is warranted for the continued functioning of the flood damage reduction project at Devils Lake.

SEC. 115. Section 111 of title I of division C of the Consolidated Appropriations Act, 2005 (118 Stat. 2944) as amended by section 3001 of Public Law 110–114 is further amended by adding the following before '' ''(c) AUTHORIZATION OF APPROPRIATIONS.' '':

'' ''(3) may grant to the City of Tuscaloosa a long term lease or license agreement for any portion of the Parcel not required for construction of the new administrative facility under subsection (a)(2)(c) until such time as the City of Tuscaloosa is prepared to take fee simple title per the provisions of subsection (b)(2).' '.

SEC. 116. Section 333 of the Water Resources Development Act of 1996 (110 Stat. 3718) is further amended to read as follows:

(1) by striking subsection (b) and inserting the following in lieu thereof:

''(b) Lands individually acquired by the Secretary under this section for flood protection and flood management in the Passaic River Basin are to held by the Secretary and the non-Federal sponsor as tenants in common with, thereafter, any interest held by the Secretary in such lands to be transferred by Quitclaim Deed to the Non-Federal Sponsor for consideration as is necessary to render the project cost-sharing percentages to be in compliance with section 903(c) of the Water Resources Development Act of 1986 (33 U.S.C. 2213) and such other law as may be applicable.''; and

(2) inserting the following as a new subsection (e):

''(e) FUNDS FOR LAND ACQUISITION.—Funds for acquiring such lands as are necessary in carrying out the requirements of this section and requirements as further recommended by the Secretary shall include funds as provided in subsection (c) and (d) of this section herein and also funds as previously appropriated with any and all such funds to be held by the Secretary for use in acquiring the requisite lands in proportion to the project cost-sharing percentages.''.

SEC. 117. Section 3182 of Public Law 110–114 is amended as follows by inserting a new subparagraph (k) and redesignating the existing subparagraph (k) as subparagraph (l):

''(k) ST. CHARLES COUNTY, MISSOURI.—

''(1) DEFINITIONS.—In this subsection, the following definitions apply:

''(A) FEDERAL LAND.—The term 'Federal land' means the 1 parcel of Corps of Engineers land totaling approximately 84 acres, located U.S. Survey No. 1838, Township 48 North, Range 6 East.

''(B) NON-FEDERAL LAND.—The term 'non-Federal land' means the approximately 70 acres of land, subject to any existing easements situated in Jersey County, Illinois, adjacent to existing Corps fee title land.

''(2) LAND EXCHANGE.—Subject to paragraph (3), on conveyance by Ameren U.E. to the United States of all right, title, and interest in and to the non-Federal land, the Secretary shall convey to Ameren U.E., all right, title, and interest of the United States in and to the Federal land.

''(3) CONDITIONS.—

''(A) DEEDS.—

''(i) NON-FEDERAL LAND.—The conveyance of the non-Federal land to the Secretary shall be by a warranty deed acceptable to the Secretary.

''(ii) FEDERAL LAND.—The conveyance of the Federal land to Ameren U.E., shall be—

''(I) by quitclaim deed; and

''(II) subject to any reservations, terms, and conditions that the Secretary determines to be necessary to allow the United States to operate and maintain the Mississippi River 9-Foot Navigation Project.

''(iii) LEGAL DESCRIPTIONS.—The Secretary shall provide a legal description of the Federal land, and Ameren U.E., shall provide a legal description of the non-Federal land, for inclusion in the deeds referred to in clauses (i) and (ii).

''(B) REMOVAL OF IMPROVEMENTS.—

''(i) IN GENERAL.—The Secretary may require the removal of, or Ameren U.E., may voluntarily remove, any improvements to the non-Federal land before the completion of the exchange or as a condition of the exchange.

''(ii) NO LIABILITY.—If Ameren U.E., removes any improvements to the non-Federal land under clause (i)—

''(I) Ameren U.E., shall have no claim against the United States relating to the removal; and

''(II) the United States shall not incur or be liable for any cost associated with the removal or relocation of the improvements.

''(C) ADMINISTRATIVE COSTS.—The Secretary shall require Ameren U.E. to pay reasonable administrative costs associated with the exchange.

''(D) CASH EQUALIZATION PAYMENT.—If the appraised fair market value, as determined by the Secretary, of the Federal land exceeds the appraised fair market value, as determined by the Secretary, of the non-Federal land, Ameren U.E. shall make a cash equalization payment to the United States.

''(E) DEADLINE.—The land exchange under subparagraph (B) shall be completed not later than 2 years after the date of enactment of this Act.''.

SEC. 118. The project for flood control, Little Calumet River, Indiana, authorized by section 401(a) of the Water Resources Development Act of 1986 (100 Stat. 4115) and modified by section 127 of the Energy and Water Appropriations Act, 2006 (119 Stat. 2259), is further modified to authorize the Secretary to construct the project, including all necessary tie backs, at a total cost of $275,000,000, with an estimated Federal cost of $206,000,000, and an estimated non-Federal cost of $69,000,000.

SEC. 119. The project for ecosystem restoration, Tres Rios, Arizona, authorized by section 101(b)(4) of the Water Resources Development Act of 2000 (114 Stat. 2577), is modified to authorize the Secretary to construct the project at a total cost of $230,000,000, with an estimated Federal cost of $149,500,000 and an estimated non-Federal cost of $80,500,000.

## TITLE II

## DEPARTMENT OF THE INTERIOR

### CENTRAL UTAH PROJECT

#### CENTRAL UTAH PROJECT COMPLETION ACCOUNT

For carrying out activities authorized by the Central Utah Project Completion Act, $43,004,000, to remain available until expended, of which $2,500,000 shall be deposited into the Utah Reclamation Mitigation and Conservation Account for use by the Utah Reclamation Mitigation and Conservation Commission, and of which $1,694,000 for necessary expenses incurred in carrying out related responsibilities of the Secretary of the Interior. For fiscal year 2011, the Commission may use an amount not to exceed $1,500,000 for administrative expenses.

### BUREAU OF RECLAMATION

The following appropriations shall be expended to execute authorized functions of the Bureau of Reclamation:

#### WATER AND RELATED RESOURCES

#### (INCLUDING TRANSFERS OF FUNDS)

For management, development, and restoration of water and related natural resources and for related activities, including the operation, maintenance, and rehabilitation of reclamation and other facilities, participation in fulfilling related Federal responsibilities to Native Americans, and related grants to, and cooperative and other agreements with, State and local governments, federally recognized Indian tribes, and others, $938,600,000, to remain available until expended, of which $11,746,000 shall be available for transfer to the Upper Colorado River Basin Fund and $8,627,000 shall be available for transfer to the Lower Colorado River Basin Development Fund; of which such amounts as may be necessary may be advanced to the Colorado River Dam Fund: *Provided*, That such transfers may be increased or decreased within the overall appropriation under this heading: *Provided further*, That of the total appropriated, the amount for program activities that can be financed by the Reclamation Fund or the Bureau of Reclamation special fee account established by 16 U.S.C. 460l–6a(i) shall be derived from that Fund or account: *Provided further*, That funds contributed under 43 U.S.C. 395 are available until expended for the purposes for which contributed: *Provided further*, That funds advanced under 43 U.S.C. 397a shall be credited to this account and are available until expended for the same purposes as the sums appropriated under this heading: *Provided*, That the funds provided herein for the St. Mary Storage Unit facilities, Milk River Project, Montana, shall be used on a nonreimbursible basis: *Provided further*, That $1,476,000 of the funds appropriated under this heading shall be deposited in the San Gabriel Basin Restoration Fund established by section 110 of title I of appendix D of Public Law 106–554: *Provided further*, That funds available for expenditure for the Departmental Irrigation Drainage Program may be expended by the Bureau of Reclamation for site remediation on a nonreimbursable basis: *Provided further*, That of the amounts provided herein, funds may be used for high priority projects which shall be carried out by the Youth Conservation Corps, as authorized by 16 U.S.C. 1706.

#### CENTRAL VALLEY PROJECT RESTORATION FUND

For carrying out the programs, projects, plans, habitat restoration, improvement, and acquisition provisions of the Central Valley Project Improvement Act, $49,915,000, to be derived from such sums as may be collected in the Central Valley Project Restoration Fund pursuant to sections 3407(d), 3404(c)(3), and 3405(f) of Public Law 102–575, to remain available until expended: *Provided*, That the Bureau of Reclamation is directed to assess and collect the full amount of the additional mitigation and restoration payments authorized by section 3407(d) of Public Law 102–575: *Provided further*, That none of the funds made available under this heading may be used for the acquisition or leasing of water for in-stream purposes if the water is already committed to in-stream purposes by a court adopted decree or order.

#### CALIFORNIA BAY-DELTA RESTORATION

#### (INCLUDING TRANSFER OF FUNDS)

For carrying out activities authorized by the Water Supply, Reliability, and Environmental Improvement Act, consistent with plans to be approved by the Secretary of the Interior, $40,000,000, to remain available until expended, of which such amounts as may be necessary to carry out such activities may be transferred to appropriate accounts of other participating Federal agencies to carry out authorized purposes: *Provided*, That funds appropriated herein may be used for the Federal share of the costs of CALFED Program management: *Provided further*, That the use of any funds provided to the California Bay-Delta Authority for programwide management and oversight activities shall be subject to the approval of the Secretary of the Interior: *Provided further*, That CALFED implementation shall be carried out in a balanced manner with clear performance measures demonstrating concurrent progress in achieving the goals and objectives of the Program.

#### POLICY AND ADMINISTRATION

For necessary expenses of policy, administration, and related functions in the Office of the Commissioner, the Denver office, and offices in the five regions of the Bureau of Reclamation, to remain available until expended, $61,200,000, to be derived from the Reclamation Fund and be nonreimbursable as provided in 43 U.S.C. 377: *Provided*, That no part of any other appropriation in this Act shall be available for activities or functions budgeted as policy and administration expenses.

#### ADMINISTRATIVE PROVISION

Appropriations for the Bureau of Reclamation shall be available for purchase of not to exceed 5 passenger motor vehicles, which are for replacement only.

### GENERAL PROVISIONS—DEPARTMENT OF THE INTERIOR

SEC. 201. (a) None of the funds provided in title II of this Act for Water and Related Resources, or provided by previous appropriations Acts to the agencies or entities funded in title II of this Act for Water and Related Resources that remain available for obligation or expenditure in fiscal year 2011, shall be available for obligation or expenditure through a reprogramming of funds that—

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

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

(3) increases funds for any program, project, or activity for which funds have been denied or restricted by this Act, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate;

(4) restarts or resumes any program, project or activity for which funds are not provided in this Act, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate;

(5) transfers funds in excess of the following limits, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate:

(A) 15 percent for any program, project or activity for which $2,000,000 or more is available at the beginning of the fiscal year; or

(B) $300,000 for any program, project or activity for which less than $2,000,000 is available at the beginning of the fiscal year;

(6) transfers more than $500,000 from either the Facilities Operation, Maintenance, and Rehabilitation category or the Resources Management and Development category to any program, project, or activity in the other category, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate; or

(7) transfers, where necessary to discharge legal obligations of the Bureau of Reclamation, more than $5,000,000 to provide adequate funds for settled contractor claims, increased contractor earnings due to accelerated rates of operations, and real estate deficiency judgments, unless prior approval is received from the Committees on Appropriations of the House of Representatives and the Senate.

(b) Subsection (a)(5) shall not apply to any transfer of funds within the Facilities Operation, Maintenance, and Rehabilitation category.

(c) For purposes of this section, the term ''transfer'' means any movement of funds into or out of a program, project, or activity.

(d) The Bureau of Reclamation shall submit reports on a quarterly basis to the Committees on Appropriations of the House of Representatives and the Senate detailing all the funds reprogrammed between programs, projects, activities, or categories of funding. The first quarterly report shall be submitted not later than 60 days after the date of enactment of this Act.

SEC. 202. (a) None of the funds appropriated or otherwise made available by this Act may be used to determine the final point of discharge for the interceptor drain for the San Luis Unit until development by the Secretary of the Interior and the State of California of a plan, which shall conform to the water quality standards of the State of California as approved by the Administrator of the Environmental Protection Agency, to minimize any detrimental effect of the San Luis drainage waters.

(b) The costs of the Kesterson Reservoir Cleanup Program and the costs of the San Joaquin Valley Drainage Program shall be classified by the Secretary of the Interior as reimbursable or nonreimbursable and collected until fully repaid pursuant to the ''Cleanup Program-Alternative Repayment Plan'' and the ''SJVDP-Alternative Repayment Plan'' described in the report entitled ''Repayment Report, Kesterson Reservoir Cleanup Program and San Joaquin Valley Drainage Program, February 1995'', prepared by the Department of the Interior, Bureau of Reclamation. Any future obligations of funds by the United States relating to, or providing for, drainage service or drainage studies for the San Luis Unit shall be fully reimbursable by San Luis Unit beneficiaries of such service or studies pursuant to Federal reclamation law.

SEC. 203. None of the funds appropriated or otherwise made available by this or any other Act may be used to pay the salaries and expenses of personnel to purchase or lease water in the Middle Rio Grande or the Carlsbad Projects in New Mexico unless said purchase or lease is in compliance with the purchase requirements of section 202 of Public Law 106–60.

SEC. 204. Funds under this title for Drought Emergency Assistance shall be made available primarily for leasing of water for specified drought related purposes from willing lessors, in compliance with existing State laws and administered under State water priority allocation.

SEC. 205. Section 529(b)(3) of Public Law 106–541 is amended by striking ''$20,000,000'' and inserting ''$30,000,000'' in lieu thereof.

SEC. 206. (a) Notwithstanding any other provision of law, of amounts made available under section 2507 of the Farm Security and Rural Investment Act of 2002 (43 U.S.C. 2211 note; Public Law 107–171), the Secretary of the Interior, acting through the Commissioner of Reclamation, shall allocate—

(1) $11,300,000 to the Bureau of Indian Affairs, of which—

(A) $7,400,000 shall be for the participation by the Walker River Paiute Tribe in the settlement of surface water rights in the Walker River Basin, including water associated with the Walker River Indian Reservation;

(B) $1,000,000 shall be for the Walker River Paiute Tribe for legal and professional services in support of settling tribal water claims in the Walker River Basin; and

(C) $2,900,000 shall be for the acquisition of property upstream from and adjacent to the Reservation, title to which shall be taken in the name of the United States to be held in trust for the Tribe, and shall be added to the Reservation and appurtenant water rights which shall be used for the benefit of Walker Lake;

(2) $2,500,000 to the Federal Water Master of the Walker River, Nevada, for water monitoring and measurement improvement in the Walker River Basin;

(3) $3,080,000 to the Environmental Protection Agency, to provide funding relating to the Anaconda Mine site in Lyon County, Nevada, of which—

(A) $750,000 shall be for groundwater testing for Arimetco portions of the site; and

(B) $2,330,000 shall be for a pilot closure of an Arimetco heap leach pad;

(4) $6,250,000 to provide grants of equal amounts to the State of Nevada, the State of California, the Truckee Meadows Water Authority, the Pyramid Lake Paiute Tribe, and the Federal Water Master of the Truckee River to implement the Truckee-Carson-Pyramid Lake Water Rights Settlement Act (title II of Public Law 101–618; 104 Stat. 3294);

(5) $5,000,000 to be divided equally by the City of Fernley, Nevada, and the Pyramid Lake Paiute Tribe for joint planning and development activities for water, wastewater, and sewer facilities;

(6) $17,200,000 to the Pyramid Lake Paiute Tribe for the benefit of the Truckee River and Pyramid Lake, of which—

(A) $10,000,000 shall be used for 1 or more of—

(i) implementing the 1996 Truckee River Water Quality Settlement Agreement; and

(ii) implementing the Newland Project Water Rights Fund for retirement of water rights;

(B) $4,200,000 shall be used for 1 or more of—

(i) payment to the City of Fernley, with the agreement of the City, to temporarily transfer water rights owned by the City to the Truckee River; and

(ii) acquisition of ground-water rights to be traded with the City of Fernley, with the agreement of the City, for Truckee River water rights; and

(C) $3,000,000 to acquire interests in fee-patented land, water rights, or surface rights to land within or contiguous to the exterior boundaries of the Pyramid Lake Indian Reservation;

(7) $15,000,000 to an entity selected by the Truckee Meadows Water Authority, Washoe County, and the cities of Reno and Sparks, Nevada, to acquire up to 6,700 acre-feet of water rights to help implement the Truckee River Operating Agreement;

(8) $500,000 to Washoe County, Nevada, for a Regional Strategic Initiative to develop wastewater effluent management and reclaimed water resources;

(9) $5,000,000 to the City of Sparks, Nevada, related to upgrading and realigning the North Truckee Drain for improved flood control;

(10) $715,000 to the Pyramid Lake Paiute Tribe to enhance fish reproduction in the Truckee River watershed and to develop a water quality model for Pyramid Lake;

(11) $1,500,000 to the Specialty Crop Institute of Western Nevada College to support alternative crops and alternative agricultural cooperatives programs that promote water conservation;

(12) $1,000,000 to the Desert Research Institute to monitor reservoir evaporation and invasive species in the southwestern United States, including work in the Walker Basin; and

(13) not more than $8,455,000 of available funds to the United States Fish and Wildlife Service to acquire water and water rights, with or without the land to which the rights are appurtenant, pursuant to subsection 206(a) of the Truckee-Carson-Pyramid Lake Water Rights Settlement Act (title II of Public Law 101–618; 104 Stat. 3308).

(b) Section 208 of the Energy and Water Development and Related Agencies Appropriations Act, 2010 (Public Law 111–85; 123 Stat. 2858) is amended—

(1) in subsection (a)(1)—

(A) by striking ''$66,200,000'' and inserting ''$81,200,000''; and

(B) by inserting '', and including associated activities that enhance recovery of the federally threatened Lahontan cutthroat trout'' after ''Rivers''; and

(2) in subsection (b)(1)(B)—

(A) in clause (i)(I), after ''inflows'', by inserting ''beginning on the date on which the first lease under the demonstration program is signed''; and

(B) by adding at the end the following:

''(vii) $15,000,000 to be used as described in subparagraph (A), as determined by the National Fish and Wildlife Foundation: *Provided*, That the National Fish and Wildlife Foundation shall consult with Mono County, California, prior to spending any funds under this section to lease surface water rights appurtenant to lands in California.''.

(c) Section 208(a) of division C of the Consolidated Appropriations Act, 2008 (Public Law 110–161; 121 Stat. 1953) is amended—

(1) in paragraph (1)—

(A) in subparagraph (C), by adding ''and'' at the end;

(B) by striking subsections (D) and (E); and

(C) by redesignating subparagraph (F) as subparagraph (D); and

(2) in paragraph (3), by striking ''restoration efforts at the Summit Lake in Northern Washoe County'' and inserting ''restoration and environmental protection efforts at the Summit Lake in Humboldt County''.

(d) Notwithstanding this section or any amendment made by this section, the Commissioner of Reclamation may retain sufficient amounts from funds allocated to the Commissioner to administer all financial assistance agreements under the Desert Terminal Lakes program under section 2507 of the Farm Security and Rural Investment Act of 2002 (43 U.S.C. 2211 note; Public Law 107–171).

SEC. 207. The Secretary of the Interior may extend the contract for water services between the United States and the East Bench Irrigation District, numbered 14–06–600–3593, until the earlier of—

(1) the date that is 2 years after the date on which the contract would have expired if this Act had not been enacted; or

(2) the date on which a new long-term contract is executed by the parties to the contract.

SEC. 208. The Secretary of the Interior is hereby directed, through the Commissioner of Reclamation, to amend or re-issue Seasonal Recreation Use Permits for the Northside Trailer Areas 1 and 2 and Southside Trailer Area around Heart Butte Reservoir (Lake Tschida) in North Dakota to extend the valid time period for those permits from the current 12 years to 15 years, to be measured from the date of original issuance, April 3, 2010. The amended or re-issued permits shall contain language ensuring the affected permits are fully transferrable for the full 15-year period.

## TITLE III

## DEPARTMENT OF ENERGY

## ENERGY PROGRAMS

### ENERGY EFFICIENCY AND RENEWABLE ENERGY

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for energy efficiency and renewable energy activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $2,242,500,000 to remain available until expended: *Provided*, That $145,000,000 shall be available until September 30, 2012 for program direction: *Provided further*, That within the amounts appropriated, $211,580,000 shall be used for the projects specified in the table that appears under the heading ''Congressionally Directed Energy Efficiency and Renewable Energy Projects'' in the text and table under this heading in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

### ELECTRICITY DELIVERY AND ENERGY RELIABILITY

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for electricity delivery and energy reliability activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or

for plant or facility acquisition, construction, or expansion, $172,000,000 to remain available until expended: *Provided*, That $27,049,000 shall be available until September 30, 2012 for program direction: *Provided further*, That within the amounts appropriated, $11,050,000 shall be used for the projects specified in the table that appears under the heading ''Congressionally Directed Electricity Delivery and Energy Reliability Projects'' in the text and table under this heading in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided further*, That notwithstanding section 3304 of title 5, United States Code, and without regard to the provisions of sections 3309 through 3318 of such title 5, the Secretary of Energy, upon a determination that there is a severe shortage of candidates or a critical hiring need for particular positions, may from within the funds provided, recruit and directly appoint highly qualified individuals into the competitive service: *Provided further*, That such authority shall not apply to positions in the Excepted Service or the Senior Executive Service: *Provided further*, That any action authorized herein shall be consistent with the merit principles of section 2301 of such title 5, and the Department shall comply with the public notice requirements of section 3327 of such title 5.

NUCLEAR ENERGY

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for nuclear energy activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not more than 9 buses, all for replacement only, $775,000,000, to remain available until expended: *Provided*, That $86,452,000 shall be available until September 30, 2012 for program direction: *Provided further*, That if by June 30, 2011 the Secretary has not determined to proceed with the second project phase of the Next Generation Nuclear Plant program in accordance with section 643(b)(2) of the Energy Policy Act of 2005, $23,000,000 of the $103,000,000 appropriated for the Next Generation Nuclear Plant program shall be transferred to the Small Modular Reactor program to remain available until expended: *Provided further*, That within the amounts appropriated, $7,800,000 shall be used for the projects specified in the table that appears under the heading ''Congressionally Directed Nuclear Energy Projects'' in the text and table under this heading in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

For necessary expenses in carrying out fossil energy research and development activities, under the authority of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition of interest, including defeasible and equitable interests in any real property or any facility or for plant or facility acquisition or expansion, and for conducting inquiries, technological investigations, and research concerning the extraction, processing, use, and disposal of mineral substances without objectionable social and environmental costs under section 2 of the Act of May 16, 1910 (chapter 240; 30 U.S.C. 3) and sections 3 and 4 of the National Materials and Minerals Policy, Research and Development Act of 1980 (30 U.S.C. 1602 and 1603), $672,000,000, to remain available until expended: *Provided*, That $161,000,000 shall be available until September 30, 2012 for program direction: *Provided further*, That within the amounts appropriated, $23,000,000 shall be used for the projects specified in the table that appears under the heading ''Congressionally Directed Fossil Energy Projects'' in the text and table under this heading in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

NAVAL PETROLEUM AND OIL SHALE RESERVES

For expenses necessary to carry out naval petroleum and oil shale reserve activities, $23,614,000, to remain available until expended: *Provided*, That, notwithstanding any other provision of law, unobligated funds remaining from prior years shall be available for all naval petroleum and oil shale reserve activities.

STRATEGIC PETROLEUM RESERVE

For necessary expenses for Strategic Petroleum Reserve facility development and operations and program management activities pursuant to the Energy Policy and Conservation Act of 1975, (42 U.S.C. 6201 et seq.), $209,861,000, to remain available until expended.

NORTHEAST HOME HEATING OIL RESERVE

For necessary expenses for Northeast Home Heating Oil Reserve storage, operation, and management activities pursuant to the Energy Policy and Conservation Act, $11,300,000, to remain available until expended.

ENERGY INFORMATION ADMINISTRATION

For necessary expenses in carrying out the activities of the Energy Information Administration, $111,000,000, to remain available until expended.

NON-DEFENSE ENVIRONMENTAL CLEANUP

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for non-defense environmental cleanup activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $244,163,000, to remain available until expended.

URANIUM ENRICHMENT DECONTAMINATION AND DECOMMISSIONING FUND

For necessary expenses in carrying out uranium enrichment facility decontamination and decommissioning, remedial actions, and other activities of title II of the Atomic Energy Act of 1954, and title X, subtitle A, of the Energy Policy Act of 1992, $550,000,000 to be derived from the Uranium Enrichment Decontamination and Decommissioning Fund, to remain available until expended.

SCIENCE

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for science activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or facility or for plant or facility acquisition, construction, or expansion, and purchase of not more than 57 passenger motor vehicles, 56 of which are for replacement only, including two law enforcement vehicles, two ambulances, and two buses, $4,904,000,000, to remain available until expended: *Provided*, That $202,000,000 shall remain available until September 30, 2012 for program direction: *Provided further*, That within the amounts appropriated, $61,650,000 shall be used for the projects specified in the table that appears under the heading ''Congressionally Directed Office of Science Projects'' in the text and table under this heading in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

ADVANCED RESEARCH PROJECTS AGENCY—ENERGY

For necessary expenses in carrying out the activities authorized by section 5012 of the America COMPETES Act (Public Law 110–69), $200,000,000, to remain available until expended: *Provided*, That $20,000,000 shall remain available until September 30, 2012 for program direction: *Provided further*, That of the funds provided in this paragraph, the Director shall have the authority to fix basic pay and payments in addition to basic pay without regard to the civil service laws, provided that aggregate pay does not exceed the Vice President's salary as specified in 3 U.S.C. section 104.

TITLE 17 INNOVATIVE TECHNOLOGY LOAN GUARANTEE PROGRAM

(INCLUDING RESCISSION OF FUNDS)

Subject to section 502 of the Congressional Budget Act of 1974, amounts necessary to support commitments to guarantee loans under title XVII of the Energy Policy Act of 2005, not to exceed a total principal amount of $12,000,000,000, to remain available until committed: *Provided*, That of such amount $8,000,000,000 is for nuclear power facilities and $4,000,000,000 is for fossil energy technologies: *Provided further*, That these amounts are in addition to authorities provided in any other Act: *Provided further*, That for amounts collected pursuant to section 1702(b)(2) of the Energy Policy Act of 2005, the source of such payment received from borrowers may not be a loan or other debt obligation that is guaranteed by the Federal Government: *Provided further*, That pursuant to section 1702(b)(2) of the Energy Policy Act of 2005, no appropriations are available to pay the subsidy cost of such guarantees for nuclear power facilities or fossil energy technologies: *Provided further*, That none of the loan guarantee authority made available in this Act shall be available for commitments to guarantee loans for any projects where funds, personnel, or property (tangible or intangible) of any Federal agency, instrumentality, personnel, or affiliated entity are expected be used (directly or indirectly) through acquisitions, contracts, demonstrations, exchanges, grants, incentives, leases, procurements, sales, other transaction authority, or other arrangements, to support the project or to obtain goods or services from the project: *Provided further*, That the previous proviso shall not be interpreted as precluding the use of the loan guarantee authority in this Act for commitments to guarantee loans for (1) projects as a result of such projects benefitting from otherwise allowable Federal income tax benefits; (2) projects as a result of such projects benefitting from being located on Federal land pursuant to a lease or right-of-way agreement for which all consideration for all uses is (A) paid exclusively in cash, (B) deposited in the Treasury as offsetting receipts, and (C) equal to the fair market value as determined by the head of the relevant Federal agency; (3) projects as a result of such projects benefitting from Federal insurance programs, including under section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210; commonly known as the ''Price-Anderson Act''); or (4) electric generation projects using transmission facilities owned or operated by a Federal Power Marketing Administration or the Tennessee Valley Authority that have been authorized, approved, and financed independent of the project receiving the guarantee: *Provided further*, That none of the loan guarantee authority made available in this Act shall be

available for any project unless the Director of the Office of Management and Budget has certified in advance in writing that the loan guarantee and the project comply with the provisions under this section: *Provided further,* That in addition to amounts otherwise made available by this Act, $405,982,000 is appropriated, to remain available until expended, for the cost of loan guarantees for projects that employ: (1) new or significantly improved technologies of renewable energy systems or efficient end-use energy technologies under section 1703 of the Energy Policy Act of 2005; or (2) notwithstanding section 1703(a)(2), commercial technologies of renewable energy systems, efficient end-use energy technologies, or leading edge biofuel projects: *Provided further,* That of the authority provided for commitments to guarantee loans under ''Department of Energy—Energy Programs—Title 17 Innovative Technology Loan Guarantee Program'' in title III of division C of Public Law 111–8 and title III of division C of Public Law 110–161, $18,000,000,000 are rescinded: *Provided further,* That an additional amount for necessary administrative expenses to carry out this Loan Guarantee program, $58,000,000 is appropriated, to remain available until expended: *Provided further,* That $58,000,000 of the fees collected pursuant to section 1702(h) of the Energy Policy Act of 2005 shall be credited as offsetting collections to this account to cover administrative expenses and shall remain available until expended, so as to result in a final fiscal year 2011 appropriations from the general fund estimated at not more than $0: *Provided further,* That fees collected under such section 1702(h) in excess of the amount appropriated for administrative expenses shall not be available until appropriated.

ADVANCED TECHNOLOGY VEHICLES MANUFACTURING LOAN PROGRAM

For administrative expenses in carrying out the Advanced Technology Vehicles Manufacturing Loan Program, $9,998,000, to remain available until expended.

DEPARTMENTAL ADMINISTRATION

For salaries and expenses of the Department of Energy necessary for departmental administration in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the hire of passenger motor vehicles and official reception and representation expenses not to exceed $30,000; $288,872,000, to remain available until September 30, 2012, plus such additional amounts as necessary to cover increases in the estimated amount of cost of work for others notwithstanding the provisions of the Anti-Deficiency Act (31 U.S.C. 1511 et seq.): *Provided,* That such increases in cost of work are offset by revenue increases of the same or greater amount, to remain available until expended: *Provided further,* That moneys received by the Department for miscellaneous revenues estimated to total $119,740,000 in fiscal year 2011 may be retained and used for operating expenses within this account, and shall remain available until September 30, 2012, as authorized by section 201 of Public Law 95–238, notwithstanding the provisions of 31 U.S.C. 3302: *Provided further,* That the sum herein appropriated shall be reduced by the amount of miscellaneous revenues received during 2011, and any related appropriated receipt account balances remaining from prior years' miscellaneous revenues, so as to result in a final fiscal year 2011 appropriation from the general fund estimated at not more than $169,132,000.

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, $42,850,000, to remain available until September 30, 2012.

ATOMIC ENERGY DEFENSE ACTIVITIES

NATIONAL NUCLEAR SECURITY ADMINISTRATION

WEAPONS ACTIVITIES

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense weapons activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, the purchase of not to exceed one ambulance and one aircraft; $7,008,835,000, to remain available until expended: *Provided,* That of the funds appropriated under this heading, $30,000,000 is directed for the 09–D–007 LANSCE Refurbishment, Los Alamos National Laboratory, Los Alamos, New Mexico: *Provided further,* That within the amounts appropriated, $2,000,000 shall be used for the projects specified in the table that appears under the heading ''Congressionally Directed Weapons Activities Projects'' in the text and table under this heading in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

DEFENSE NUCLEAR NONPROLIFERATION

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other incidental expenses necessary for defense nuclear nonproliferation activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not to exceed one passenger motor vehicle for replacement only, $2,575,167,000, to remain available until expended.

NAVAL REACTORS

For Department of Energy expenses necessary for naval reactors activities to carry out the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition (by purchase, condemnation, construction, or otherwise) of real property, plant, and capital equipment, facilities, and facility expansion, $945,133,000, to remain available until expended.

OFFICE OF THE ADMINISTRATOR

For necessary expenses of the Office of the Administrator in the National Nuclear Security Administration, including official reception and representation expenses not to exceed $12,000, $438,267,000, to remain available until September 30, 2012: *Provided,* That within the amounts appropriated, $13,150,000 shall be used for the projects specified in the table that appears under the heading ''Congressionally Directed Office of the Administrator (NNSA) Projects'' in the text and table under this heading in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES

DEFENSE ENVIRONMENTAL CLEANUP

(INCLUDING TRANSFER OF FUNDS)

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for atomic energy defense environmental cleanup activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not to exceed two ambulances and one fire truck for replacement only, $5,260,135,000, to remain available until expended, of which $33,700,000 shall be transferred to the ''Uranium Enrichment Decontamination and Decommissioning Fund'': *Provided,* That $355,000,000 shall remain available until September 30, 2012 for program direction.

OTHER DEFENSE ACTIVITIES

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses, necessary for atomic energy defense, other defense activities, and classified activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not to exceed 10 passenger motor vehicles for replacement only, $866,317,000, to remain available until expended: *Provided,* That $120,244,000 shall be available until September 30, 2012 for program direction: *Provided further,* That within the amounts appropriated, $2,000,000 shall be used for the projects specified in the table that appears under the heading ''Congressionally Directed Other Defense Activities Projects'' in the text and table under this heading in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

POWER MARKETING ADMINISTRATIONS

BONNEVILLE POWER ADMINISTRATION FUND

Expenditures from the Bonneville Power Administration Fund, established pursuant to Public Law 93–454, are approved for official reception and representation expenses in an amount not to exceed $7,000. During fiscal year 2011, no new direct loan obligations may be made.

OPERATION AND MAINTENANCE, SOUTHEASTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, including transmission wheeling and ancillary services pursuant to section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southeastern power area, $8,034,000, to remain available until expended: *Provided,* That notwithstanding 31 U.S.C. 3302 and section 5 of the Flood Control Act of 1944, up to $8,034,000 collected by the Southeastern Power Administration from the sale of power and related services shall be credited to this account as discretionary offsetting collections, to remain available until expended for the sole purpose of funding the annual expenses of the Southeastern Power Administration: *Provided further,* That the sum herein appropriated for annual expenses shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2011 appropriation estimated at not more than $0: *Provided further,* That, notwithstanding 31 U.S.C. 3302, up to $74,157,000 collected by the Southeastern Power Administration pursuant to the Flood Control Act of 1944 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures: *Provided further,* That for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the same year that they are incurred (excluding purchase power and wheeling expenses).

OPERATION AND MAINTENANCE, SOUTHWESTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, for construction and acquisition of transmission lines, substations and appurtenant facilities, and for administrative expenses, including official reception and representation expenses in an amount not to exceed $1,500 in carrying out section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the Southwestern Power Administration, $46,312,000, to remain available until expended: *Provided*, That notwithstanding 31 U.S.C. 3302 and section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), up to $33,613,000 collected by the Southwestern Power Administration from the sale of power and related services shall be credited to this account as discretionary offsetting collections, to remain available until expended, for the sole purpose of funding the annual expenses of the Southwestern Power Administration: *Provided further*, That the sum herein appropriated for annual expenses shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2011 appropriation estimated at not more than $12,699,000: *Provided further*, That, notwithstanding 31 U.S.C. 3302, up to $39,000,000 collected by the Southwestern Power Administration pursuant to the Flood Control Act of 1944 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures: *Provided further*, That for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the same year that they are incurred (excluding purchase power and wheeling expenses).

CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE, WESTERN AREA POWER ADMINISTRATION

For carrying out the functions authorized by title III, section 302(a)(1)(E) of the Act of August 4, 1977 (42 U.S.C. 7152), and other related activities including conservation and renewable resources programs as authorized, including official reception and representation expenses in an amount not to exceed $1,500; $285,864,000 to remain available until expended, of which $277,430,000 shall be derived from the Department of the Interior Reclamation Fund: *Provided*, That notwithstanding 31 U.S.C. 3302, section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), and section 1 of the Interior Department Appropriation Act, 1939 (43 U.S.C. 392a), up to $180,306,000 collected by the Western Area Power Administration from the sale of power and related services shall be credited to this account as discretionary offsetting collections, to remain available until expended, for the sole purpose of funding the annual expenses of the Western Area Power Administration: *Provided further*, That the sum herein appropriated for annual expenses shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2011 appropriation estimated at not more than $105,558,000, of which $97,124,000 is derived from the Reclamation Fund: *Provided further*, That of the amount herein appropriated, $7,627,000 is for deposit into the Utah Reclamation Mitigation and Conservation Account pursuant to title IV of the Reclamation Projects Authorization and Adjustment Act of 1992: *Provided further*, That notwithstanding 31 U.S.C. 3302, up to $350,919,000 collected by the Western Area Power Administration pursuant to the Flood Control Act of 1944 and the Reclamation Project Act of 1939 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures: *Provided further*, That for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the same year that they are incurred (excluding purchase power and wheeling expenses).

FALCON AND AMISTAD OPERATING AND MAINTENANCE FUND

For operation, maintenance, and emergency costs for the hydroelectric facilities at the Falcon and Amistad Dams, $3,715,000, to remain available until expended, and to be derived from the Falcon and Amistad Operating and Maintenance Fund of the Western Area Power Administration, as provided in section 2 of the Act of June 18, 1954 (68 Stat. 255): *Provided*, That notwithstanding the provisions of that Act and of 31 U.S.C. 3302, up to $3,495,000 collected by the Western Area Power Administration from the sale of power and related services from the Falcon and Amistad Dams shall be credited to this account as discretionary offsetting collections, to remain available until expended for the sole purpose of funding the annual expenses of the hydroelectric facilities of these Dams and associated Western Area Power Administration activities: *Provided further*, That the sum herein appropriated for annual expenses shall be reduced as collections are received during the fiscal year so as to result in a final fiscal year 2011 appropriation estimated at not more than $220,000: *Provided further*, That for purposes of this appropriation, annual expenses means expenditures that are generally recovered in the same year that they are incurred.

FEDERAL ENERGY REGULATORY COMMISSION SALARIES AND EXPENSES

For necessary expenses of the Federal Energy Regulatory Commission to carry out the provisions of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including services as authorized by 5 U.S.C. 3109, the hire of passenger motor vehicles, and official reception and representation expenses not to exceed $3,000, $315,600,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, not to exceed $315,600,000 of revenues from fees and annual charges, and other services and collections in fiscal year 2011 shall be retained and used for necessary expenses in this account, and shall remain available until expended: *Provided further*, That the sum herein appropriated from the general fund shall be reduced as revenues are received during fiscal year 2011 so as to result in a final fiscal year 2011 appropriation from the general fund estimated at not more than $0.

GENERAL PROVISIONS—DEPARTMENT OF ENERGY

SEC. 301. (a) None of the funds provided in this title shall be available for obligation or expenditure through a reprogramming of funds that—

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

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

(3) increases funds or personnel for any program, project, or activity for which funds are denied or restricted by this Act;

(4) reduces funds that are directed to be used for a specific program, project, or activity by this Act;

(5) increases funds for any program, project, or activity by more than $5,000,000 or 10 percent, whichever is less; or

(6) reduces funds for any program, project, or activity by more than $5,000,000 or 10 percent, whichever is less;

(b) The Secretary of Energy may waive this restriction on reprogramming under subsection (a) for reasons of national security, safety and health, environmental risk, or to accomplish project completion. In instances involving the National Nuclear Security Administration, the Secretary and the Administrator must jointly waive the restriction.

SEC. 302. None of the funds made available in this title and subsequent appropriation acts may be used to prepare or initiate Requests For Proposals (RFPs) or similar arrangements (including but not limited to: Requests for Quotations (RFQs), Requests for Information (RFIs), Funding Opportunity Announcements (FOAs), etc.) for a program or activity if the program or activity has not been funded by Congress.

SEC. 303. None of the funds appropriated by this Act and subsequent appropriation acts may be used—

(1) to augment the funds made available for obligation by this Act for severance payments and other benefits and community assistance grants under section 4604 of the Atomic Energy Defense Act (50 U.S.C. 2704) unless the Department of Energy submits a reprogramming request to the appropriate congressional committees; or

(2) to provide enhanced severance payments or other benefits for employees of the Department of Energy under such section; or

(3) develop or implement a workforce restructuring plan that covers employees of the Department of Energy.

SEC. 304. Plant or construction projects for which amounts are made available under this and subsequent appropriation Acts with an estimated cost of less than $10,000,000 are considered for purposes of section 4703 of the Atomic Energy Defense Act (50 U.S.C. 2743) as a plant project for which the approved total estimated cost does not exceed the minor construction threshold and for purposes of section 4704 of the Atomic Energy Defense Act (50 U.S.C. 2744) as a construction project with an estimated cost of less than a minor construction threshold.

SEC. 305. The unexpended balances of prior appropriations provided for activities in this title may be available to the same appropriation accounts for such activities established pursuant to this title. Available balances may be merged with funds in the applicable established accounts and thereafter may be accounted for as one fund for the same time period as originally enacted.

SEC. 306. Funds appropriated by this or any other Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2011 until the enactment of the Intelligence Authorization Act for fiscal year 2011.

SEC. 307. None of the funds made available in this title may be used to approve critical decision-2 or critical decision-3 under Department of Energy Order 413.3A, or any successive departmental guidance, for construction projects where the total project cost exceeds $100,000,000, until a separate independent cost estimate has been developed for the project for that critical decision.

SEC. 308. None of the funds made available in this title may be used to take any action to authorize the construction of any liquefied natural gas terminal or its infrastructure to be located within 5 miles of the City of Fall River, Massachusetts, or to authorize vessels carrying liquefied natural gas to serve such terminal.

SEC. 309. None of the funds made available by this title may be used to make a discretionary grant allocation, discretionary grant award, discretionary contract award, Other

Transaction Agreement, or to issue a letter of intent totaling in excess of $1,000,000, or to announce publicly the intention to make such an award, including a contract covered by the Federal Acquisition Regulation, unless the Secretary of Energy notifies the Committees on Appropriations of the Senate and the House of Representatives at least 3 full business days in advance of making such an award or issuing such a letter. The notification shall include the recipient, the amount of the award, the fiscal year for which the funds for the award were appropriated, and the account and program or activity from which the funds are being drawn. If the Secretary of the Department of Energy determines that compliance with this section would pose a substantial risk to human life, health, or safety, an award may be made without notification and the Committees on Appropriations of the Senate and the House of Representatives shall be notified not later than 5 full business days after such an award is made or letter issued. Purchases of power or transmission services made by the Federal Power Marketing Administrations shall not be subject to the notification requirements of this section.

SEC. 310. (a) Notwithstanding any other provision of law, no funds appropriated in this Act, or any other act, may be used in fiscal year 2011 to transfer, sell, barter, distribute, or otherwise provide more than 3.3 million pounds of natural uranium equivalent of uranium in any form from the Department's inventory.

(b) Any transfer, sale, barter, distribution, or other provision of uranium in any form under subsection (a) shall be carried out consistent with the Department's Excess Uranium Inventory Management Plan, dated December 16, 2008.

(c) The prohibition in subsection (a) shall not apply to the transfer, sale, barter, distribution, or provision of uranium in any form for use in initial reactor cores.

(d) Not less than 30 days prior to the provision of uranium in any form in accordance with this section, the Secretary shall notify the House and Senate Committees on Appropriations, including:

(1) the amount of uranium to be bartered;

(2) the estimated market value of the uranium;

(3) the expected date of provision of the uranium; and

(4) the recipient of the uranium.

SEC. 311. None of the funds made available by this title or prior appropriation Acts may be used to make a final or conditional loan guarantee award unless the Secretary of Energy provides notification of the award, including the proposed subsidy cost, to the Committees on Appropriations of the Senate and the House of Representatives at least three full business days in advance of such award.

SEC. 312. (a) SUBMISSION TO CONGRESS.—The Secretary of Energy shall submit to Congress each year, at the time that the President's budget is submitted to Congress that year under section 1105(a) of title 31, United States Code, a future-years energy program reflecting the estimated expenditures and proposed appropriations included in that budget. Any such future-years energy program shall cover the fiscal year with respect to which the budget is submitted and at least the four succeeding fiscal years. A future-years energy program shall be included in the fiscal year 2013 budget submission to Congress and every fiscal year thereafter.

(b) ELEMENTS.—Each future-years energy program shall contain the following:

(1) The estimated expenditures and proposed appropriations necessary to support programs, projects, and activities of the Secretary of Energy during the five fiscal year period covered by the program, expressed in a level of detail comparable to that contained in the budget submitted by the President to Congress under section 1105 of title 31, United States Code.

(2) The estimated expenditures and proposed appropriations shaped by high-level, prioritized program and budgetary guidance that is consistent with the Administration's policies and out-year budget projections and reviewed by the Department's senior leadership to ensure that the future-years energy program is consistent and congruent with previously established program and budgetary guidance.

(3) A description of the anticipated workload requirements for each national laboratory during the five fiscal year period.

(c) CONSISTENCY IN BUDGETING.—

(1) The Secretary of Energy shall ensure that amounts described in subparagraph (A) of paragraph (2) for any fiscal year are consistent with amounts described in subparagraph (B) of paragraph (2) for that fiscal year.

(2) Amounts referred to in paragraph (1) are the following:

(A) The amounts specified in program and budget information submitted to Congress by the Secretary of Energy in support of expenditure estimates and proposed appropriations in the budget submitted to Congress by the President under section 1105(a) of title 31, United States Code, for any fiscal year, as shown in the future-years energy program submitted pursuant to subsection (a).

(B) The total amounts of estimated expenditures and proposed appropriations necessary to support the programs, projects, and activities of the Administration included pursuant to paragraph (5) of section 1105(a) of such title in the budget submitted to Congress under that section for any fiscal year.

## TITLE IV

## INDEPENDENT AGENCIES

### APPALACHIAN REGIONAL COMMISSION

For expenses necessary to carry out the programs authorized by the Appalachian Regional Development Act of 1965, for necessary expenses for the Federal Co-Chairman and the Alternate on the Appalachian Regional Commission, for payment of the Federal share of the administrative expenses of the Commission, including services as authorized by 5 U.S.C. 3109, and hire of passenger motor vehicles, $76,000,000, to remain available until expended.

### DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the Defense Nuclear Facilities Safety Board in carrying out activities authorized by the Atomic Energy Act of 1954, as amended by Public Law 100–456, section 1441, $26,086,000, to remain available until expended.

### DELTA REGIONAL AUTHORITY

SALARIES AND EXPENSES

For necessary expenses of the Delta Regional Authority and to carry out its activities, as authorized by the Delta Regional Authority Act of 2000, notwithstanding sections 382C(b)(2), 382F(d), 382M, and 382N of said Act, $13,000,000, to remain available until expended.

### DENALI COMMISSION

For expenses of the Denali Commission including the purchase, construction, and acquisition of plant and capital equipment as necessary and other expenses, $11,965,000, to remain available until expended, notwithstanding the limitations contained in section 306(g) of the Denali Commission Act of 1998: *Provided*, That funds shall be available for construction projects in an amount not to exceed 80 percent of total project cost for distressed communities, as defined by section 307 of the Denali Commission Act of 1998 (division C, title III, Public Law 105–277), as amended by section 701 of appendix D, title VII, Public Law 106–113 (113 Stat. 1501A–280), and an amount not to exceed 50 percent for nondistressed communities.

### NORTHERN BORDER REGIONAL COMMISSION

For necessary expenses of the Northern Border Regional Commission in carrying out activities authorized by subtitle V of title 40, United States Code, notwithstanding section 15751(b), $1,500,000, to remain available until expended.

### SOUTHEAST CRESCENT REGIONAL COMMISSION

For necessary expenses of the Southeast Crescent Regional Commission in carrying out activities authorized by subtitle V of title 40, United States Code, notwithstanding section 15751(b), $250,000, to remain available until expended.

### NUCLEAR REGULATORY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Nuclear Regulatory Commission in carrying out the purposes of the Energy Reorganization Act of 1974 and the Atomic Energy Act of 1954, including official representation expenses (not to exceed $25,000), $1,053,483,000, to remain available until expended: *Provided*, That of the amount appropriated herein, $10,000,000 shall be derived from the Nuclear Waste Fund: *Provided further*, That revenues from licensing fees, inspection services, and other services and collections estimated at $915,220,000 in fiscal year 2011 shall be retained and used for necessary salaries and expenses in this account, notwithstanding 31 U.S.C. 3302, and shall remain available until expended: *Provided further*, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2011 so as to result in a final fiscal year 2011 appropriation estimated at not more than $138,263,000: *Provided further*, That of the amounts appropriated, $10,000,000 is provided to support university research and development in areas relevant to their respective organization's mission, and $5,000,000 is to support a Nuclear Science and Engineering Grant Program that will support multiyear projects that do not align with programmatic missions but are critical to maintaining the discipline of nuclear science and engineering.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $10,102,000, to remain available until expended: *Provided*, That revenues from licensing fees, inspection services, and other services and collections estimated at $9,092,000 in fiscal year 2011 shall be retained and be available until expended, for necessary salaries and expenses in this account, notwithstanding 31 U.S.C. 3302: *Provided further*, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2011 so as to result in a final fiscal year 2011 appropriation estimated at not more than $1,010,000.

### NUCLEAR WASTE TECHNICAL REVIEW BOARD

SALARIES AND EXPENSES

For necessary expenses of the Nuclear Waste Technical Review Board, as authorized by Public Law 100–203, section 5051, $3,891,000, to be derived from the Nuclear Waste Fund, and to remain available until expended.

### OFFICE OF THE FEDERAL COORDINATOR FOR ALASKA NATURAL GAS TRANSPORTATION PROJECTS

For necessary expenses for the Office of the Federal Coordinator for Alaska Natural Gas

Transportation Projects pursuant to the Alaska Natural Gas Pipeline Act of 2004, $4,285,000, to remain available until expended: *Provided*, That any fees, charges, or commissions received pursuant to section 802 of Public Law 110–140 in fiscal year 2011 in excess of $4,683,000 shall not be available for obligation until appropriated in a subsequent Act of Congress.

TITLE V

GENERAL PROVISIONS

SEC. 501. None of the funds appropriated by this Act may be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before Congress, other than to communicate to Members of Congress as described in 18 U.S.C. 1913.

SEC. 502. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in this Act or any other appropriation Act.

This division may be cited as the ''Energy and Water Development and Related Agencies Appropriations Act, 2011''.

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

TITLE I

DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Departmental Offices including operation and maintenance of the Treasury Building and Annex; hire of passenger motor vehicles; maintenance, repairs, and improvements of, and purchase of commercial insurance policies for, real properties leased or owned overseas, when necessary for the performance of official business, $334,650,000, of which not to exceed $38,531,000 is for executive direction program activities; not to exceed $66,918,000 is for economic policies and programs activities, including $1,000,000 that shall be transferred to the National Academy of Sciences for a study by the Board on Mathematical Sciences and Their Applications on the long-term economic effects of the aging population in the United States, to remain available until September 30, 2012; not to exceed $86,075,000 is for financial policies and programs activities; not to exceed $102,613,000 is for terrorism and financial intelligence activities; and not to exceed $40,512,000 is for Treasury-wide management policies and programs activities: *Provided*, That the Secretary of the Treasury is authorized to transfer funds appropriated for any program activity of the Departmental Offices to any other program activity of the Departmental Offices upon notification to the Committees on Appropriations: *Provided further*, That no appropriation for any program activity shall be increased or decreased by more than 4 percent by all such transfers: *Provided further*, That any change in funding greater than 4 percent shall be submitted for approval to the Committees on Appropriations: *Provided further*, That of the amount appropriated under this heading, not to exceed $3,000,000, to remain available until September 30, 2012, is for information technology modernization requirements; not to exceed $200,000 is for official reception and representation expenses; $400,000 is to support increased international representation commitments of the Secretary; and not to exceed $258,000 is for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Secretary of the Treasury and to be accounted for solely on his certificate: *Provided further*, That of the amount appropriated under this heading, $6,787,000, to remain available until September 30, 2012, is for the Treasury-wide Financial Statement Audit and Internal Control Program, of which such amounts as may be necessary may be transferred to accounts of the Department's offices and bureaus to conduct audits: *Provided further*, That this transfer authority shall be in addition to any other provided in this Act: *Provided further*, That of the amount appropriated under this heading, $500,000, to remain available until September 30, 2012, is for secure space requirements: *Provided further*, That of the amount appropriated under this heading, $1,100,000, to remain available until September 30, 2012, is for salary and benefits for hiring of personnel whose work will require completion of a security clearance investigation in order to perform highly classified work to further the activities of the Office of Terrorism and Financial Intelligence: *Provided further*, That of the amount appropriated under this heading, up to $3,400,000, to remain available until September 30, 2013, is to develop and implement programs within the Office of Critical Infrastructure Protection and Compliance Policy, including entering into cooperative agreements: *Provided further*, That of the amount appropriated under this heading, $3,000,000, to remain available until September 30, 2013, is for modernizing the Office of Debt Management's information technology: *Provided further*, That notwithstanding any other provision of law, up to $1,000,000, may be contributed to the Global Forum on Transparency and Exchange of Information for Tax Purposes, a Part II Program of the Organization for Economic Cooperation and Development (OECD), to cover the cost assessed by that organization for Treasury's participation therein, and to the Forum on Tax Administration of the OECD in which the Internal Revenue Service participates, to support the work of that forum to improve global tax administration: *Provided further*, That of the amount appropriated under this heading, $2,500,000 shall be to supplement and not supplant training, recruitment, retention, and hiring additional members of the acquisition workforce as defined by the Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.) and for information technology in support of acquisition workforce effectiveness and management.

DEPARTMENT-WIDE SYSTEMS AND CAPITAL INVESTMENTS PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For development and acquisition of automatic data processing equipment, software, and services for the Department of the Treasury, $11,000,000, to remain available until September 30, 2013: *Provided*, That these funds shall be transferred to accounts and in amounts as necessary to satisfy the requirements of the Department's offices, bureaus, and other organizations: *Provided further*, That this transfer authority shall be in addition to any other transfer authority provided in this Act: *Provided further*, That none of the funds appropriated under this heading shall be used to support or supplement ''Internal Revenue Service, Operations Support'' or ''Internal Revenue Service, Business Systems Modernization''.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, $32,269,000, of which not to exceed $2,000,000 for official travel expenses, including hire of passenger motor vehicles; of which not to exceed $100,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Inspector General of the Treasury, and of which not to exceed $2,500 shall be available for official reception and representation expenses.

TREASURY INSPECTOR GENERAL FOR TAX ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Treasury Inspector General for Tax Administration in carrying out the Inspector General Act of 1978, including purchase (not to exceed 150 for replacement only for police-type use) and hire of passenger motor vehicles (31 U.S.C. 1343(b)); services authorized by 5 U.S.C. 3109, at such rates as may be determined by the Inspector General for Tax Administration; $155,452,000, of which not to exceed $6,000,000 shall be available for official travel expenses; of which not to exceed $500,000 shall be available for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Inspector General for Tax Administration; and of which not to exceed $1,500 shall be available for official reception and representation expenses.

SPECIAL INSPECTOR GENERAL FOR THE TROUBLED ASSET RELIEF PROGRAM

SALARIES AND EXPENSES

For necessary expenses of the Office of the Special Inspector General in carrying out the provisions of the Emergency Economic Stabilization Act of 2008 (Public Law 110–343), $49,600,000.

FINANCIAL CRIMES ENFORCEMENT NETWORK

SALARIES AND EXPENSES

For necessary expenses of the Financial Crimes Enforcement Network, including hire of passenger motor vehicles; travel and training expenses, including for course development, of non-Federal and foreign government personnel to attend meetings and training concerned with domestic and foreign financial intelligence activities, law enforcement, and financial regulation; not to exceed $14,000 for official reception and representation expenses; and for assistance to Federal law enforcement agencies, with or without reimbursement, $121,000,000, of which not to exceed $45,835,000 shall remain available until September 30, 2013; and of which $9,268,000 shall remain available until September 30, 2012: *Provided*, That funds appropriated in this account may be used to procure personal services contracts.

TREASURY FORFEITURE FUND

(RESCISSION)

Of the unobligated balances available under this heading, $370,000,000 are rescinded.

FINANCIAL MANAGEMENT SERVICE

SALARIES AND EXPENSES

For necessary expenses of the Financial Management Service, $235,253,000, of which not to exceed $9,220,000 shall remain available until September 30, 2013, for information systems modernization initiatives; and of which not to exceed $2,500 shall be available for official reception and representation expenses.

ALCOHOL AND TOBACCO TAX AND TRADE BUREAU

SALARIES AND EXPENSES

For necessary expenses of carrying out section 1111 of the Homeland Security Act of 2002, including hire of passenger motor vehicles, $101,000,000; of which not to exceed $6,000 for official reception and representation expenses; not to exceed $50,000 for cooperative research and development programs for laboratory services; and provision of laboratory assistance to State and local agencies with or without reimbursement.

UNITED STATES MINT

UNITED STATES MINT PUBLIC ENTERPRISE FUND

Pursuant to 31 U.S.C. 5136, the United States Mint is provided funding through the United States Mint Public Enterprise Fund for costs associated with the production of circulating coins, numismatic coins, and protective services, including both operating expenses and capital investments. The aggregate amount of new liabilities and obligations incurred during fiscal year 2011 under such section 5136 for circulating coinage and protective service capital investments of the United States Mint shall not exceed $25,000,000.

BUREAU OF THE PUBLIC DEBT

ADMINISTERING THE PUBLIC DEBT

For necessary expenses connected with any public-debt issues of the United States, $185,985,000, of which not to exceed $2,500 shall be available for official reception and representation expenses, and of which not to exceed $2,000,000 shall remain available until September 30, 2013, for systems modernization: *Provided*, That the sum appropriated herein from the general fund for fiscal year 2011 shall be reduced by not more than $10,000,000 as definitive security issue fees and Legacy Treasury Direct Investor Account Maintenance fees are collected, so as to result in a final fiscal year 2011 appropriation from the general fund estimated at $175,985,000. In addition, $110,000 to be derived from the Oil Spill Liability Trust Fund to reimburse the Bureau for administrative and personnel expenses for financial management of the Fund, as authorized by section 1012 of Public Law 101–380.

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS FUND PROGRAM ACCOUNT

To carry out the Community Development Banking and Financial Institutions Act of 1994 (Public Law 103–325), including services authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for ES–3, notwithstanding 12 U.S.C. 4707(d) and (e), $277,400,000, to remain available until September 30, 2012; of which $12,000,000 shall be for financial assistance, technical assistance, training and outreach programs designed to benefit Native American, Native Hawaiian, and Alaskan Native communities and provided primarily through qualified community development lender organizations with experience and expertise in community development banking and lending in Indian country, Native American organizations, tribes and tribal organizations and other suitable providers; of which $1,000,000 shall be available for the grant program under section 1132 of division A of the Housing and Economic Recovery Act of 2008 (Public Law 110–289); of which, notwithstanding 12 U.S.C. 4707(d) and (e), up to $25,000,000 shall be for a Healthy Food Financing Initiative to provide grants and loans to community development financial institutions for the purpose of offering affordable financing and technical assistance to expand the availability of healthy food options in distressed communities; of which up to $52,400,000 shall be for initiatives designed to enable individuals with low or moderate income levels to establish bank accounts and to improve access to the provision of bank accounts as authorized by sections 1204 and 1205 of Public Law 111–203, of which not less than $2,400,000 shall be for an eligible entity or entities located in the State of Hawaii; of which up to $5,000,000 shall be for grants to establish loan-loss reserve funds to defray the costs of small dollar loan programs as authorized by section 1206 of Public Law 111–203; and of which up to $26,000,000 may be used for administrative expenses, including administration of the New Markets Tax Credit.

INTERNAL REVENUE SERVICE

TAXPAYER SERVICES

For necessary expenses of the Internal Revenue Service (IRS) to provide taxpayer services, including pre-filing assistance and education, filing and account services, taxpayer advocacy services, and other services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, $2,338,215,000, of which not less than $6,500,000 shall be for the Tax Counseling for the Elderly Program, of which not less than $10,500,000 shall be available for low-income taxpayer clinic grants, of which not less than $14,000,000, to remain available until September 30, 2012, shall be available for a Community Volunteer Income Tax Assistance matching grants program for tax return preparation assistance, and of which not less than $212,500,000 shall be available for operating expenses of the Taxpayer Advocate Service.

ENFORCEMENT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for tax enforcement activities of the IRS to determine and collect owed taxes, to provide legal and litigation support, to conduct criminal investigations, to enforce criminal statutes related to violations of internal revenue laws and other financial crimes, to purchase (for police-type use, not to exceed 850) and hire passenger motor vehicles (31 U.S.C. 1343(b)), and to provide other services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, $5,709,547,000, of which not less than $60,257,000 shall be for the Interagency Crime and Drug Enforcement program: *Provided*, That up to $10,000,000 may be transferred as necessary from this account to ''Operations Support'' solely for the purposes of the Interagency Crime and Drug Enforcement program: *Provided further*, That this transfer authority shall be in addition to any other transfer authority provided in this Act.

OPERATIONS SUPPORT

For necessary expenses of the IRS to support taxpayer services and enforcement programs, including rent payments; facilities services; printing; postage; physical security; headquarters and other IRS-wide administration activities; research and statistics of income; telecommunications; information technology development, enhancement, operations, maintenance, and security; the hire of passenger motor vehicles (31 U.S.C. 1343(b)); and other services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner; $4,079,591,000, of which up to $75,000,000 shall remain available until September 30, 2012, for information technology support; of which up to $65,000,000 shall remain available until expended for acquisition of real property, equipment, construction and renovation of facilities; and of which not to exceed $1,000,000 shall remain available until September 30, 2013, for research; of which not less than $2,000,000 shall be for the IRS Oversight Board; of which not to exceed $25,000 shall be for official reception and representation.

BUSINESS SYSTEMS MODERNIZATION

For necessary expenses of the IRS's business systems modernization program, $364,181,000, to remain available until September 30, 2013, for the capital asset acquisition of information technology systems, including management and related contractual costs of said acquisitions, including related IRS labor costs, and contractual costs associated with operations authorized by 5 U.S.C. 3109: *Provided*, That, with the exception of labor costs, none of these funds may be obligated until the IRS submits to the Committees on Appropriations, and such Committees approve, a plan for expenditure that: (1) meets the capital planning and investment control review requirements established by the Office of Management and Budget (OMB), including Circular A–11; (2) complies with the IRS's enterprise architecture, including the modernization blueprint; (3) conforms with the IRS's enterprise life cycle methodology; (4) is approved by the IRS, the Department of the Treasury, and OMB; (5) has been reviewed by the Government Accountability Office; and (6) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government.

HEALTH INSURANCE TAX CREDIT ADMINISTRATION

For expenses necessary to implement the health insurance tax credit included in the Trade Act of 2002 (Public Law 107–210), $18,987,000.

ADMINISTRATIVE PROVISIONS—INTERNAL REVENUE SERVICE

(INCLUDING TRANSFER OF FUNDS)

SEC. 101. Not to exceed 5 percent of any appropriation made available in this Act to the IRS or not to exceed 3 percent of appropriations under the heading ''Enforcement'' may be transferred to any other IRS appropriation upon the advance approval of the Committees on Appropriations.

SEC. 102. The IRS shall maintain a training program to ensure that IRS employees are trained in taxpayers' rights, in dealing courteously with taxpayers, and in cross-cultural relations.

SEC. 103. The IRS shall institute and enforce policies and procedures that will safeguard the confidentiality of taxpayer information.

SEC. 104. Funds made available by this or any other Act to the IRS shall be available for improved facilities and increased staffing to provide sufficient and effective 1–800 help line service for taxpayers. The Commissioner shall continue to make the improvement of the IRS 1–800 help line service a priority and allocate resources necessary to increase phone lines and staff to improve the IRS 1–800 help line service.

SEC. 105. None of the funds made available in this Act may be used to enter into, renew, extend, administer, implement, enforce, or provide oversight of any qualified tax collection contract (as defined in section 6306 of the Internal Revenue Code of 1986).

ADMINISTRATIVE PROVISIONS—DEPARTMENT OF THE TREASURY

(INCLUDING TRANSFERS OF FUNDS)

SEC. 106. Appropriations to the Department of the Treasury in this Act shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901), including maintenance, repairs, and cleaning; purchase of insurance for official motor vehicles operated in foreign countries; purchase of motor vehicles without regard to the general purchase price limitations for vehicles purchased and used overseas for the current fiscal year; entering into contracts with the Department of State for the furnishing of health and medical services to employees and their dependents serving in foreign countries; and services authorized by 5 U.S.C. 3109.

SEC. 107. Not to exceed 2 percent of any appropriations in this Act made available to the Departmental Offices—Salaries and Expenses, Office of Inspector General, Special Inspector General for the Troubled Asset Relief Program, Financial Management Service, Alcohol and Tobacco Tax and Trade Bureau, Financial Crimes Enforcement Network, and Bureau of the Public Debt, may be transferred between such appropriations

upon the advance approval of the Committees on Appropriations: *Provided*, That no transfer may increase or decrease any such appropriation by more than 2 percent.

SEC. 108. Not to exceed 2 percent of any appropriation made available in this Act to the IRS may be transferred to the Treasury Inspector General for Tax Administration's appropriation upon the advance approval of the Committees on Appropriations: *Provided*, That no transfer may increase or decrease any such appropriation by more than 2 percent.

SEC. 109. Of the funds available for the purchase of law enforcement vehicles, no funds may be obligated until the Secretary of the Treasury certifies that the purchase by the respective Treasury bureau is consistent with departmental vehicle management principles: *Provided*, That the Secretary may delegate this authority to the Assistant Secretary for Management.

SEC. 110. None of the funds appropriated in this Act or otherwise available to the Department of the Treasury or the Bureau of Engraving and Printing may be used to redesign the $1 Federal Reserve note.

SEC. 111. The Secretary of the Treasury may transfer funds from Financial Management Service, Salaries and Expenses to the Debt Collection Fund as necessary to cover the costs of debt collection: *Provided*, That such amounts shall be reimbursed to such salaries and expenses account from debt collections received in the Debt Collection Fund.

SEC. 112. Section 122(g)(1) of Public Law 105–119 (5 U.S.C. 3104 note), is further amended by striking ''12 years'' and inserting ''13 years''.

SEC. 113. None of the funds appropriated or otherwise made available by this or any other Act may be used by the United States Mint to construct or operate any museum without the explicit approval of the Committees on Appropriations, the House Committee on Financial Services, and the Senate Committee on Banking, Housing and Urban Affairs.

SEC. 114. None of the funds appropriated or otherwise made available by this or any other Act or source to the Department of the Treasury, the Bureau of Engraving and Printing, and the United States Mint, individually or collectively, may be used to consolidate any or all functions of the Bureau of Engraving and Printing and the United States Mint without the explicit approval of the House Committee on Financial Services; the Senate Committee on Banking, Housing, and Urban Affairs; and the Committees on Appropriations.

SEC. 115. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for the Department of the Treasury's intelligence or intelligence related activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2011 until the enactment of the Intelligence Authorization Act for Fiscal Year 2011.

SEC. 116. Not to exceed $5,000 shall be made available from the Bureau of Engraving and Printing's Industrial Revolving Fund for necessary official reception and representation expenses.

SEC. 117. The Secretary of the Treasury shall notify the Committees on Appropriations of any proposed transfer of funds available under 31 U.S.C. 9703(g)(4)(B) from the Department of the Treasury Forfeiture Fund to any agency or account within the Department of the Treasury: *Provided*, That none of the funds identified for such transfer may be obligated until the Committees on Appropriations approve the proposed transfers in writing: *Provided further*, That none of the funds identified for such transfers may be used to initiate or resume any project, program, or activity for which appropriations, funds, or other authority are not available during fiscal year 2011: *Provided further*, That none of the funds identified for such transfer may be used during fiscal year 2011 for any project, program, or activity for which appropriations, funds, or other authority will be necessary to continue or complete such project, program, or activity in fiscal year 2012 or thereafter without prior notification of the multi-year nature and cost estimate of the project, program, or activity and written approval of the Committees on Appropriations: *Provided further*, That none of the funds identified for such transfer may be used for the purpose of any large-scale information technology modernization project.

SEC. 118. The Secretary of the Treasury shall submit a Capital Investment Plan to the Committees on Appropriations not later than 30 days following the submission of the annual budget for the Administration submitted by the President. Such Capital Investment Plan shall include capital investment spending included in the annual budget for the administration on programs, projects, or activities of the Department of the Treasury from all accounts within the Department of the Treasury, including but not limited to the Department-wide Systems and Capital Investment Programs account, the Working Capital Fund account, and the Treasury Forfeiture Fund account. Such Capital Investment Plan shall include expenditures occurring in previous fiscal years for each capital investment project that has not been fully completed.

This title may be cited as the ''Department of the Treasury Appropriations Act, 2011''.

## TITLE II

## EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

### COMPENSATION OF THE PRESIDENT

For compensation of the President, including an expense allowance at the rate of $50,000 per annum as authorized by 3 U.S.C. 102, $450,000: *Provided*, That none of the funds made available for official expenses shall be expended for any other purpose and any unused amount shall revert to the Treasury pursuant to 31 U.S.C. 1552.

### THE WHITE HOUSE

#### SALARIES AND EXPENSES

For necessary expenses for the White House as authorized by law, including not to exceed $3,850,000 for services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 105; subsistence expenses as authorized by 3 U.S.C. 105, which shall be expended and accounted for as provided in that section; hire of passenger motor vehicles, newspapers, periodicals, teletype news service, and travel (not to exceed $100,000 to be expended and accounted for as provided by 3 U.S.C. 103); and not to exceed $19,000 for official entertainment expenses, to be available for allocation within the Executive Office of the President; and for necessary expenses of the Office of Policy Development, including services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107, $59,859,000, of which not less than $1,400,000 shall be for the Office of National AIDS Policy.

### EXECUTIVE RESIDENCE AT THE WHITE HOUSE

#### OPERATING EXPENSES

For the care, maintenance, repair and alteration, refurnishing, improvement, heating, and lighting, including electric power and fixtures, of the Executive Residence at the White House and official entertainment expenses of the President, $14,006,000, to be expended and accounted for as provided by 3 U.S.C. 105, 109, 110, and 112–114.

#### REIMBURSABLE EXPENSES

For the reimbursable expenses of the Executive Residence at the White House, such sums as may be necessary: *Provided*, That all reimbursable operating expenses of the Executive Residence shall be made in accordance with the provisions of this paragraph: *Provided further*, That, notwithstanding any other provision of law, such amount for reimbursable operating expenses shall be the exclusive authority of the Executive Residence to incur obligations and to receive offsetting collections, for such expenses: *Provided further*, That the Executive Residence shall require each person sponsoring a reimbursable political event to pay in advance an amount equal to the estimated cost of the event, and all such advance payments shall be credited to this account and remain available until expended: *Provided further*, That the Executive Residence shall require the national committee of the political party of the President to maintain on deposit $25,000, to be separately accounted for and available for expenses relating to reimbursable political events sponsored by such committee during such fiscal year: *Provided further*, That the Executive Residence shall ensure that a written notice of any amount owed for a reimbursable operating expense under this paragraph is submitted to the person owing such amount within 60 days after such expense is incurred, and that such amount is collected within 30 days after the submission of such notice: *Provided further*, That the Executive Residence shall charge interest and assess penalties and other charges on any such amount that is not reimbursed within such 30 days, in accordance with the interest and penalty provisions applicable to an outstanding debt on a United States Government claim under 31 U.S.C. 3717: *Provided further*, That each such amount that is reimbursed, and any accompanying interest and charges, shall be deposited in the Treasury as miscellaneous receipts: *Provided further*, That the Executive Residence shall prepare and submit to the Committees on Appropriations, by not later than 90 days after the end of the fiscal year covered by this Act, a report setting forth the reimbursable operating expenses of the Executive Residence during the preceding fiscal year, including the total amount of such expenses, the amount of such total that consists of reimbursable official and ceremonial events, the amount of such total that consists of reimbursable political events, and the portion of each such amount that has been reimbursed as of the date of the report: *Provided further*, That the Executive Residence shall maintain a system for the tracking of expenses related to reimbursable events within the Executive Residence that includes a standard for the classification of any such expense as political or nonpolitical: *Provided further*, That no provision of this paragraph may be construed to exempt the Executive Residence from any other applicable requirement of subchapter I or II of chapter 37 of title 31, United States Code.

#### WHITE HOUSE REPAIR AND RESTORATION

For the repair, alteration, and improvement of the Executive Residence at the White House, $2,005,000, to remain available until expended, for required maintenance, resolution of safety and health issues, and continued preventative maintenance.

### COUNCIL OF ECONOMIC ADVISERS

#### SALARIES AND EXPENSES

For necessary expenses of the Council of Economic Advisers in carrying out its functions under the Employment Act of 1946 (15 U.S.C. 1021 et seq.), $4,403,000.

NATIONAL SECURITY COUNCIL AND HOMELAND SECURITY COUNCIL

SALARIES AND EXPENSES

For necessary expenses of the National Security Council and the Homeland Security Council, including services as authorized by 5 U.S.C. 3109, $14,134,000.

OFFICE OF ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Administration, including services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107, and hire of passenger motor vehicles, $115,280,000, of which $12,777,000 shall remain available until expended for continued modernization of the information technology infrastructure within the Executive Office of the President.

OFFICE OF MANAGEMENT AND BUDGET

SALARIES AND EXPENSES

For necessary expenses of the Office of Management and Budget (OMB), including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109 and to carry out the provisions of chapter 35 of title 44, U.S.C., $92,863,000, of which not to exceed $3,000 shall be available for official representation expenses: *Provided*, That none of the funds appropriated in this Act for OMB may be used for the purpose of reviewing any agricultural marketing orders or any activities or regulations under the provisions of the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 601 et seq.): *Provided further*, That none of the funds made available for OMB by this Act may be expended for the altering of the transcript of actual testimony of witnesses, except for testimony of officials of OMB, before the Committees on Appropriations or their subcommittees: *Provided further*, That none of the funds provided in this or prior Acts shall be used, directly or indirectly, by OMB, for evaluating or determining if water resource project or study reports submitted by the Chief of Engineers acting through the Secretary of the Army are in compliance with all applicable laws, regulations, and requirements relevant to the Civil Works water resource planning process: *Provided further*, That OMB shall have not more than 60 days in which to perform budgetary policy reviews of water resource matters on which the Chief of Engineers has reported: *Provided further*, That the Director of OMB shall notify the appropriate authorizing and appropriating committees when the 60-day review is initiated: *Provided further*, That if water resource reports have not been transmitted to the appropriate authorizing and appropriating committees within 15 days after the end of the OMB review period based on the notification from the Director, Congress shall assume OMB concurrence with the report and act accordingly.

GOVERNMENT-WIDE MANAGEMENT COUNCILS

(INCLUDING TRANSFER OF FUNDS)

Notwithstanding 31 U.S.C. 1346 and section 708 of this Act, the head of each Executive department and agency is hereby authorized to transfer to or reimburse ''General Services Administration, Government-wide Policy'' with the approval of the Director of the Office of Management and Budget (OMB), funds made available for fiscal year 2011 by this or any other Act, including rebates from charge card and other contracts: *Provided*, That these funds shall be administered by the Administrator of General Services to support Government-wide and other multi-agency financial, information technology, procurement, and other management innovations, initiatives, and activities, as approved by the Director of OMB, in consultation with the appropriate interagency and multi-agency groups designated by the Director, including the President's Management Council for overall management improvement initiatives, the Chief Financial Officers Council for financial management initiatives, the Chief Information Officers Council for information technology initiatives, the Chief Human Capital Officers Council for human capital initiatives, the Chief Acquisition Officers Council for procurement initiatives, and the Performance Improvement Council for performance improvement initiatives: *Provided further*, That the total funds transferred or reimbursed shall not exceed $17,000,000: *Provided further*, That the funds transferred to or for reimbursement of ''General Services Administration, Government-wide Policy'' during fiscal year 2011 shall remain available for obligation through September 30, 2012: *Provided further*, That such transfers or reimbursements may only be made following written approval of the Committees on Appropriations.

OFFICE OF NATIONAL DRUG CONTROL POLICY

SALARIES AND EXPENSES

For necessary expenses of the Office of National Drug Control Policy; for research activities pursuant to the Office of National Drug Control Policy Reauthorization Act of 2006 (Public Law 109–469); not to exceed $10,000 for official reception and representation expenses; and for participation in joint projects or in the provision of services on matters of mutual interest with nonprofit, research, or public organizations or agencies, with or without reimbursement, $27,900,000; of which up to $1,235,000 may remain available until expended upon receipt of an expenditure plan for policy research and evaluation: *Provided*, That the Office is authorized to accept, hold, administer, and utilize gifts, both real and personal, public and private, without fiscal year limitation, for the purpose of aiding or facilitating the work of the Office.

FEDERAL DRUG CONTROL PROGRAMS

HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Office of National Drug Control Policy's High Intensity Drug Trafficking Areas Program, $239,000,000, to remain available until September 30, 2012, for drug control activities consistent with the approved strategy for each of the designated High Intensity Drug Trafficking Areas (''HIDTAs''), of which not less than 51 percent shall be transferred to State and local entities for drug control activities and shall be obligated not later than 120 days after enactment of this Act: *Provided*, That up to 49 percent may be transferred to Federal agencies and departments in amounts determined by the Director of the Office of National Drug Control Policy (''the Director''), of which up to $2,700,000 may be used for auditing services and associated activities (including up to $500,000 to ensure the continued operation and maintenance of the Performance Management System): *Provided further*, That, notwithstanding the requirements of Public Law 106–58, any unexpended funds obligated prior to fiscal year 2009 may be used for any other approved activities of that High Intensity Drug Trafficking Area, subject to reprogramming requirements: *Provided further*, That each High Intensity Drug Trafficking Area designated as of September 30, 2010, shall be funded at not less than the fiscal year 2010 base level, unless the Director submits to the Committees on Appropriations justification for changes to those levels based on clearly articulated priorities and published Office of National Drug Control Policy performance measures of effectiveness: *Provided further*, That the Director shall notify the Committees on Appropriations of the initial allocation of fiscal year 2011 funding among HIDTAs not later than 45 days after enactment of this Act, and shall notify the Committees of planned uses of discretionary HIDTA funding, as determined in consultation with the HIDTA Directors, not later than 90 days after enactment of this Act.

OTHER FEDERAL DRUG CONTROL PROGRAMS

(INCLUDING TRANSFERS OF FUNDS)

For other drug control activities authorized by the Office of National Drug Control Policy Reauthorization Act of 2006 (Public Law 109–469), $150,825,000, to remain available until expended, which shall be available as follows: $40,000,000 to support a national media campaign; $96,000,000 for the Drug-Free Communities Program, of which $2,000,000 shall be made available as directed by section 4 of Public Law 107–82, as amended by Public Law 109–469 (21 U.S.C. 1521 note); $1,500,000 for the National Drug Court Institute; $10,000,000 for the United States Anti-Doping Agency for anti-doping activities; $1,900,000 for the United States membership dues to the World Anti-Doping Agency; $1,187,500 for the National Alliance for Model State Drug Laws; and $237,500 for evaluations and research related to National Drug Control Program performance measures, which may be transferred to other Federal departments and agencies to carry out such activities.

UNANTICIPATED NEEDS

For expenses necessary to enable the President to meet unanticipated needs, in furtherance of the national interest, security, or defense which may arise at home or abroad during the current fiscal year, as authorized by 3 U.S.C. 108, $1,000,000, to remain available until September 30, 2012.

INTEGRATED, EFFICIENT AND EFFECTIVE USES OF INFORMATION TECHNOLOGY

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the furtherance of integrated, efficient, and effective uses of information technology in the Federal Government, including the development and operation of government-wide shared information technology services, the implementation of consolidated, resource-saving and energy-efficient platforms, and the development and operation of information technology security services and the provision of architectural expertise to promote interagency interoperability, $37,500,000, to remain available until September 30, 2013: *Provided*, That the Director of the Office of Management and Budget (OMB) may transfer these funds to one or more Federal agencies to carry out projects to meet these purposes: *Provided further*, That such transfers may only be made following written approval of the Committees on Appropriations: *Provided further*, That the Director of OMB shall submit a progress report to the Committees on Appropriations not later than March 31, 2011 and semiannually thereafter until the program is completed, including detailed information on goals, objectives, performance measures, and evaluations of the program in general and of each specific project funded pursuant to this initiative.

SPECIAL ASSISTANCE TO THE PRESIDENT

SALARIES AND EXPENSES

For necessary expenses to enable the Vice President to provide assistance to the President in connection with specially assigned functions; services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 106, including subsistence expenses as authorized by 3 U.S.C. 106, which shall be expended and accounted for as provided in that section; and hire of passenger motor vehicles, $4,657,000.

OFFICIAL RESIDENCE OF THE VICE PRESIDENT

OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For the care, operation, refurnishing, improvement, and to the extent not otherwise provided for, heating and lighting, including electric power and fixtures, of the official residence of the Vice President; the hire of passenger motor vehicles; and not to exceed $90,000 for official entertainment expenses of the Vice President, to be accounted for solely on his certificate, $335,000: *Provided*, That advances or repayments or transfers from this appropriation may be made to any department or agency for expenses of carrying out such activities.

ADMINISTRATIVE PROVISIONS—EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

(INCLUDING TRANSFERS OF FUNDS)

SEC. 201. From funds made available in this Act under the headings ''The White House'', ''Executive Residence at the White House'', ''White House Repair and Restoration'', ''Council of Economic Advisers'', ''National Security Council and Homeland Security Council'', ''Office of Administration'', ''Special Assistance to the President'', and ''Official Residence of the Vice President'', the Director of the Office of Management and Budget (or such other officer as the President may designate in writing), may, 15 days after giving notice to the Committees on Appropriations, transfer not to exceed 10 percent of any such appropriation to any other such appropriation, to be merged with and available for the same time and for the same purposes as the appropriation to which transferred: *Provided*, That the amount of an appropriation shall not be increased by more than 50 percent by such transfers: *Provided further*, That no amount shall be transferred from ''Special Assistance to the President'' or ''Official Residence of the Vice President'' without the approval of the Vice President.

SEC. 202. The Director of the Office of National Drug Control Policy shall submit to the Committees on Appropriations not later than 60 days after the date of enactment of this Act, and prior to the initial obligation of more than 20 percent of the funds appropriated in any account under the heading ''Office of National Drug Control Policy'', a detailed narrative and financial plan on the proposed uses of all funds under the account by program, project, and activity: *Provided*, That the reports required by this section shall be updated and submitted to the Committees on Appropriations every 6 months and shall include information detailing how the estimates and assumptions contained in previous reports have changed: *Provided further*, That any new projects and changes in funding of ongoing projects shall be subject to the prior approval of the Committees on Appropriations.

SEC. 203. Not to exceed 2 percent of any appropriations in this Act made available to the Office of National Drug Control Policy may be transferred between appropriated programs upon the advance approval of the Committees on Appropriations: *Provided*, That no transfer may increase or decrease any such appropriation by more than 3 percent.

SEC. 204. Not to exceed $1,000,000 of any appropriations in this Act made available to the Office of National Drug Control Policy may be reprogrammed among object class, program, project, or activity upon the advance approval of the Committees on Appropriations.

This title may be cited as the ''Executive Office of the President Appropriations Act, 2011''.

TITLE III

THE JUDICIARY

SUPREME COURT OF THE UNITED STATES

SALARIES AND EXPENSES

For expenses necessary for the operation of the Supreme Court, as required by law, excluding care of the building and grounds, including purchase or hire, driving, maintenance, and operation of an automobile for the Chief Justice, not to exceed $10,000 for the purpose of transporting Associate Justices, and hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; not to exceed $10,000 for official reception and representation expenses; and for miscellaneous expenses, to be expended as the Chief Justice may approve, $77,758,000, of which $2,000,000 shall remain available until expended.

CARE OF THE BUILDING AND GROUNDS

For such expenditures as may be necessary to enable the Architect of the Capitol to carry out the duties imposed upon the Architect by 40 U.S.C. 6111 and 6112, $14,788,000, to remain available until expended, of which $5,000,000 may not be obligated or expended until the Committee on Appropriations receives a detailed capital improvements report as required by Senate Report 111–238, filed on July 29, 2010.

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

SALARIES AND EXPENSES

For salaries of the chief judge, judges, and other officers and employees, and for necessary expenses of the court, as authorized by law, $34,273,000.

UNITED STATES COURT OF INTERNATIONAL TRADE

SALARIES AND EXPENSES

For salaries of the chief judge and eight judges, salaries of the officers and employees of the court, services, and necessary expenses of the court, as authorized by law, $22,251,000.

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For the salaries of circuit and district judges (including judges of the territorial courts of the United States), justices and judges retired from office or from regular active service, judges of the United States Court of Federal Claims, bankruptcy judges, magistrate judges, and all other officers and employees of the Federal Judiciary not otherwise specifically provided for, and necessary expenses of the courts, as authorized by law, $5,177,568,000 (including the purchase of firearms and ammunition); of which not to exceed $27,817,000 shall remain available until expended for space alteration projects and for furniture and furnishings related to new space alteration and construction projects.

In addition, for expenses of the United States Court of Federal Claims associated with processing cases under the National Childhood Vaccine Injury Act of 1986 (Public Law 99–660), not to exceed $4,785,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

DEFENDER SERVICES

For the operation of Federal Defender organizations; the compensation and reimbursement of expenses of attorneys appointed to represent persons under 18 U.S.C. 3006A, and also under 18 U.S.C. 3599, in cases in which a defendant is charged with a crime that may be punishable by death; the compensation and reimbursement of expenses of persons furnishing investigative, expert, and other services under 18 U.S.C. 3006A(e), and also under 18 U.S.C. 3599(f) and (g)(2), in cases in which a defendant is charged with a crime that may be punishable by death; the compensation (in accordance with the maximums under 18 U.S.C. 3006A) and reimbursement of expenses of attorneys appointed to assist the court in criminal cases where the defendant has waived representation by counsel; the compensation and reimbursement of travel expenses of guardians ad litem, appointed under 18 U.S.C. 4100(b); acting on behalf of financially eligible minor or incompetent offenders in connection with transfers from the United States to foreign countries with which the United States has a treaty for the execution of penal sentences (18 U.S.C. 4109(b)); the compensation and reimbursement of expenses of attorneys appointed to represent jurors in civil actions for the protection of their employment, as authorized by 28 U.S.C. 1875(d)(1); the compensation and reimbursement of expenses of attorneys appointed under 18 U.S.C. 983(b)(1) in connection with certain judicial civil forfeiture proceedings; and for necessary training and general administrative expenses, $1,050,458,000, to remain available until expended.

FEES OF JURORS AND COMMISSIONERS

For fees and expenses of jurors as authorized by 28 U.S.C. 1871 and 1876; compensation of jury commissioners as authorized by 28 U.S.C. 1863; and compensation of commissioners appointed in condemnation cases pursuant to rule 71.1(h) of the Federal Rules of Civil Procedure (28 U.S.C. Appendix Rule 71.1(h)), $52,410,000, to remain available until expended: *Provided*, That the compensation of land commissioners shall not exceed the daily equivalent of the highest rate payable under 5 U.S.C. 5332.

COURT SECURITY

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses, not otherwise provided for, incident to the provision of protective guard services for United States courthouses and other facilities housing Federal court operations, and the procurement, installation, and maintenance of security systems and equipment for United States courthouses and other facilities housing Federal court operations, including building ingress-egress control, inspection of mail and packages, directed security patrols, perimeter security, basic security services provided by the Federal Protective Service, and other similar activities as authorized by section 1010 of the Judicial Improvement and Access to Justice Act (Public Law 100–702), $489,753,000, of which not to exceed $15,000,000 shall remain available until expended, to be expended directly or transferred to the United States Marshals Service, which shall be responsible for administering the Judicial Facility Security Program consistent with standards or guidelines agreed to by the Director of the Administrative Office of the United States Courts and the Attorney General.

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

SALARIES AND EXPENSES

For necessary expenses of the Administrative Office of the United States Courts as authorized by law, including travel as authorized by 31 U.S.C. 1345, hire of a passenger motor vehicle as authorized by 31 U.S.C. 1343(b), advertising and rent in the District of Columbia and elsewhere, $86,968,000, of which not to exceed $8,500 is authorized for official reception and representation expenses.

FEDERAL JUDICIAL CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Judicial Center, as authorized by Public Law

90–219, $28,284,000; of which $1,800,000 shall remain available through September 30, 2012, to provide education and training to Federal court personnel; and of which not to exceed $1,500 is authorized for official reception and representation expenses.

JUDICIAL RETIREMENT FUNDS

PAYMENT TO JUDICIARY TRUST FUNDS

For payment to the Judicial Officers' Retirement Fund, as authorized by 28 U.S.C. 377(o), $79,061,400; to the Judicial Survivors' Annuities Fund, as authorized by 28 U.S.C. 376(c), $7,300,000; and to the United States Court of Federal Claims Judges' Retirement Fund, as authorized by 28 U.S.C. 178(l), $4,000,000.

UNITED STATES SENTENCING COMMISSION

SALARIES AND EXPENSES

For the salaries and expenses necessary to carry out the provisions of chapter 58 of title 28, U.S.C., $17,595,000, of which not to exceed $1,000 is authorized for official reception and representation expenses.

ADMINISTRATIVE PROVISIONS—THE JUDICIARY

(INCLUDING TRANSFER OF FUNDS)

SEC. 301. Appropriations and authorizations made in this title which are available for salaries and expenses shall be available for services as authorized by 5 U.S.C. 3109.

SEC. 302. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Judiciary in this Act may be transferred between such appropriations, but no such appropriation, except ''Courts of Appeals, District Courts, and Other Judicial Services, Defender Services'' and ''Courts of Appeals, District Courts, and Other Judicial Services, Fees of Jurors and Commissioners'', shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under sections 604 and 608 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in section 608.

SEC. 303. Notwithstanding any other provision of law, the salaries and expenses appropriation for ''Courts of Appeals, District Courts, and Other Judicial Services'' shall be available for official reception and representation expenses of the Judicial Conference of the United States: *Provided*, That such available funds shall not exceed $11,000 and shall be administered by the Director of the Administrative Office of the United States Courts in the capacity as Secretary of the Judicial Conference.

SEC. 304. Within 90 days after the date of the enactment of this Act, the Administrative Office of the U.S. Courts shall submit to the Committees on Appropriations a comprehensive financial plan for the Judiciary allocating all sources of available funds including appropriations, fee collections, and carryover balances, to include a separate and detailed plan for the Judiciary Information Technology Fund, which will establish the baseline for application of reprogramming and transfer authorities for the current fiscal year.

SEC. 305. Section 3314(a) of title 40, United States Code, shall be applied by substituting ''Federal'' for ''executive'' each place it appears.

SEC. 306. In accordance with 28 U.S.C. 561–569, and notwithstanding any other provision of law, the United States Marshals Service shall provide, for such courthouses as its Director may designate in consultation with the Director of the Administrative Office of the United States Courts, for purposes of a pilot program, the security services that 40 U.S.C. 1315 authorizes the Department of Homeland Security to provide, except for the services specified in 40 U.S.C. 1315(b)(2)(E). For building-specific security services at these courthouses, the Director of the Administrative Office of the United States Courts shall reimburse the United States Marshals Service rather than the Department of Homeland Security.

SEC. 307. Section 203(c) of the Judicial Improvements Act of 1990 (Public Law 101–650; 28 U.S.C. 133 note), is amended—

(1) in the third sentence (relating to the District of Kansas), by striking ''19 years'' and inserting ''20 years, plus any additional periods of time in which funding for the judiciary in fiscal year 2012 is provided by continuing resolutions'';

(2) in the sixth sentence (relating to the Northern District of Ohio), by striking ''19 years'' and inserting ''20 years, plus any additional periods of time in which funding for the judiciary in fiscal year 2012 is provided by continuing resolutions''; and

(3) in the seventh sentence (relating to the District of Hawaii), by striking ''16 years'' and inserting ''17 years, plus any additional periods of time in which funding for the judiciary in fiscal year 2012 is provided by continuing resolutions''.

This title may be cited as the ''Judiciary Appropriations Act, 2011''.

TITLE IV

DISTRICT OF COLUMBIA

FEDERAL FUNDS

FEDERAL PAYMENT FOR RESIDENT TUITION SUPPORT

For a Federal payment to the District of Columbia, to be deposited into a dedicated account, for a nationwide program to be administered by the Mayor, for District of Columbia resident tuition support, $35,100,000, to remain available until expended: *Provided*, That such funds, including any interest accrued thereon, may be used on behalf of eligible District of Columbia residents to pay an amount based upon the difference between in-State and out-of-State tuition at public institutions of higher education, or to pay up to $2,500 each year at eligible private institutions of higher education: *Provided further*, That the awarding of such funds may be prioritized on the basis of a resident's academic merit, the income and need of eligible students and such other factors as may be authorized: *Provided further*, That the District of Columbia government shall maintain a dedicated account for the Resident Tuition Support Program that shall consist of the Federal funds appropriated to the Program in this Act and any subsequent appropriations, any unobligated balances from prior fiscal years, and any interest earned in this or any fiscal year: *Provided further*, That the account shall be under the control of the District of Columbia Chief Financial Officer, who shall use those funds solely for the purposes of carrying out the Resident Tuition Support Program: *Provided further*, That the Office of the Chief Financial Officer shall provide a quarterly financial report to the Committees on Appropriations for these funds showing, by object class, the expenditures made and the purpose therefor.

FEDERAL PAYMENT FOR EMERGENCY PLANNING AND SECURITY COSTS IN THE DISTRICT OF COLUMBIA

For a Federal payment of necessary expenses, as determined by the Mayor of the District of Columbia in written consultation with the elected county or city officials of surrounding jurisdictions, $15,000,000, to remain available until expended and in addition any funds that remain available from prior year appropriations under this heading for the District of Columbia Government, for the costs of providing public safety at events related to the presence of the national capital in the District of Columbia, including support requested by the Director of the United States Secret Service Division in carrying out protective duties under the direction of the Secretary of Homeland Security, and for the costs of providing support to respond to immediate and specific terrorist threats or attacks in the District of Columbia or surrounding jurisdictions.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA COURTS

For salaries and expenses for the District of Columbia Courts, $258,168,000 to be allocated as follows: for the District of Columbia Court of Appeals, $12,998,000, of which not to exceed $2,500 is for official reception and representation expenses; for the District of Columbia Superior Court, $110,149,000, of which not to exceed $2,500 is for official reception and representation expenses; for the District of Columbia Court System, $65,371,000, of which not to exceed $2,500 is for official reception and representation expenses; and $69,650,000, to remain available until September 30, 2012, for capital improvements for District of Columbia courthouse facilities, including structural improvements to the District of Columbia cell block at the Moultrie Courthouse, of which $13,670,000 is for renovation of courtrooms and chambers in the Moultrie Courthouse: *Provided*, That funds made available for capital improvements shall be expended consistent with the General Services Administration (GSA) master plan study and building evaluation report: *Provided further*, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies, with payroll and financial services to be provided on a contractual basis with the GSA, and such services shall include the preparation of monthly financial reports, copies of which shall be submitted directly by GSA to the President and to the Committees on Appropriations, the House Committee on Oversight and Government Reform, and the Senate Committee on Homeland Security and Governmental Affairs: *Provided further*, That upon prior approval of the Committees on Appropriations, the District of Columbia Courts may reallocate not more than 10 percent of the funds provided under this heading among the items and entities funded under this heading for operations but no such allocation shall be increased by more than 10 percent.

FEDERAL PAYMENT FOR DEFENDER SERVICES IN DISTRICT OF COLUMBIA COURTS

For payments authorized under section 11–2604 and section 11–2605, D.C. Official Code (relating to representation provided under the District of Columbia Criminal Justice Act), payments for counsel appointed in proceedings in the Family Court of the Superior Court of the District of Columbia under chapter 23 of title 16, D.C. Official Code, or pursuant to contractual agreements to provide guardian ad litem representation, training, technical assistance, and such other services as are necessary to improve the quality of guardian ad litem representation, payments for counsel appointed in adoption proceedings under chapter 3 of title 16, D.C. Official Code, and payments for counsel authorized under section 21–2060, D.C. Official Code (relating to representation provided under the District of Columbia Guardianship, Protective Proceedings, and Durable Power of Attorney Act of 1986), $55,000,000, to remain available until expended: *Provided*, That funds provided under this heading shall be administered by the Joint Committee on Judicial Administration in the District of

Columbia: *Provided further*, That notwithstanding any other provision of law, this appropriation shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for expenses of other Federal agencies, with payroll and financial services to be provided on a contractual basis with the General Services Administration (GSA), and such services shall include the preparation of monthly financial reports, copies of which shall be submitted directly by GSA to the President and to the Committees on Appropriations, the House Committee on Oversight and Government Reform, and the Senate Committee on Homeland Security and Governmental Affairs.

FEDERAL PAYMENT TO THE COURT SERVICES AND OFFENDER SUPERVISION AGENCY FOR THE DISTRICT OF COLUMBIA

For salaries and expenses, including the transfer and hire of motor vehicles, of the Court Services and Offender Supervision Agency for the District of Columbia, as authorized by the National Capital Revitalization and Self-Government Improvement Act of 1997, $217,783,000, of which not to exceed $2,000 is for official reception and representation expenses related to Community Supervision and Pretrial Services Agency programs; of which not to exceed $25,000 is for dues and assessments relating to the implementation of the Court Services and Offender Supervision Agency Interstate Supervision Act of 2002; of which $1,000,000 shall remain available until September 30, 2013 for relocation of the Pretrial Services Agency drug testing laboratory; of which $156,472,000 shall be for necessary expenses of Community Supervision and Sex Offender Registration, to include expenses relating to the supervision of adults subject to protection orders or the provision of services for or related to such persons; of which $61,311,000 shall be available to the Pretrial Services Agency: *Provided*, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies: *Provided further*, That not less than $1,500,000 shall be available for re-entrant housing in the District of Columbia: *Provided further*, That the Director is authorized to accept and use gifts in the form of in-kind contributions of space and hospitality to support offender and defendant programs, and equipment and vocational training services to educate and train offenders and defendants: *Provided further*, That the Director shall keep accurate and detailed records of the acceptance and use of any gift or donation under the previous proviso, and shall make such records available for audit and public inspection: *Provided further*, That the Court Services and Offender Supervision Agency Director is authorized to accept and use reimbursement from the District of Columbia Government for space and services provided on a cost reimbursable basis.

FEDERAL PAYMENT TO THE PUBLIC DEFENDER SERVICE FOR THE DISTRICT OF COLUMBIA

For salaries and expenses, including the transfer and hire of motor vehicles, of the District of Columbia Public Defender Service, as authorized by the National Capital Revitalization and Self-Government Improvement Act of 1997, $40,690,000: *Provided*, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of Federal agencies.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

For a Federal payment to the District of Columbia Water and Sewer Authority, $25,000,000, to remain available until expended, to continue implementation of the Combined Sewer Overflow Long-Term Plan: *Provided*, That the District of Columbia Water and Sewer Authority provides a 100 percent match for this payment.

FEDERAL PAYMENT TO THE CRIMINAL JUSTICE COORDINATING COUNCIL

For a Federal payment to the Criminal Justice Coordinating Council, $1,800,000, to remain available until expended, to support initiatives related to the coordination of Federal and local criminal justice resources in the District of Columbia.

FEDERAL PAYMENT FOR JUDICIAL COMMISSIONS

For a Federal payment, to remain available until September 30, 2012, to the Commission on Judicial Disabilities and Tenure, $295,000, and for the Judicial Nomination Commission, $205,000.

FEDERAL PAYMENT TO THE OFFICE OF THE CHIEF FINANCIAL OFFICER FOR THE DISTRICT OF COLUMBIA

For a Federal payment to the Office of the Chief Financial Officer for the District of Columbia, $1,475,000, in the amounts and for the projects specified in the table that appears under the heading ''Federal Payment to the Office of the Chief Financial Officer for the District of Columbia'' in the explanatory statement described in section 4: *Provided*, That each entity that receives funding under this heading shall submit to the Office of the Chief Financial Officer for the District of Columbia (CFO), not later than 60 days after enactment of this Act, a detailed budget and comprehensive description of the activities to be carried out with such funds, and the CFO shall submit a comprehensive report to the Committees on Appropriations not later than June 1, 2011.

FEDERAL PAYMENT FOR SCHOOL IMPROVEMENT

For a Federal payment for a school improvement program in the District of Columbia, $72,400,000, to be allocated as follows: for the District of Columbia Public Schools, $43,000,000 to improve public school education in the District of Columbia; for the State Education Office, $20,000,000 to expand quality public charter schools in the District of Columbia, to remain available until expended; for the Secretary of the Department of Education, $9,400,000 to provide opportunity scholarships for students in the District of Columbia in accordance with title III of division C of the District of Columbia Appropriations Act, 2004 (Public Law 108–199; 118 Stat. 126), to remain available until expended, of which up to $1,000,000 may be used to administer and fund assessments: *Provided*, That notwithstanding the second proviso under this heading in Public Law 111–8, funds provided herein may only be used to provide opportunity scholarships to students who received scholarships in the 2010–2011 school year: *Provided further*, That funds available under this heading for opportunity scholarships, including from prior-year appropriations Acts, may be made available only for scholarships to students who received scholarships in the 2010–2011 school year: *Provided further*, That none of the funds provided in this Act or any other Act for opportunity scholarships may be used by an eligible student to enroll in a participating school under the DC School Choice Incentive Act of 2003 unless (1) the participating school has and maintains a valid certificate of occupancy issued by the District of Columbia; (2) the core subject matter teachers of the eligible student hold 4-year bachelor's degrees; and (3) the participating school is in compliance with the accreditation and other standards prescribed under the District of Columbia compulsory school attendance laws that apply to educational institutions not affiliated with the District of Columbia Public Schools: *Provided further*, That the Secretary of Education shall ensure that site inspections of participating schools are conducted at least twice annually.

FEDERAL PAYMENT FOR THE DISTRICT OF COLUMBIA NATIONAL GUARD

For a Federal payment to the District of Columbia National Guard, $1,375,000, to remain available until expended for the District of Columbia National Guard, of which $375,000 shall be available for the ''Major General David F. Wherley, Jr. District of Columbia National Guard Retention and College Access Program''.

FEDERAL PAYMENT FOR HOUSING FOR THE HOMELESS

For a Federal payment to the District of Columbia, $10,000,000, to remain available until September 30, 2012, to support permanent supportive housing programs in the District.

FEDERAL PAYMENT FOR REDEVELOPMENT OF THE ST. ELIZABETHS HOSPITAL CAMPUS

For a Federal payment to the District of Columbia, $2,000,000, to remain available until September 30, 2012, for planning activities to support redevelopment efforts at the site of the former St. Elizabeths Hospital in the District of Columbia.

FEDERAL PAYMENT FOR HIV/AIDS PREVENTION

For a Federal payment to the District of Columbia, $5,000,000, to remain available until September 30, 2012, to support initiatives designed to reduce the incidence of human immunodeficiency virus and acquired immunodeficiency syndrome in the District of Columbia.

DISTRICT OF COLUMBIA FUNDS

The following amounts are appropriated for the District of Columbia for the current fiscal year out of the General Fund of the District of Columbia (''General Fund''), except as otherwise specifically provided: *Provided*, That notwithstanding any other provision of law, except as provided in section 450A of the District of Columbia Home Rule Act, (114 Stat. 2440; D.C. Official Code, section 1–204.50a) and provisions of the Fiscal Year 2011 Budget Request Act, the total amount appropriated in this Act for operating expenses for the District of Columbia for fiscal year 2011 under this heading shall not exceed the lesser of the sum of the total revenues of the District of Columbia for such fiscal year or $10,440,946,000 (of which $5,790,842,000 shall be from local funds, (including $402,685,000 from dedicated taxes), $2,611,497,000 shall be from Federal grant funds, $2,031,730,000 shall be from other funds, and $6,877,000 shall be from private funds); in addition, $169,650,000 from funds previously appropriated in this Act as Federal payments, which does not include funds appropriated under the American Recovery and Reinvestment Act of 2009: *Provided further*, That of the local funds, such amounts as may be necessary may be derived from the District's General Fund balance: *Provided further*, That of these funds the District's intradistrict authority shall be $567,683,000: in addition for capital construction projects, an increase of $1,390,591,000, of which $1,121,261,000 shall be from local funds, $46,350,000 from the District of Columbia Highway Trust fund, $32,523,000 from the Local Street Maintenance fund, $190,457,000 from Federal grant funds, and a rescission of $741,735,000 from local funds and a rescission of $145,874,000 from Local Street Maintenance

funds appropriated under this heading in prior fiscal years for a net amount of $502,983,000, to remain available until expended: *Provided further*, That the amounts provided under this heading are to be available, allocated and expended as proposed under title III of the Fiscal Year 2011 Budget Request Act of 2010 at the rate set forth under ''District of Columbia Funds Division of Expenses'' of the Fiscal Year 2011 Proposed Budget and Financial Plan submitted to the Congress of the United States by the District of Columbia: *Provided further*, That this amount may be increased by proceeds of one-time transactions, which are expended for emergency or unanticipated operating or capital needs: *Provided further*, That such increases shall be approved by enactment of local District law and shall comply with all reserve requirements contained in the District of Columbia Home Rule Act (87 Stat. 777; D.C. Official Code sec. 1–201.01 et seq.): *Provided further*, That the Chief Financial Officer of the District of Columbia shall take such steps as are necessary to assure that the District of Columbia meets these requirements, including the apportioning by the Chief Financial Officer of the appropriations and funds made available to the District during fiscal year 2011, except that the Chief Financial Officer may not reprogram for operating expenses any funds derived from bonds, notes, or other obligations issued for capital projects.

This title may be cited as the ''District of Columbia Appropriations Act, 2011''.

## TITLE V

## INDEPENDENT AGENCIES

### ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

SALARIES AND EXPENSES

For necessary expenses of the Administrative Conference of the United States, authorized by 5 U.S.C. 591 et seq., $2,800,000, to remain available until September 30, 2012, of which not to exceed $1,000 is for official reception and representation expenses.

### CHRISTOPHER COLUMBUS FELLOWSHIP FOUNDATION

SALARIES AND EXPENSES

For payment to the Christopher Columbus Fellowship Foundation, established by section 423 of Public Law 102–281, $750,000, to remain available until expended.

### COMMODITY FUTURES TRADING COMMISSION

For necessary expenses to carry out the provisions of the Commodity Exchange Act (7 U.S.C. 1 et seq.), including the purchase and hire of passenger motor vehicles, and the rental of space (to include multiple year leases) in the District of Columbia and elsewhere, $286,000,000, to remain available until September 30, 2012, including not to exceed $3,000 for official reception and representation expenses, and not to exceed $25,000 for the expenses for consultations and meetings hosted by the Commission with foreign governmental and other regulatory officials.

### CONSUMER PRODUCT SAFETY COMMISSION

SALARIES AND EXPENSES

(INCLUDING RESCISSION)

For necessary expenses of the Consumer Product Safety Commission, including hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable under 5 U.S.C. 5376, purchase of nominal awards to recognize non-Federal officials' contributions to Commission activities, and not to exceed $2,000 for official reception and representation expenses, $120,600,000, of which $2,000,000 shall remain available until September 30, 2012, for the grant program under section 1405 of the Virginia Graeme Baker Pool and Spa Safety Act (Public Law 110-140; 15 U.S.C. 8004): *Provided*, That of the amount made available under this heading for such program in title V of division C of Public Law 111–117, $2,000,000 are rescinded.

### ELECTION ASSISTANCE COMMISSION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the Help America Vote Act of 2002 (Public Law 107–252), $17,100,000, of which $3,250,000 shall be transferred to the National Institute of Standards and Technology for election reform activities authorized under the Help America Vote Act of 2002: *Provided*, That $750,000 shall be for the Help America Vote College Program as authorized by the Help America Vote Act of 2002: *Provided further*, That $300,000 shall be for a competitive grant program to support community involvement in student and parent mock elections.

ELECTION REFORM PROGRAMS

For purposes of determining the eligibility of a State to receive a requirements payment under part 1 of subtitle D of title II of the Help America Vote Act of 2002 (42 U.S.C. 15401 et seq.) for fiscal year 2011, any unobligated amount in the election fund of the State under section 254(b) of such Act which is attributable to interest earned on amounts appropriated to the fund by the State may, at the option of the State, be included under section 253(b)(5) of such Act.

### FEDERAL COMMUNICATIONS COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Communications Commission, as authorized by law, including uniforms and allowances therefor, as authorized by 5 U.S.C. 5901–5902; not to exceed $4,000 for official reception and representation expenses; purchase and hire of motor vehicles; special counsel fees; and services as authorized by 5 U.S.C. 3109, $355,500,000: *Provided*, That $355,500,000 of offsetting collections shall be assessed and collected pursuant to section 9 of title I of the Communications Act of 1934, shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: *Provided further*, That the sum herein appropriated shall be reduced as such offsetting collections are received during fiscal year 2011 so as to result in a final fiscal year 2011 appropriation estimated at $0: *Provided further*, That any offsetting collections received in excess of $355,500,000 in fiscal year 2011 shall not be available for obligation: *Provided further*, That remaining offsetting collections from prior years collected in excess of the amount specified for collection in each such year and otherwise becoming available on October 1, 2010, shall not be available for obligation: *Provided further*, That notwithstanding 47 U.S.C. 309(j)(8)(B), proceeds from the use of a competitive bidding system that may be retained and made available for obligation shall not exceed $85,000,000 for fiscal year 2011: *Provided further*, That of the amount appropriated under this heading, not less than $9,345,217 shall be for the salaries and expenses of the Office of Inspector General.

ADMINISTRATIVE PROVISIONS—FEDERAL COMMUNICATIONS COMMISSION

SEC. 501. Section 302 of the Universal Service Antideficiency Temporary Suspension Act is amended by striking ''December 31, 2010'', each place it appears and inserting ''December 31, 2011''.

SEC. 502. None of the funds appropriated by this Act may be used by the Federal Communications Commission to modify, amend, or change its rules or regulations for universal service support payments to implement the February 27, 2004 recommendations of the Federal-State Joint Board on Universal Service regarding single connection or primary line restrictions on universal service support payments.

### FEDERAL DEPOSIT INSURANCE CORPORATION

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, $47,916,000, to be derived from the Deposit Insurance Fund or, only when appropriate, the FSLIC Resolution Fund.

### FEDERAL ELECTION COMMISSION

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the Federal Election Campaign Act of 1971, $69,800,000, of which not to exceed $5,000 shall be available for reception and representation expenses.

### FEDERAL LABOR RELATIONS AUTHORITY

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Federal Labor Relations Authority, pursuant to Reorganization Plan Numbered 2 of 1978, and the Civil Service Reform Act of 1978, including services authorized by 5 U.S.C. 3109, and including hire of experts and consultants, hire of passenger motor vehicles, and including official reception and representation expenses (not to exceed $1,500) and rental of conference rooms in the District of Columbia and elsewhere, $26,000,000: *Provided*, That public members of the Federal Service Impasses Panel may be paid travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons employed intermittently in the Government service, and compensation as authorized by 5 U.S.C. 3109: *Provided further*, That notwithstanding 31 U.S.C. 3302, funds received from fees charged to non-Federal participants at labor-management relations conferences shall be credited to and merged with this account, to be available without further appropriation for the costs of carrying out these conferences.

### FEDERAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Trade Commission, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; and not to exceed $2,000 for official reception and representation expenses, $316,500,000, to remain available until expended: *Provided*, That not to exceed $300,000 shall be available for use to contract with a person or persons for collection services in accordance with the terms of 31 U.S.C. 3718: *Provided further*, That, notwithstanding any other provision of law, not to exceed $96,000,000 of offsetting collections derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18a), regardless of the year of collection, shall be retained and used for necessary expenses in this appropriation: *Provided further*, That, notwithstanding any other provision of law, not to exceed $21,000,000 in offsetting collections derived from fees sufficient to implement and enforce the Telemarketing Sales Rule, promulgated under the Telemarketing and Consumer Fraud and Abuse Prevention Act (15 U.S.C. 6101 et seq.), shall be credited to this account, and be retained and used for necessary expenses in this appropriation: *Provided further*, That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year 2011, so as to result in a final fiscal year 2011 appropriation from the general fund estimated at not more than

$199,500,000: *Provided further*, That none of the funds made available to the Federal Trade Commission may be used to implement subsection (e)(2)(B) of section 43 of the Federal Deposit Insurance Act (12 U.S.C. 1831t).

GENERAL SERVICES ADMINISTRATION

REAL PROPERTY ACTIVITIES

FEDERAL BUILDINGS FUND

LIMITATIONS ON AVAILABILITY OF REVENUE

Amounts in the Fund, including revenues and collections deposited into the Fund shall be available for necessary expenses of real property management and related activities not otherwise provided for, including operation, maintenance, and protection of federally owned and leased buildings; rental of buildings in the District of Columbia; restoration of leased premises; moving governmental agencies (including space adjustments and telecommunications relocation expenses) in connection with the assignment, allocation and transfer of space; contractual services incident to cleaning or servicing buildings, and moving; repair and alteration of federally owned buildings including grounds, approaches and appurtenances; care and safeguarding of sites; maintenance, preservation, demolition, and equipment; acquisition of buildings and sites by purchase, condemnation, or as otherwise authorized by law; acquisition of options to purchase buildings and sites; conversion and extension of federally owned buildings; preliminary planning and design of projects by contract or otherwise; construction of new buildings (including equipment for such buildings); and payment of principal, interest, and any other obligations for public buildings acquired by installment purchase and purchase contract; in the aggregate amount of $8,666,570,000, of which: (1) $492,722,000 shall remain available until expended for construction and acquisition (including funds for sites and expenses and associated design and construction services) of additional projects at the following locations:

New Construction:

Colorado:

Lakewood, Denver Federal Center Remediation, $7,957,000.

District of Columbia:

Washington, St. Elizabeths DHS Consolidation and Development, $267,675,000.

Washington, St. Elizabeths Historic Preservation Mitigation, $4,990,000.

Washington, St. Elizabeths Highway Interchange, $8,350,000.

Maine:

Calais, Ferry Point Land Port of Entry, $1,552,000.

Maryland:

White Oak, Food and Drug Administration Consolidation, $173,773,000.

Michigan:

Detroit, P. V. McNamara Federal Building FBI Garage, $3,658,000.

West Virginia:

Martinsburg, IRS Annex, $24,767,000:

*Provided*, That, for the new courthouse project in Salt Lake City, Utah, for which funds have been appropriated in Public Law 111–117 and other Acts, the total estimated cost, exclusive of any permitted escalations, shall not exceed $185,700,000: *Provided further*, That each of the foregoing limits of costs on new construction projects may be exceeded to the extent that savings are effected in other such projects, but not to exceed 10 percent of the amounts included in an approved prospectus, if required, unless advance approval is obtained from the Committees on Appropriations of a greater amount: *Provided further*, That all funds for direct construction projects shall expire on September 30, 2012 and remain in the Federal Buildings Fund except for funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date: *Provided further*, That for fiscal year 2012 and thereafter, the annual budget submission to Congress for the General Services Administration shall include a detailed 5-year plan for Federal building construction projects with a yearly update of total projected future funding needs: *Provided further*, That for fiscal year 2012 and thereafter, the annual budget submission to Congress for the General Services Administration shall, in consultation with U.S. Customs and Border Protection, include a detailed 5-year plan for Federal land port-of-entry projects with a yearly update of total projected future funding needs; (2) $500,014,000 shall remain available until expended for repairs and alterations, which includes associated design and construction services:

Repairs and Alterations:

California:

Richmond, Frank Hagel Federal Building, $113,620,000.

Van Nuys, James C. Corman Federal Building, $11,039,000.

District of Columbia:

Washington, West Wing Design Phase II, $6,245,000.

Indiana:

Indianapolis, Major General Emmett J. Bean Federal Center, $65,813,000.

New York:

New York, Daniel Patrick Moynihan United States Courthouse, $28,000,000.

Special Emphasis Programs:

Energy and Water Retrofit and Conservation Measures, $15,000,000.

Fire Prevention Program, $10,000,000.

Wellness and Fitness Program, $3,500,000.

Judiciary Capital Security Program, $20,000,000.

Basic Repairs and Alterations, $226,797,000:

*Provided further*, That funds made available in this or any previous Act in the Federal Buildings Fund for Repairs and Alterations shall, for prospectus projects, be limited to the amount identified for each project, except each project in this or any previous Act may be increased by an amount not to exceed 10 percent unless advance approval is obtained from the Committees on Appropriations of a greater amount: *Provided further*, That additional projects for which prospectuses have been fully approved may be funded under this category only if advance approval is obtained from the Committees on Appropriations: *Provided further*, That the amounts provided in this or any prior Act for ''Repairs and Alterations'' may be used to fund costs associated with implementing security improvements to buildings necessary to meet the minimum standards for security in accordance with current law and in compliance with the reprogramming guidelines of the appropriate Committees of the House and Senate: *Provided further*, That the difference between the funds appropriated and expended on any projects in this or any prior Act, under the heading ''Repairs and Alterations'', may be transferred to Basic Repairs and Alterations or used to fund authorized increases in prospectus projects: *Provided further*, That all funds for repairs and alterations prospectus projects shall expire on September 30, 2012 and remain in the Federal Buildings Fund except funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date: *Provided further*, That the amount provided in this or any prior Act for Basic Repairs and Alterations may be used to pay claims against the Government arising from any projects under the heading ''Repairs and Alterations'' or used to fund authorized increases in prospectus projects; (3) $135,540,000 for installment acquisition payments including payments on purchase contracts which shall remain available until expended; (4) $5,216,946,000 for rental of space which shall remain available until expended; and (5) $2,321,348,000 for building operations which shall remain available until expended: *Provided further*, That funds available to the General Services Administration shall not be available for expenses of any construction, repair, alteration and acquisition project for which a prospectus, if required by 40 U.S.C. 3307(a), has not been approved, except that necessary funds may be expended for each project for required expenses for the development of a proposed prospectus: *Provided further*, That funds available in the Federal Buildings Fund may be expended for emergency repairs when advance approval is obtained from the Committees on Appropriations: *Provided further*, That amounts necessary to provide reimbursable special services to other agencies under 40 U.S.C. 592(b)(2) and amounts to provide such reimbursable fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control as may be appropriate to enable the United States Secret Service to perform its protective functions pursuant to 18 U.S.C. 3056, shall be available from such revenues and collections: *Provided further*, That revenues and collections and any other sums accruing to this Fund during fiscal year 2011, excluding reimbursements under 40 U.S.C. 592(b)(2) in excess of the aggregate new obligational authority authorized for Real Property Activities of the Federal Buildings Fund in this Act shall remain in the Fund and shall not be available for expenditure except as authorized in appropriations Acts.

GENERAL ACTIVITIES

GOVERNMENT-WIDE POLICY

For expenses authorized by law, not otherwise provided for, for Government-wide policy and evaluation activities associated with the management of real and personal property assets and certain administrative services; Government-wide policy support responsibilities relating to acquisition, telecommunications, information technology management, and related technology activities; and services as authorized by 5 U.S.C. 3109 and the Office of Federal High Performance Green Buildings; $77,621,000.

OPERATING EXPENSES

For expenses authorized by law, not otherwise provided for, for Government-wide activities associated with utilization and donation of surplus personal property; disposal of real property; agency-wide policy direction, management, and communications; the Civilian Board of Contract Appeals; services as authorized by 5 U.S.C. 3109; and not to exceed $7,500 for official reception and representation expenses; $72,203,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General and service authorized by 5 U.S.C. 3109, $61,025,000: *Provided*, That not to exceed $15,000 shall be available for payment for information and detection of fraud against the Government, including payment for recovery of stolen Government property: *Provided further*, That not to exceed $2,500 shall be available for awards to employees of other Federal agencies and private citizens in recognition of efforts and initiatives resulting in enhanced Office of Inspector General effectiveness.

ELECTRONIC GOVERNMENT FUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in support of interagency projects that enable the Federal Government to expand its ability to conduct activities electronically, through the development and implementation of innovative uses

of the Internet and other electronic methods, $20,000,000, to remain available until expended: *Provided*, That these funds may be transferred to Federal agencies to carry out the purpose of the Fund: *Provided further*, That this transfer authority shall be in addition to any other transfer authority provided in this Act: *Provided further*, That such transfers may not be made until 15 days after a proposed spending plan and explanation for each project to be undertaken has been submitted to the Committees on Appropriations.

ALLOWANCES AND OFFICE STAFF FOR FORMER PRESIDENTS

For carrying out the provisions of 3 U.S.C. 102 note and Public Law 95–138, $3,907,000.

FEDERAL ACQUISITION WORKFORCE INITIATIVES FUND

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses in support of government-wide investments in the capacity and capabilities of the acquisition workforce, $10,000,000; of which $4,000,000 shall be available for salaries, curriculum development, competency management, certification management and career management: *Provided*, That up to 25 percent of the total amount appropriated herein may be transferred among such appropriations: *Provided further*, That these funds shall be administered by the Administrator of General Services, as approved by the Director of OMB: *Provided further*, That such funds may be transferred to Federal agencies, as approved by the Director of OMB, to carry out the purposes provided herein: *Provided further*, That this transfer authority is in addition to any other transfer authority provided in this Act; and of which $6,000,000 shall be available to create and maintain the contractor inventory database required by section 743 of Public Law 111–117.

FEDERAL CITIZEN SERVICES FUND

For necessary expenses of the Office of Citizen Services, including services authorized by 5 U.S.C. 3109, $36,825,000, to be deposited into the Federal Citizen Services Fund: *Provided*, That the appropriations, revenues, and collections deposited into the Fund shall be available for necessary expenses of Federal Citizen Services activities in the aggregate amount not to exceed $100,000,000. Appropriations, revenues, and collections accruing to this Fund during fiscal year 2011 in excess of such amount shall remain in the Fund and shall not be available for expenditure except as authorized in appropriations Acts.

ADMINISTRATIVE PROVISIONS—GENERAL SERVICES ADMINISTRATION

(INCLUDING TRANSFERS OF FUNDS)

SEC. 510. Funds available to the General Services Administration (GSA) shall be available for the hire of passenger motor vehicles.

SEC. 511. Funds in the Federal Buildings Fund made available for fiscal year 2011 for Federal Buildings Fund activities may be transferred between such activities only to the extent necessary to meet program requirements: *Provided*, That any proposed transfers shall be approved in advance by the Committees on Appropriations.

SEC. 512. Except as otherwise provided in this title, funds made available by this Act shall be used to transmit a fiscal year 2012 request for United States Courthouse construction only if the request: (1) meets the design guide standards for construction as established and approved by GSA, the Judicial Conference of the United States, and OMB; (2) reflects the priorities of the Judicial Conference of the United States as set out in its approved 5-year construction plan; and (3) includes a standardized courtroom utilization study of each facility to be constructed, replaced, or expanded.

SEC. 513. None of the funds provided in this Act may be used to increase the amount of occupiable square feet, provide cleaning services, security enhancements, or any other service usually provided through the Federal Buildings Fund, to any agency that does not pay the rate per square foot assessment for space and services as determined by the GSA in compliance with the Public Buildings Amendments Act of 1972 (Public Law 92–313).

SEC. 514. From funds made available under the heading ''Federal Buildings Fund, Limitations on Availability of Revenue'', claims against the Government of less than $250,000 arising from direct construction projects and acquisition of buildings may be liquidated from savings effected in other construction projects with prior notification to the Committees on Appropriations.

SEC. 515. In any case in which the House Committee on Transportation and Infrastructure and the Senate Committee on Environment and Public Works adopt a resolution granting lease authority pursuant to a prospectus transmitted to Congress by the Administrator of GSA under 40 U.S.C. 3307, the Administrator shall ensure that the delineated area of procurement is identical to the delineated area included in the prospectus for all lease agreements, except that, if the Administrator determines that the delineated area of the procurement should not be identical to the delineated area included in the prospectus, the Administrator shall provide an explanatory statement to each of such committees and the Committees on Appropriations prior to exercising any lease authority provided in the resolution.

SEC. 516. In furtherance of the emergency management policy set forth in the Robert T. Stafford Disaster Relief and Emergency Assistance Act, the Administrator of GSA may provide for the use of the GSA Federal supply schedules by relief and disaster assistance organizations as described in section 309 of that Act. Purchases under this authority shall be limited to use in preparation for, response to, and recovery from hazards as defined in section 602 of that Act.

SEC. 517. Section 37 of the Office of Federal Procurement Policy Act (41 U.S.C. 433), as amended, is further amended in paragraph (h)(3)(E) by: (a) deleting ''for training''; and (b) deleting ''subparagraph (A)'' and inserting in lieu thereof ''subparagraphs (A) and (C) to (J) of section 405 (d)(5) of this title.''

SEC. 518. (a) The Administrator of General Services (Administrator), through a deed of release or other appropriate instrument, may release to the city of Tracy, California (the City) the reversionary interests retained by the United States, and all other terms, conditions, reservations, and restrictions imposed, in connection with the conveyance of the 200 acres conveyed pursuant to Public Law 105–277 section 140, as amended by Public Law 106–31 section 3034 and Public Law 108–199 section 411. The exact acreage and legal description of the parcel to be released under subsection (a) shall be determined by a survey that is satisfactory to the Administrator.

(b) As consideration for such release authorized under subsection (a), the City shall pay to the Administrator an amount not less than the property's appraised Fair Market Value as determined by the Administrator. The determination of the Administrator is final. The Administrator shall determine the property's Fair Market Value through an appraisal conducted by a licensed, independent appraiser. The appraisal shall be based on the property's highest and best use.

(c) As soon as practicable, but not more than 180 days after enactment of this Act, the City shall enter into a binding agreement with the Administrator for the conveyance described in subsection (a) of this section. The net proceeds from sale shall be deposited into the Federal Buildings Fund established under section 592 of title 40, U.S.C.

(d) The City shall be responsible for reimbursing the Administrator for the costs associated with implementing this section, including the costs of appraisal and survey. The Administrator may require such additional terms and conditions in connection with the release under subsection (a) as the Administrator considers appropriate to protect the interests of the United States.

SEC. 519. Funds made available to GSA in the Federal Buildings Fund shall remain available to fund authorized increases or costs arising from any projects identified in the detailed plan submitted by GSA pursuant to Public Law 111–5: *Provided*, That the Administrator of General Services shall obtain the advance approval of the Committees on Appropriations for any project cost increase in an amount greater than 10 percent.

SEC. 520. Of the amounts made available under the heading ''Policy and Operations'' for the maintenance, protection, and disposal of the U.S. Coast Guard Service Center at Governor's Island, NY, and the Lorton Correctional Facility in Lorton, VA in prior years, whether appropriated directly to GSA or to any other agency of the Government and received by GSA for such purpose, $1,400,000 in unobligated balances are rescinded.

SEC. 521. (a) The Administrator of General Services, not later than 120 days after the date of enactment of this Act, shall prepare and submit to Congress a building project survey report related to a consolidated headquarters for the Federal Bureau of Investigation (FBI) in the Washington metropolitan region (as defined in 40 U.S.C. 8301).

(b) The building project survey report shall be prepared by the Administrator of General Services in consultation with the Director of the FBI, and each strategy described in the report shall contain, at a minimum, an estimated cost, a financing and development plan, a budgetary and financial impact analysis, a procurement and implementation plan, an analysis of security and information technology issues specific to the FBI, and a schedule.

(c) The building project survey report shall identify a preferred strategy.

HARRY S TRUMAN SCHOLARSHIP FOUNDATION

SALARIES AND EXPENSES

For payment to the Harry S Truman Scholarship Foundation Trust Fund, established by section 10 of Public Law 93–642, $1,000,000 to remain available until expended.

MERIT SYSTEMS PROTECTION BOARD

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out functions of the Merit Systems Protection Board pursuant to Reorganization Plan Numbered 2 of 1978, the Civil Service Reform Act of 1978, and the Whistleblower Protection Act of 1989 (5 U.S.C. 5509 note), including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, direct procurement of survey printing, and not to exceed $2,000 for official reception and representation expenses, $41,621,000 together with not to exceed $2,579,000 for administrative expenses to adjudicate retirement appeals to be transferred from the Civil Service Retirement and Disability Fund in amounts determined by the Merit Systems Protection Board.

MORRIS K. UDALL AND STEWART L. UDALL FOUNDATION

MORRIS K. UDALL AND STEWART L. UDALL TRUST FUND

(INCLUDING TRANSFER OF FUNDS)

For payment to the Morris K. Udall and Stewart L. Udall Trust Fund, pursuant to the Morris K. Udall and Stewart L. Udall Foundation Act (20 U.S.C. 5601 et seq.), $2,500,000, to remain available until expended, of which up to $50,000 shall be used to conduct financial audits pursuant to the Accountability of Tax Dollars Act of 2002 (Public Law 107–289) notwithstanding sections 8 and 9 of Public Law 102–259: *Provided*, That up to 60 percent of such funds may be transferred by the Morris K. Udall and Stewart L. Udall Foundation for the necessary expenses of the Native Nations Institute.

ENVIRONMENTAL DISPUTE RESOLUTION FUND

For payment to the Environmental Dispute Resolution Fund to carry out activities authorized in the Environmental Policy and Conflict Resolution Act of 1998, $3,800,000, to remain available until expended.

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

OPERATING EXPENSES

For necessary expenses in connection with the administration of the National Archives and Records Administration (NARA) (including the Information Security Oversight Office) and archived Federal records and related activities, as provided by law, and for expenses necessary for the review and declassification of documents and the activities of the Public Interest Declassification Board, and for the hire of passenger motor vehicles, and for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901 et seq.), including maintenance, repairs, and cleaning, $348,689,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Reform Act of 2008, Public Law 110–409, 122 Stat. 4302–16 (2008), and the Inspector General Act of 1978 (5 U.S.C. App.), and for the hire of passenger motor vehicles, $4,250,000.

ELECTRONIC RECORDS ARCHIVES

For necessary expenses in connection with the development of the electronic records archives, to include all direct project costs associated with research, analysis, design, development, and program management, $72,000,000, of which $52,500,000 shall remain available until September 30, 2013: *Provided*, That none of the multi-year funds may be obligated until the NARA submits to the Committees on Appropriations, and such Committees approve, a plan for expenditure that: (1) meets the capital planning and investment control review requirements established by OMB, including Circular A–11; (2) complies with NARA's enterprise architecture; (3) conforms with NARA's enterprise life cycle methodology; (4) is approved by NARA and OMB; (5) has been reviewed by the Government Accountability Office; and (6) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government.

REPAIRS AND RESTORATION

For the repair, alteration, and improvement of archives facilities, and to provide adequate storage for holdings, $11,848,000, to remain available until expended: *Provided*, That language under the heading ''Repairs and Restoration'' in Public Law 109–115 shall be amended by striking ''of which $1,500,000 is to construct a new regional archives and records facility in Anchorage, Alaska,'': *Provided further*, That language under the heading ''Repairs and Restoration'' in Public Law 108–447 shall be amended by striking ''of which $3,000,000 is for site preparation and construction management to construct a new regional archives and records facility in Anchorage, Alaska, and''.

NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION

GRANTS PROGRAM

For necessary expenses for allocations and grants for historical publications and records as authorized by 44 U.S.C. 2504, $10,000,000, to remain available until expended.

NATIONAL CREDIT UNION ADMINISTRATION

CENTRAL LIQUIDITY FACILITY

During fiscal year 2011, gross obligations of the Central Liquidity Facility for the principal amount of new direct loans to member credit unions, as authorized by 12 U.S.C. 1795 et seq., shall be the amount authorized by section 307(a)(4)(A) of the Federal Credit Union Act (12 U.S.C. 1795f(a)(4)(A)): *Provided*, That administrative expenses of the Central Liquidity Facility in fiscal year 2011 shall not exceed $1,250,000.

COMMUNITY DEVELOPMENT REVOLVING LOAN FUND

For the Community Development Revolving Loan Fund program as authorized by 42 U.S.C. 9812, 9822 and 9910, $2,000,000 shall be available until September 30, 2012 for technical assistance to low-income designated credit unions.

OFFICE OF GOVERNMENT ETHICS

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Government Ethics pursuant to the Ethics in Government Act of 1978, and the Ethics Reform Act of 1989, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, and not to exceed $1,500 for official reception and representation expenses, $14,227,000.

OFFICE OF PERSONNEL MANAGEMENT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses to carry out functions of the Office of Personnel Management (OPM) pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109; medical examinations performed for veterans by private physicians on a fee basis; rental of conference rooms in the District of Columbia and elsewhere; hire of passenger motor vehicles; not to exceed $2,500 for official reception and representation expenses; advances for reimbursements to applicable funds of OPM and the Federal Bureau of Investigation for expenses incurred under Executive Order No. 10422 of January 9, 1953, as amended; and payment of per diem and/or subsistence allowances to employees where Voting Rights Act activities require an employee to remain overnight at his or her post of duty, $96,439,000, of which $670,210 shall be available to increase the agency's acquisition workforce capacity and capabilities; of which $6,004,000 shall remain available until September 30, 2012 for the Enterprise Human Resources Integration project; $1,416,000 shall remain available until September 30, 2012 for the Human Resources Line of Business project; and in addition $121,738,000 for administrative expenses, to be transferred from the appropriate trust funds of OPM without regard to other statutes, including direct procurement of printed materials, for the retirement and insurance programs, of which not more than $9,495,000 shall remain available until September 30, 2012 for the cost of implementing the new integrated financial system: *Provided*, That the provisions of this appropriation shall not affect the authority to use applicable trust funds as provided by sections 8348(a)(1)(B), and 9004(f)(2)(A) of title 5, U.S.C.: *Provided further*, That no part of this appropriation shall be available for salaries and expenses of the OPM Legal Examining Unit established pursuant to Executive Order No. 9358 of July 1, 1943, or any successor unit of like purpose: *Provided further*, That the President's Commission on White House Fellows, established by Executive Order No. 11183 of October 3, 1964, may, during fiscal year 2011, accept donations of money, property, and personal services: *Provided further*, That such donations, including those from prior years, may be used for the development of publicity materials to provide information about the White House Fellows, except that no such donations shall be accepted for travel or reimbursement of travel expenses, or for the salaries of employees of such Commission: *Provided further*, That funds to increase the agency's acquisition workforce capacity and capabilities shall be available only to supplement and not to supplant existing acquisition workforce activities, and shall be available for training, recruitment, retention, and hiring additional members of the acquisition workforce as defined by the Office of Federal Procurement Policy Act, as amended (41 U.S.C. 401 et seq.): *Provided further*, That such acquisition workforce funds shall be available for information technology in support of acquisition workforce effectiveness or for management solutions to improve acquisition management: *Provided further*, That such acquisition workforce improvement funds may be transferred by the Director of OPM to any other account in the agency to carry out the purposes provided herein: *Provided further*, That such transfer authority is in addition to any other transfer authority provided in this Act.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, including services as authorized by 5 U.S.C. 3109, hire of passenger motor vehicles, $3,997,000, and in addition, not to exceed $21,888,000 for administrative expenses to audit, investigate, and provide other oversight of OPM's retirement and insurance programs, to be transferred from the appropriate trust funds of OPM, as determined by the Inspector General: *Provided*, That the Inspector General is authorized to rent conference rooms in the District of Columbia and elsewhere.

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEES HEALTH BENEFITS

For payment of Government contributions with respect to retired employees, as authorized by chapter 89 of title 5, U.S.C., and the Retired Federal Employees Health Benefits Act (74 Stat. 849), such sums as may be necessary.

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEE LIFE INSURANCE

For payment of Government contributions with respect to employees retiring after December 31, 1989, as required by chapter 87 of title 5, U.S.C., such sums as may be necessary.

PAYMENT TO CIVIL SERVICE RETIREMENT AND DISABILITY FUND

For financing the unfunded liability of new and increased annuity benefits becoming effective on or after October 20, 1969, as authorized by 5 U.S.C. 8348, and annuities under

special Acts to be credited to the Civil Service Retirement and Disability Fund, such sums as may be necessary: *Provided*, That annuities authorized by the Act of May 29, 1944, and the Act of August 19, 1950 (33 U.S.C. 771–775), may hereafter be paid out of the Civil Service Retirement and Disability Fund.

OFFICE OF SPECIAL COUNSEL

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Special Counsel pursuant to Reorganization Plan Numbered 2 of 1978, the Civil Service Reform Act of 1978 (Public Law 95–454), the Whistleblower Protection Act of 1989 (Public Law 101–12), Public Law 107–304, and the Uniformed Services Employment and Reemployment Rights Act of 1994 (Public Law 103–353), including services as authorized by 5 U.S.C. 3109, payment of fees and expenses for witnesses, rental of conference rooms in the District of Columbia and elsewhere, and hire of passenger motor vehicles; $19,486,000.

POSTAL REGULATORY COMMISSION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Postal Regulatory Commission in carrying out the provisions of the Postal Accountability and Enhancement Act (Public Law 109–435), $14,450,000, to be derived by transfer from the Postal Service Fund and expended as authorized by section 603(a) of such Act.

PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD

SALARIES AND EXPENSES

For necessary expenses of the Privacy and Civil Liberties Oversight Board, as authorized by section 1061 of the Intelligence Reform and Terrorism Prevention Act of 2004 (5 U.S.C. 601 note), $1,500,000, to remain available until September 30, 2012.

SECURITIES AND EXCHANGE COMMISSION

SALARIES AND EXPENSES

For necessary expenses for the Securities and Exchange Commission, including services as authorized by 5 U.S.C. 3109, the rental of space (to include multiple year leases) in the District of Columbia and elsewhere, and not to exceed $3,500 for official reception and representation expenses, $1,300,000,000, to remain available until expended; of which not less than $6,250,000 shall be for the Office of Inspector General; of which not to exceed $30,000 may be used toward funding a permanent secretariat for the International Organization of Securities Commissions; and of which not to exceed $100,000 shall be available for expenses for consultations and meetings hosted by the Commission with foreign governmental and other regulatory officials, members of their delegations, appropriate representatives and staff to exchange views concerning developments relating to securities matters, development and implementation of cooperation agreements concerning securities matters and provision of technical assistance for the development of foreign securities markets, such expenses to include necessary logistic and administrative expenses and the expenses of Commission staff and foreign invitees in attendance at such consultations and meetings including: (1) such incidental expenses as meals taken in the course of such attendance; (2) any travel and transportation to or from such meetings; and (3) any other related lodging or subsistence; and of which not to exceed $483,130 shall be available to increase the Commission's acquisition workforce capacity and capabilities: *Provided*, That such acquisition workforce funds may be transferred by the Chairman to any other account in the Commission to carry out the purposes provided herein: *Provided further*, That such transfer authority is in addition to any other transfer authority provided in this Act: *Provided further*, That such acquisition workforce funds shall be available only to supplement and not to supplant existing acquisition workforce activities: *Provided further*, That such funds shall be available for training, recruitment, retention, and hiring additional members of the acquisition workforce as defined by the Office of Federal Procurement Policy Act, as amended (41 U.S.C. 401 et seq.): *Provided further*, That such funds shall be available for information technology in support of acquisition workforce effectiveness and management: *Provided further*, That fees and assessments authorized by sections 6(b) of the Securities Exchange Act of 1933 (15 U.S.C. 77f(b)), and 13(e), 14(g) and 31 of the Securities Exchange Act of 1934 (15 U.S.C. 78m(e), 78n(g), and 78ee), as in effect on the day before the date of enactment of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Public Law 111–203, 124 Stat. 1376) shall be credited to this account as offsetting collections: *Provided further*, That not to exceed $1,300,000,000 of such offsetting collections shall be available until expended for necessary expenses of this account: *Provided further*, That the total amount appropriated under this heading from the general fund for fiscal year 2011 shall be reduced as such offsetting collections are received so as to result in a final total fiscal year 2011 appropriation from the general fund estimated at not more than $0.

SELECTIVE SERVICE SYSTEM

SALARIES AND EXPENSES

For necessary expenses of the Selective Service System, including expenses of attendance at meetings and of training for uniformed personnel assigned to the Selective Service System, as authorized by 5 U.S.C. 4101–4118 for civilian employees; purchase of uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; hire of passenger motor vehicles; services as authorized by 5 U.S.C. 3109; and not to exceed $750 for official reception and representation expenses; $24,275,000: *Provided*, That during the current fiscal year, the President may exempt this appropriation from the provisions of 31 U.S.C. 1341, whenever the President deems such action to be necessary in the interest of national defense: *Provided further*, That none of the funds appropriated by this Act may be expended for or in connection with the induction of any person into the Armed Forces of the United States.

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the Small Business Administration as authorized by Public Law 108–447, including hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344, and not to exceed $3,500 for official reception and representation expenses, $459,125,000: *Provided*, That the Administrator is authorized to charge fees to cover the cost of publications developed by the Small Business Administration, and certain loan program activities, including fees authorized by section 5(b) of the Small Business Act: *Provided further*, That, notwithstanding 31 U.S.C. 3302, revenues received from all such activities shall be credited to this account, to remain available until expended, for carrying out these purposes without further appropriations: *Provided further*, That $115,250,000 shall be available to fund grants for performance in fiscal year 2011 or fiscal year 2012 as authorized by section 21 of the Small Business Act, of which $1,000,000 shall be for the Veterans Assistance and Services Program authorized by section 21(n) of the Small Business Act, and of which $1,000,000 shall be for the Small Business Energy Efficiency Program authorized by section 1203(c) of Public Law 110–140: *Provided further*, That $22,000,000 shall remain available until September 30, 2012 for marketing, management, and technical assistance under section 7(m) of the Small Business Act (15 U.S.C. 636(m)(4)) by intermediaries that make microloans under the microloan program: *Provided further*, That during fiscal year 2011, the applicable percentage under section 7(m)(4)(A) of the Small Business Act shall be 50 percent: *Provided further*, That $15,347,700 shall be available for the Loan Modernization and Accounting System, to be available until September 30, 2012: *Provided further*, That $2,000,000 shall be for the Federal and State Technology Partnership Program under section 34 of the Small Business Act (15 U.S.C. 657d): *Provided further*, That $1,000,000, to remain available until September 30, 2012, shall be for a pilot program to provide financial assistance in the form of grants or cooperative agreements to educational institutions, nonprofit organizations, or State and local departments and agencies for the purposes of providing management or technical assistance to Hispanic small businesses: *Provided further*, That $1,767,090 shall be to supplement and not supplant training, recruitment, retention, and hiring additional members of the acquisition workforce as defined by the Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.) and for information technology in support of acquisition workforce effectiveness and management.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, $18,000,000.

BUSINESS LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, $4,000,000, to remain available until expended, and for the cost of guaranteed loans as authorized by section 7(a) of the Small Business Act, $79,000,000, to remain available until expended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That subject to section 502 of the Congressional Budget Act of 1974, during fiscal year 2011 commitments to guarantee loans under section 503 of the Small Business Investment Act of 1958 shall not exceed $7,500,000,000: *Provided further*, That during fiscal year 2011 commitments for general business loans authorized under section 7(a) of the Small Business Act shall not exceed $17,500,000,000 for a combination of amortizing term loans and the aggregated maximum line of credit provided by revolving loans: *Provided further*, That during fiscal year 2011 commitments to guarantee loans for debentures under section 303(b) of the Small Business Investment Act of 1958, shall not exceed $3,000,000,000: *Provided further*, That during fiscal year 2011, guarantees of trust certificates authorized by section 5(g) of the Small Business Act shall not exceed a principal amount of $12,000,000,000. In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $157,000,000, which may be transferred to and merged with the appropriations for Salaries and Expenses.

DISASTER LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For administrative expenses to carry out the direct loan program authorized by section 7(b) of the Small Business Act, $193,000,000, to be available until expended, of which $1,000,000 is for the Office of Inspector General of the Small Business Administration for audits and reviews of disaster loans

and the disaster loan programs and shall be transferred to and merged with the appropriations for the Office of Inspector General; of which $183,000,000 is for direct administrative expenses of loan making and servicing to carry out the direct loan program, which may be transferred to and merged with the appropriations for Salaries and Expenses; of which $9,000,000 is for indirect administrative expenses for the direct loan program, which may be transferred to and merged with the appropriations for Salaries and Expenses.

ADMINISTRATIVE PROVISIONS—SMALL BUSINESS ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

SEC. 530. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Small Business Administration in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this paragraph shall be treated as a reprogramming of funds under section 608 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 531. All disaster loans issued in Alaska or North Dakota shall be administered by the Small Business Administration and shall not be sold during fiscal year 2010.

SEC. 532. Funds made available under Public Law 111–8 and Public Law 111–117 for Community Links Hawaii shall be made available to the Pacific International Center for High Technology Research.

SEC. 533. Public Law 111–240 is amended in section 1114 and section 1704 by striking ''December 31, 2010'' and inserting ''September 30, 2011'' each time it appears and in section 1704 by adding at the end the following: ''(c) For purposes of the loans made under this section, the maximum guaranteed amount outstanding to the borrower may not exceed $4,500,000.''

SEC. 534. For an additional amount under the heading ''Small Business Administration—Salaries and Expenses,'' $47,575,000 to remain available until September 30, 2012, which shall be for initiatives related to small business development and entrepreneurship, including programmatic and construction activities, in the amounts and for the projects specified in the table that appears under the heading ''Administrative Provisions—Small Business Administration'' in the explanatory statement to accompany this Act.

UNITED STATES POSTAL SERVICE

PAYMENT TO THE POSTAL SERVICE FUND

For payment to the Postal Service Fund for revenue forgone on free and reduced rate mail, pursuant to subsections (c) and (d) of 39 U.S.C. 2401, $103,905,000, of which $74,905,000 shall not be available for obligation until October 1, 2011: *Provided*, That mail for overseas voting and mail for the blind shall continue to be free: *Provided further*, That 6-day delivery and rural delivery of mail shall continue at not less than the 1983 level: *Provided further*, That none of the funds made available to the Postal Service by this Act shall be used to implement any rule, regulation, or policy of charging any officer or employee of any State or local child support enforcement agency, or any individual participating in a State or local program of child support enforcement, a fee for information requested or provided concerning an address of a postal customer: *Provided further*, That none of the funds provided in this Act shall be used to consolidate or close small rural and other small post offices in fiscal year 2011.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, $244,397,000, to be derived by transfer from the Postal Service Fund and expended as authorized by section 603(b)(3) of the Postal Accountability and Enhancement Act (Public Law 109–435).

UNITED STATES TAX COURT

SALARIES AND EXPENSES

For necessary expenses, including contract reporting and other services as authorized by 5 U.S.C. 3109, $55,053,000, of which $2,852,000 shall remain available until September 30, 2012: *Provided*, That travel expenses of the judges shall be paid upon the written certificate of the judge.

TITLE VI

GENERAL PROVISIONS—THIS ACT

SEC. 601. None of the funds in this Act shall be used for the planning or execution of any program to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings funded in this Act.

SEC. 602. None of the funds appropriated in this Act shall remain available for obligation beyond the current fiscal year, nor may any be transferred to other appropriations, unless expressly so provided herein.

SEC. 603. The expenditure of any appropriation under this Act for any consulting service through procurement contract pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 604. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

SEC. 605. None of the funds made available by this Act shall be available for any activity or for paying the salary of any Government employee where funding an activity or paying a salary to a Government employee would result in a decision, determination, rule, regulation, or policy that would prohibit the enforcement of section 307 of the Tariff Act of 1930 (19 U.S.C. 1307).

SEC. 606. No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with the Buy American Act (41 U.S.C. 10a–10c).

SEC. 607. No funds appropriated or otherwise made available under this Act shall be made available to any person or entity that has been convicted of violating the Buy American Act (41 U.S.C. 10a–10c).

SEC. 608. Except as otherwise provided in this Act, none of the funds provided in this Act, provided by previous appropriations Acts to the agencies or entities funded in this Act that remain available for obligation or expenditure in fiscal year 2011, or provided from any accounts in the Treasury derived by the collection of fees and available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that: (1) creates a new program; (2) eliminates a program, project, or activity; (3) increases funds or personnel for any program, project, or activity for which funds have been denied or restricted by the Congress; (4) proposes to use funds directed for a specific activity by the Committee on Appropriations of either the House of Representatives or the Senate for a different purpose; (5) augments existing programs, projects, or activities in excess of $5,000,000 or 10 percent, whichever is less; (6) reduces existing programs, projects, or activities by $5,000,000 or 10 percent, whichever is less; or (7) creates or reorganizes offices, programs, or activities unless prior approval is received from the Committees on Appropriations: *Provided*, That prior to any significant reorganization or restructuring of offices, programs, or activities, each agency or entity funded in this Act shall consult with the Committees on Appropriations: *Provided further*, That not later than 60 days after the date of enactment of this Act, each agency funded by this Act shall submit a report to the Committees on Appropriations to establish the baseline for application of reprogramming and transfer authorities for the current fiscal year: *Provided further*, That the report shall include: (1) a table for each appropriation with a separate column to display the President's budget request, adjustments made by Congress, adjustments due to enacted rescissions, if appropriate, and the fiscal year enacted level; (2) a delineation in the table for each appropriation both by object class and program, project, and activity as detailed in the budget appendix for the respective appropriation; and (3) an identification of items of special congressional interest: *Provided further*, That the amount appropriated or limited for salaries and expenses for an agency shall be reduced by $100,000 per day for each day after the required date that the report has not been submitted to the Congress.

SEC. 609. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2011 from appropriations made available for salaries and expenses for fiscal year 2011 in this Act, shall remain available through September 30, 2012, for each such account for the purposes authorized: *Provided*, That a request shall be submitted to the Committees on Appropriations for approval prior to the expenditure of such funds: *Provided further*, That these requests shall be made in compliance with reprogramming guidelines.

SEC. 610. None of the funds made available in this Act may be used by the Executive Office of the President to request from the Federal Bureau of Investigation any official background investigation report on any individual, except when—

(1) such individual has given his or her express written consent for such request not more than 6 months prior to the date of such request and during the same presidential administration; or

(2) such request is required due to extraordinary circumstances involving national security.

SEC. 611. The cost accounting standards promulgated under section 26 of the Office of Federal Procurement Policy Act (Public Law 93–400; 41 U.S.C. 422) shall not apply with respect to a contract under the Federal Employees Health Benefits Program established under chapter 89 of title 5, U.S.C.

SEC. 612. For the purpose of resolving litigation and implementing any settlement agreements regarding the nonforeign area cost-of-living allowance program, the Office of Personnel Management (OPM) may accept and utilize (without regard to any restriction on unanticipated travel expenses imposed in an Appropriations Act) funds made available to OPM pursuant to court approval.

SEC. 613. No funds appropriated by this Act shall be available to pay for an abortion, or the administrative expenses in connection

with any health plan under the Federal employees health benefits program which provides any benefits or coverage for abortions.

SEC. 614. The provision of section 613 shall not apply where the life of the mother would be endangered if the fetus were carried to term, or the pregnancy is the result of an act of rape or incest.

SEC. 615. In order to promote Government access to commercial information technology, the restriction on purchasing nondomestic articles, materials, and supplies set forth in the Buy American Act (41 U.S.C. 10a et seq.), shall not apply to the acquisition by the Federal Government of information technology (as defined in 40 U.S.C. 11101), that is a commercial item (as defined in section 4(12) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12)).

SEC. 616. Notwithstanding 31 U.S.C. 1353, no officer or employee of any regulatory agency or commission funded by this Act may accept on behalf of that agency, nor may such agency or commission accept, payment or reimbursement from a non-Federal entity for travel, subsistence, or related expenses for the purpose of enabling an officer or employee to attend and participate in any meeting or similar function relating to the official duties of the officer or employee when the entity offering payment or reimbursement is a person or entity subject to regulation by such agency or commission, or represents a person or entity subject to regulation by such agency or commission, unless the person or entity is an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code.

SEC. 617. The Public Company Accounting Oversight Board shall have authority to obligate funds for the scholarship program established by section 109(c)(2) of the Sarbanes-Oxley Act of 2002 (Public Law 107–204) in an aggregate amount not exceeding the amount of funds collected by the Board as of December 31, 2010, including accrued interest, as a result of the assessment of monetary penalties. Funds available for obligation in fiscal year 2011 shall remain available until expended.

SEC. 618. From the unobligated balances of prior year appropriations made available for the Privacy and Civil Liberties Oversight Board, $1,500,000 are rescinded.

SEC. 619. During fiscal year 2011, for purposes of section 908(b)(1) of the Trade Sanctions Reform and Export Enhancement Act of 2000 (22 U.S.C. 7207(b)(1)), the term ''payment of cash in advance'' shall be interpreted as payment before the transfer of title to, and control of, the exported items to the Cuban purchaser.

SEC. 620. (a) Section 1403(8) of the Virginia Graeme Baker Pool and Spa Safety Act (15 U.S.C. 8002(8)) is amended by adding at the end the following: ''For purposes of eligibility for the grants authorized under section 1405, such term shall also include any political subdivision of a State.''.

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

SEC. 621. Notwithstanding section 708 of this Act, funds made available to the Commodity Futures Trading Commission and the Securities and Exchange Commission by this or any other Act may be used for the interagency funding and sponsorship of a joint advisory committee to advise on emerging regulatory issues.

SEC. 622. Any expenses incurred by the Election Assistance Commission using amounts appropriated under the heading ''Election Assistance Commission, Election Reform Programs'' in the Transportation, Treasury, and Independent Agencies Appropriations Act, 2004 (Public Law 108–199; 118 Stat. 327) for any program or activity which the Commission is authorized to carry out under the Help America Vote Act of 2002 shall be considered to have been incurred for the programs and activities described under such heading.

SEC. 623. Section 1107 of 31 U.S.C. 1107 is amended by adding to the end thereof the following: ''The President shall transmit promptly to Congress without change, proposed deficiency and supplemental appropriations submitted to the President by the legislative branch and the judicial branch.''.

SEC. 624. Section 7 of the Abraham Lincoln Commemorative Coin Act (31 U.S.C. § 5112 note) is amended in subsection (b) by striking ''Abraham Lincoln Bicentennial Commission to further the work of the Commission'' and inserting ''Abraham Lincoln Bicentennial Foundation for the purposes of commemorating the bicentennial of the birth of Abraham Lincoln, and fostering and promoting the awareness and study of the life of Abraham Lincoln'' and in subsection (c) by striking ''Abraham Lincoln Bicentennial Commission'' and inserting ''Abraham Lincoln Bicentennial Foundation''.

SEC. 625. Of the unobligated balances available to the Federal Communications Commission from prior appropriations under the heading ''Salaries and Expenses'', $2,800,000 are hereby rescinded.

## TITLE VII

## GENERAL PROVISIONS—GOVERNMENT-WIDE

### DEPARTMENTS, AGENCIES, AND CORPORATIONS

SEC. 701. No department, agency, or instrumentality of the United States receiving appropriated funds under this or any other Act for fiscal year 2011 shall obligate or expend any such funds, unless such department, agency, or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from the illegal use, possession, or distribution of controlled substances (as defined in the Controlled Substances Act (21 U.S.C. 802)) by the officers and employees of such department, agency, or instrumentality.

SEC. 702. Unless otherwise specifically provided, the maximum amount allowable during the current fiscal year in accordance with 31 U.S.C. 1343(c), for the purchase of any passenger motor vehicle (exclusive of buses, ambulances, law enforcement, and undercover surveillance vehicles), is hereby fixed at $13,197 except station wagons for which the maximum shall be $13,631: *Provided*, That these limits may be exceeded by not to exceed $3,700 for police-type vehicles, and by not to exceed $4,000 for special heavy-duty vehicles: *Provided further*, That the limits set forth in this section may not be exceeded by more than 5 percent for electric or hybrid vehicles purchased for demonstration under the provisions of the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976: *Provided further*, That the limits set forth in this section may be exceeded by the incremental cost of clean alternative fuels vehicles acquired pursuant to Public Law 101–549 over the cost of comparable conventionally fueled vehicles: *Provided further*, That the limits set forth in this section shall not apply to any vehicle that is a commercial item and which operates on emerging motor vehicle technology, including but not limited to electric, plug-in hybrid electric, and hydrogen fuel cell vehicles.

SEC. 703. Appropriations of the executive departments and independent establishments for the current fiscal year available for expenses of travel, or for the expenses of the activity concerned, are hereby made available for quarters allowances and cost-of-living allowances, in accordance with 5 U.S.C. 5922–5924.

SEC. 704. Unless otherwise specified during the current fiscal year, no part of any appropriation contained in this or any other Act shall be used to pay the compensation of any officer or employee of the Government of the United States (including any agency the majority of the stock of which is owned by the Government of the United States) whose post of duty is in the continental United States unless such person: (1) is a citizen of the United States; (2) is a person who is lawfully admitted for permanent residence and is seeking citizenship as outlined in 8 U.S.C. 1324b(a)(3)(B); (3) is a person who is admitted as a refugee under 8 U.S.C. 1157 or is granted asylum under 8 U.S.C. 1158 and has filed a declaration of intention to become a lawful permanent resident and then a citizen when eligible; or (4) is a person who owes allegiance to the United States: *Provided*, That for purposes of this section, affidavits signed by any such person shall be considered prima facie evidence that the requirements of this section with respect to his or her status are being complied with: *Provided further*, That any person making a false affidavit shall be guilty of a felony, and upon conviction, shall be fined no more than $4,000 or imprisoned for not more than 1 year, or both: *Provided further*, That the above penal clause shall be in addition to, and not in substitution for, any other provisions of existing law: *Provided further*, That any payment made to any officer or employee contrary to the provisions of this section shall be recoverable in action by the Federal Government: *Provided further*, That this section shall not apply to any person who is an officer or employee of the Government of the United States on the date of enactment of this Act, or to international broadcasters employed by the Broadcasting Board of Governors, or to temporary employment of translators, or to temporary employment in the field service (not to exceed 60 days) as a result of emergencies: *Provided further*, That this section does not apply to the employment as Wildland firefighters for not more than 120 days of nonresident aliens employed by the Department of the Interior or the USDA Forest Service pursuant to an agreement with another country.

SEC. 705. Appropriations available to any department or agency during the current fiscal year for necessary expenses, including maintenance or operating expenses, shall also be available for payment to the General Services Administration for charges for space and services and those expenses of renovation and alteration of buildings and facilities which constitute public improvements performed in accordance with the Public Buildings Act of 1959 (73 Stat. 479), the Public Buildings Amendments of 1972 (86 Stat. 216), or other applicable law.

SEC. 706. In addition to funds provided in this or any other Act, all Federal agencies are authorized to receive and use funds resulting from the sale of materials, including Federal records disposed of pursuant to a records schedule recovered through recycling or waste prevention programs. Such funds shall be available until expended for the following purposes:

(1) Acquisition, waste reduction and prevention, and recycling programs as described in Executive Order No. 13423 (January 24, 2007), including any such programs adopted prior to the effective date of the Executive order.

(2) Other Federal agency environmental management programs, including, but not limited to, the development and implementation of hazardous waste management and pollution prevention programs.

(3) Other employee programs as authorized by law or as deemed appropriate by the head of the Federal agency.

SEC. 707. Funds made available by this or any other Act for administrative expenses in the current fiscal year of the corporations and agencies subject to chapter 91 of title 31, U.S.C., shall be available, in addition to objects for which such funds are otherwise available, for rent in the District of Columbia; services in accordance with 5 U.S.C. 3109; and the objects specified under this head, all the provisions of which shall be applicable to the expenditure of such funds unless otherwise specified in the Act by which they are made available: *Provided*, That in the event any functions budgeted as administrative expenses are subsequently transferred to or paid from other funds, the limitations on administrative expenses shall be correspondingly reduced.

SEC. 708. No part of any appropriation contained in this or any other Act shall be available for interagency financing of boards (except Federal Executive Boards), commissions, councils, committees, or similar groups (whether or not they are interagency entities) which do not have a prior and specific statutory approval to receive financial support from more than one agency or instrumentality.

SEC. 709. None of the funds made available pursuant to the provisions of this Act shall be used to implement, administer, or enforce any regulation which has been disapproved pursuant to a joint resolution duly adopted in accordance with the applicable law of the United States.

SEC. 710. (a) Notwithstanding any other provision of law, and except as otherwise provided in this section, no part of any of the funds appropriated for fiscal year 2011, by this or any other Act, may be used to pay any prevailing rate employee described in 5 U.S.C. 5342(a)(2)(A)—

(1) during the period from the date of expiration of the limitation imposed by the comparable section for previous fiscal years until the normal effective date of the applicable wage survey adjustment that is to take effect in fiscal year 2011, in an amount that exceeds the rate payable for the applicable grade and step of the applicable wage schedule in accordance with such section; and

(2) during the period consisting of the remainder of fiscal year 2011, in an amount that exceeds, as a result of a wage survey adjustment, the rate payable under paragraph (1) by more than the sum of—

(A) the percentage adjustment taking effect in fiscal year 2011 under section 5303 of title 5, United States Code, in the rates of pay under the General Schedule; and

(B) the difference between the overall average percentage of the locality-based comparability payments taking effect in fiscal year 2011 under section 5304 of such title (whether by adjustment or otherwise), and the overall average percentage of such payments which was effective in the previous fiscal year under such section.

(b) Notwithstanding any other provision of law, no prevailing rate employee described in subparagraph (B) or (C) of section 5342(a)(2) of title 5, U.S.C., and no employee covered by section 5348 of such title, may be paid during the periods for which subsection (a) is in effect at a rate that exceeds the rates that would be payable under subsection (a) were subsection (a) applicable to such employee.

(c) For the purposes of this section, the rates payable to an employee who is covered by this section and who is paid from a schedule not in existence on September 30, 2010, shall be determined under regulations prescribed by the Office of Personnel Management (OPM).

(d) Notwithstanding any other provision of law, rates of premium pay for employees subject to this section may not be changed from the rates in effect on September 30, 2010, except to the extent determined by OPM to be consistent with the purpose of this section.

(e) This section shall apply with respect to pay for service performed after September 30, 2010.

(f) For the purpose of administering any provision of law (including any rule or regulation that provides premium pay, retirement, life insurance, or any other employee benefit) that requires any deduction or contribution, or that imposes any requirement or limitation on the basis of a rate of salary or basic pay, the rate of salary or basic pay payable after the application of this section shall be treated as the rate of salary or basic pay.

(g) Nothing in this section shall be considered to permit or require the payment to any employee covered by this section at a rate in excess of the rate that would be payable were this section not in effect.

(h) OPM may provide for exceptions to the limitations imposed by this section if OPM determines that such exceptions are necessary to ensure the recruitment or retention of qualified employees.

SEC. 711. During the period in which the head of any department or agency, or any other officer or civilian employee of the Federal Government appointed by the President of the United States, holds office, no funds may be obligated or expended in excess of $5,000 to furnish or redecorate the office of such department head, agency head, officer, or employee, or to purchase furniture or make improvements for any such office, unless advance notice of such furnishing or redecoration is transmitted to the Committees on Appropriations. For the purposes of this section, the term ''office'' shall include the entire suite of offices assigned to the individual, as well as any other space used primarily by the individual or the use of which is directly controlled by the individual.

SEC. 712. Notwithstanding section 31 U.S.C. 1346, or section 708 of this Act, funds made available for the current fiscal year by this or any other Act shall be available for the interagency funding of national security and emergency preparedness telecommunications initiatives which benefit multiple Federal departments, agencies, or entities, as provided by Executive Order No. 12472 (April 3, 1984).

SEC. 713. (a) None of the funds appropriated by this or any other Act may be obligated or expended by any Federal department, agency, or other instrumentality for the salaries or expenses of any employee appointed to a position of a confidential or policy-determining character excepted from the competitive service pursuant to 5 U.S.C. 3302, without a certification to OPM from the head of the Federal department, agency, or other instrumentality employing the Schedule C appointee that the Schedule C position was not created solely or primarily in order to detail the employee to the White House.

(b) The provisions of this section shall not apply to Federal employees or members of the armed forces detailed to or from—

(1) the Central Intelligence Agency;

(2) the National Security Agency;

(3) the Defense Intelligence Agency;

(4) the National Geospatial-Intelligence Agency;

(5) the offices within the Department of Defense for the collection of specialized national foreign intelligence through reconnaissance programs;

(6) the Bureau of Intelligence and Research of the Department of State;

(7) any agency, office, or unit of the Army, Navy, Air Force, and Marine Corps, the Department of Homeland Security, the Federal Bureau of Investigation and the Drug Enforcement Administration of the Department of Justice, the Department of Transportation, the Department of the Treasury, and the Department of Energy performing intelligence functions; and

(8) the Director of National Intelligence or the Office of the Director of National Intelligence.

SEC. 714. No part of any appropriation contained in this or any other Act shall be available for the payment of the salary of any officer or employee of the Federal Government, who—

(1) prohibits or prevents, or attempts or threatens to prohibit or prevent, any other officer or employee of the Federal Government from having any direct oral or written communication or contact with any Member, committee, or subcommittee of the Congress in connection with any matter pertaining to the employment of such other officer or employee or pertaining to the department or agency of such other officer or employee in any way, irrespective of whether such communication or contact is at the initiative of such other officer or employee or in response to the request or inquiry of such Member, committee, or subcommittee; or

(2) removes, suspends from duty without pay, demotes, reduces in rank, seniority, status, pay, or performance or efficiency rating, denies promotion to, relocates, reassigns, transfers, disciplines, or discriminates in regard to any employment right, entitlement, or benefit, or any term or condition of employment of, any other officer or employee of the Federal Government, or attempts or threatens to commit any of the foregoing actions with respect to such other officer or employee, by reason of any communication or contact of such other officer or employee with any Member, committee, or subcommittee of the Congress as described in paragraph (1).

SEC. 715. (a) None of the funds made available in this or any other Act may be obligated or expended for any employee training that—

(1) does not meet identified needs for knowledge, skills, and abilities bearing directly upon the performance of official duties;

(2) contains elements likely to induce high levels of emotional response or psychological stress in some participants;

(3) does not require prior employee notification of the content and methods to be used in the training and written end of course evaluation;

(4) contains any methods or content associated with religious or quasi-religious belief systems or ''new age'' belief systems as defined in Equal Employment Opportunity Commission Notice N–915.022, dated September 2, 1988; or

(5) is offensive to, or designed to change, participants—personal values or lifestyle outside the workplace.

(b) Nothing in this section shall prohibit, restrict, or otherwise preclude an agency from conducting training bearing directly upon the performance of official duties.

SEC. 716. No funds appropriated in this or any other Act may be used to implement or enforce the agreements in Standard Forms 312 and 4414 of the Government or any other nondisclosure policy, form, or agreement if such policy, form, or agreement does not contain the following provisions: ''These restrictions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by Executive Order No. 12958; 5 U.S.C. 7211 (governing disclosures to Congress); 10 U.S.C. 1034, as amended by the Military Whistleblower Protection Act (governing disclosure to Congress by members of the military); 5 U.S.C. 2302(b)(8), as amended

by the Whistleblower Protection Act of 1989 (governing disclosures of illegality, waste, fraud, abuse or public health or safety threats); the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421 et seq.) (governing disclosures that could expose confidential Government agents); and the statutes which protect against disclosure that may compromise the national security, including sections 641, 793, 794, 798, and 952 of title 18, U.S.C., and section 4(b) of the Subversive Activities Act of 1950 (50 U.S.C. 783(b)). The definitions, requirements, obligations, rights, sanctions, and liabilities created by said Executive order and listed statutes are incorporated into this agreement and are controlling.'': *Provided*, That notwithstanding the preceding paragraph, a nondisclosure policy form or agreement that is to be executed by a person connected with the conduct of an intelligence or intelligence-related activity, other than an employee or officer of the United States Government, may contain provisions appropriate to the particular activity for which such document is to be used. Such form or agreement shall, at a minimum, require that the person will not disclose any classified information received in the course of such activity unless specifically authorized to do so by the United States Government. Such nondisclosure forms shall also make it clear that they do not bar disclosures to Congress, or to an authorized official of an executive agency or the Department of Justice, that are essential to reporting a substantial violation of law.

SEC. 717. No part of any funds appropriated in this or any other Act shall be used by an agency of the executive branch, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, and for the preparation, distribution or use of any kit, pamphlet, booklet, publication, radio, television, or film presentation designed to support or defeat legislation pending before the Congress, except in presentation to the Congress itself.

SEC. 718. None of the funds appropriated by this or any other Act may be used by an agency to provide a Federal employee's home address to any labor organization except when the employee has authorized such disclosure or when such disclosure has been ordered by a court of competent jurisdiction.

SEC. 719. None of the funds made available in this Act or any other Act may be used to provide any non-public information such as mailing or telephone lists to any person or any organization outside of the Federal Government without the approval of the Committees on Appropriations.

SEC. 720. No part of any appropriation contained in this or any other Act shall be used directly or indirectly, including by private contractor, for publicity or propaganda purposes within the United States not heretofore authorized by the Congress.

SEC. 721. (a) In this section, the term ''agency''—

(1) means an Executive agency, as defined under 5 U.S.C. 105;

(2) includes a military department, as defined under section 102 of such title, the Postal Service, and the Postal Regulatory Commission; and

(3) shall not include the Government Accountability Office.

(b) Unless authorized in accordance with law or regulations to use such time for other purposes, an employee of an agency shall use official time in an honest effort to perform official duties. An employee not under a leave system, including a Presidential appointee exempted under 5 U.S.C. 6301(2), has an obligation to expend an honest effort and a reasonable proportion of such employee's time in the performance of official duties.

SEC. 722. Notwithstanding 31 U.S.C. 1346 and section 708 of this Act, funds made available for the current fiscal year by this or any other Act to any department or agency, which is a member of the Federal Accounting Standards Advisory Board (FASAB), shall be available to finance an appropriate share of FASAB administrative costs.

SEC. 723. Notwithstanding any other provision of law, a woman may breastfeed her child at any location in a Federal building or on Federal property, if the woman and her child are otherwise authorized to be present at the location.

SEC. 724. Notwithstanding 31 U.S.C. 1346, or section 708 of this Act, funds made available for the current fiscal year by this or any other Act shall be available for the interagency funding of specific projects, workshops, studies, and similar efforts to carry out the purposes of the National Science and Technology Council (authorized by Executive Order No. 12881), which benefit multiple Federal departments, agencies, or entities: *Provided*, That the Office of Management and Budget (OMB) shall provide a report describing the budget of and resources connected with the National Science and Technology Council to the Committees on Appropriations, the House Committee on Science and Technology, and the Senate Committee on Commerce, Science, and Transportation 90 days after enactment of this Act.

SEC. 725. Any request for proposals, solicitation, grant application, form, notification, press release, or other publications involving the distribution of Federal funds shall indicate the agency providing the funds, the Catalog of Federal Domestic Assistance Number, as applicable, and the amount provided: *Provided*, That this provision shall apply to direct payments, formula funds, and grants received by a State receiving Federal funds.

SEC. 726. (a) PROHIBITION OF FEDERAL AGENCY MONITORING OF INDIVIDUALS' INTERNET USE.—None of the funds made available in this or any other Act may be used by any Federal agency—

(1) to collect, review, or create any aggregation of data, derived from any means, that includes any personally identifiable information relating to an individual's access to or use of any Federal Government Internet site of the agency; or

(2) to enter into any agreement with a third party (including another government agency) to collect, review, or obtain any aggregation of data, derived from any means, that includes any personally identifiable information relating to an individual's access to or use of any nongovernmental Internet site.

(b) EXCEPTIONS.—The limitations established in subsection (a) shall not apply to—

(1) any record of aggregate data that does not identify particular persons;

(2) any voluntary submission of personally identifiable information;

(3) any action taken for law enforcement, regulatory, or supervisory purposes, in accordance with applicable law; or

(4) any action described in subsection (a)(1) that is a system security action taken by the operator of an Internet site and is necessarily incident to providing the Internet site services or to protecting the rights or property of the provider of the Internet site.

(c) DEFINITIONS.—For the purposes of this section:

(1) The term ''regulatory'' means agency actions to implement, interpret or enforce authorities provided in law.

(2) The term ''supervisory'' means examinations of the agency's supervised institutions, including assessing safety and soundness, overall financial condition, management practices and policies and compliance with applicable standards as provided in law.

SEC. 727. (a) None of the funds appropriated by this Act may be used to enter into or renew a contract which includes a provision providing prescription drug coverage, except where the contract also includes a provision for contraceptive coverage.

(b) Nothing in this section shall apply to a contract with—

(1) any of the following religious plans:

(A) Personal Care's HMO; and

(B) OSF HealthPlans, Inc.; and

(2) any existing or future plan, if the carrier for the plan objects to such coverage on the basis of religious beliefs.

(c) In implementing this section, any plan that enters into or renews a contract under this section may not subject any individual to discrimination on the basis that the individual refuses to prescribe or otherwise provide for contraceptives because such activities would be contrary to the individual's religious beliefs or moral convictions.

(d) Nothing in this section shall be construed to require coverage of abortion or abortion-related services.

SEC. 728. The Congress of the United States recognizes the United States Anti-Doping Agency (USADA) as the official anti-doping agency for Olympic, Pan American, and Paralympic sport in the United States.

SEC. 729. Notwithstanding any other provision of law, funds appropriated for official travel by Federal departments and agencies may be used by such departments and agencies, if consistent with OMB Circular A–126 regarding official travel for Government personnel, to participate in the fractional aircraft ownership pilot program.

SEC. 730. Notwithstanding any other provision of law, none of the funds appropriated or made available under this Act or any other appropriations Act may be used to implement or enforce restrictions or limitations on the Coast Guard Congressional Fellowship Program, or to implement the proposed regulations of OPM to add sections 300.311 through 300.316 to part 300 of title 5 of the Code of Federal Regulations, published in the Federal Register, volume 68, number 174, on September 9, 2003 (relating to the detail of executive branch employees to the legislative branch).

SEC. 731. Notwithstanding any other provision of law, no executive branch agency shall purchase, construct, and/or lease any additional facilities, except within or contiguous to existing locations, to be used for the purpose of conducting Federal law enforcement training without the advance approval of the Committees on Appropriations, except that the Federal Law Enforcement Training Center is authorized to obtain the temporary use of additional facilities by lease, contract, or other agreement for training which cannot be accommodated in existing Center facilities.

SEC. 732. (a) For fiscal year 2011, no funds shall be available for transfers or reimbursements to the E-Government initiatives sponsored by OMB prior to 15 days following submission of a report to the Committees on Appropriations by the Director of OMB and receipt of approval to transfer funds by the Committees on Appropriations.

(b) The report in subsection (a) and other required justification materials shall include at a minimum—

(1) a description of each initiative including but not limited to its objectives, benefits, development status, risks, cost effectiveness (including estimated net costs or savings to the government), and the estimated date of full operational capability;

(2) the total development cost of each initiative by fiscal year including costs to date, the estimated costs to complete its development to full operational capability, and estimated annual operations and maintenance costs; and

(3) the sources and distribution of funding by fiscal year and by agency and bureau for

each initiative including agency contributions to date and estimated future contributions by agency.

(c) No funds shall be available for obligation or expenditure for new E-Government initiatives without the explicit approval of the Committees on Appropriations.

SEC. 733. Notwithstanding 31 U.S.C. 1346 and section 708 of this Act and any other provision of law, the head of each appropriate executive department and agency shall transfer to or reimburse the United States Fish and Wildlife Service, upon the direction of the Director of OMB, funds made available by this or any other Act for the purposes described below, and shall submit budget requests for such purposes. These funds shall be administered by the U.S. Fish and Wildlife Service, in consultation with the appropriate interagency groups designated by the Director and shall be used to ensure the uninterrupted, continuous operation of the Midway Atoll Airfield by the U.S. Fish and Wildlife Service pursuant to an operational agreement with the Federal Aviation Administration for the entirety of fiscal year 2011 and any period thereafter that precedes the enactment of the Financial Services and General Government Appropriations Act, 2012. The Director of OMB shall mandate the necessary transfers after determining an equitable allocation between the appropriate executive departments and agencies of the responsibility for funding the continuous operation of the Midway Atoll Airfield based on, but not limited to, potential use, interest in maintaining aviation safety, and applicability to governmental operations and agency mission. The total funds transferred or reimbursed shall not exceed $6,000,000 for any 12-month period. Such sums shall be sufficient to ensure continued operation of the airfield throughout the period cited above. Funds shall be available for operation of the airfield or airfield-related capital upgrades. The Director of OMB shall notify the Committees on Appropriations of such transfers or reimbursements within 15 days of this Act. Such transfers or reimbursements shall begin within 30 days of enactment of this Act.

SEC. 734. None of the funds appropriated or otherwise made available by this or any other Act may be used to begin or announce a study or public-private competition regarding the conversion to contractor performance of any function performed by Federal employees pursuant to OMB Circular A–76 or any other administrative regulation, directive, or policy.

SEC. 735. Unless otherwise authorized by existing law, none of the funds provided in this Act or any other Act may be used by an executive branch agency to produce any prepackaged news story intended for broadcast or distribution in the United States, unless the story includes a clear notification within the text or audio of the prepackaged news story that the prepackaged news story was prepared or funded by that executive branch agency.

SEC. 736. None of the funds made available in this Act may be used in contravention of 5 U.S.C. 552a (popularly known as the Privacy Act) and regulations implementing that section.

SEC. 737. Each executive department and agency shall evaluate the creditworthiness of an individual before issuing the individual a government travel charge card. Such evaluations for individually billed travel charge cards shall include an assessment of the individual's consumer report from a consumer reporting agency as those terms are defined in section 603 of the Fair Credit Reporting Act (Public Law 91–508): *Provided*, That the department or agency may not issue a government travel charge card to an individual that either lacks a credit history or is found to have an unsatisfactory credit history as a result of this evaluation: *Provided further*, That this restriction shall not preclude issuance of a restricted-use charge, debit, or stored value card made in accordance with agency procedures to: (1) an individual with an unsatisfactory credit history where such card is used to pay travel expenses and the agency determines there is no suitable alternative payment mechanism available before issuing the card; or (2) an individual who lacks a credit history. Each executive department and agency shall establish guidelines and procedures for disciplinary actions to be taken against agency personnel for improper, fraudulent, or abusive use of government charge cards, which shall include appropriate disciplinary actions for use of charge cards for purposes, and at establishments, that are inconsistent with the official business of the Department or agency or with applicable standards of conduct.

SEC. 738. (a) DEFINITIONS.—For purposes of this section the following definitions apply:

(1) GREAT LAKES.—The terms ''Great Lakes'' and ''Great Lakes State'' have the same meanings as such terms have in section 506 of the Water Resources Development Act of 2000 (42 U.S.C. 1962d–22).

(2) GREAT LAKES RESTORATION ACTIVITIES.—The term ''Great Lakes restoration activities'' means any Federal or State activity primarily or entirely within the Great Lakes watershed that seeks to improve the overall health of the Great Lakes ecosystem.

(b) REPORT.—Not later than 45 days after submission of the budget of the President to Congress, the Director of OMB, in coordination with the Governor of each Great Lakes State and the Great Lakes Interagency Task Force, shall submit to the appropriate authorizing and appropriating committees of the Senate and the House of Representatives a financial report, certified by the Secretary of each agency that has budget authority for Great Lakes restoration activities, containing—

(1) an interagency budget crosscut report that—

(A) displays the budget proposed, including any planned interagency or intra-agency transfer, for each of the Federal agencies that carries out Great Lakes restoration activities in the upcoming fiscal year, separately reporting the amount of funding to be provided under existing laws pertaining to the Great Lakes ecosystem; and

(B) identifies all expenditures since fiscal year 2004 by the Federal Government and State governments for Great Lakes restoration activities;

(2) a detailed accounting of all funds received and obligated by all Federal agencies and, to the extent available, State agencies using Federal funds, for Great Lakes restoration activities during the current and previous fiscal years;

(3) a budget for the proposed projects (including a description of the project, authorization level, and project status) to be carried out in the upcoming fiscal year with the Federal portion of funds for activities; and

(4) a listing of all projects to be undertaken in the upcoming fiscal year with the Federal portion of funds for activities.

SEC. 739. (a) IN GENERAL.—None of the funds appropriated or otherwise made available by this or any other Act may be used for any Federal Government contract with any foreign incorporated entity which is treated as an inverted domestic corporation under section 835(b) of the Homeland Security Act of 2002 (6 U.S.C. 395(b)) or any subsidiary of such an entity.

(b) WAIVERS.—

(1) IN GENERAL.—Any Secretary shall waive subsection (a) with respect to any Federal Government contract under the authority of such Secretary if the Secretary determines that the waiver is required in the interest of national security.

(2) REPORT TO CONGRESS.—Any Secretary issuing a waiver under paragraph (1) shall report such issuance to Congress.

(c) EXCEPTION.—This section shall not apply to any Federal Government contract entered into before the date of the enactment of this Act, or to any task order issued pursuant to such contract.

SEC. 740. None of the funds made available by this or any other Act may be used to implement, administer, enforce, or apply the rule entitled ''Competitive Area'' published by OPM in the Federal Register on April 15, 2008 (73 Fed. Reg. 20180 et seq.).

SEC. 741. Section 743 of the Consolidated Appropriations Act, 2010 (Public Law 111–117; 31 U.S.C. 501 note) is amended—

(1) in subsection (a)(3), by inserting after ''exercise of an option'' the following: '', and task orders issued under any such contract,'';

(2) in subsection (a)(3)(G), by inserting before the period at the end the following: '', using direct labor hours and associated cost data collected from contractors'';

(3) in subsection (e)(2)(B), by striking the text and inserting the following: ''the contracts exclude to the maximum extent practicable functions that are closely associated with inherently governmental functions;''; and

(4) by redesignating subsections (h) and (i) as subsections (i) and (j) and by inserting after subsection (g) the following new subsection:

''(h) SUBMISSION OF REPORT ON ACTIONS TAKEN BEFORE PUBLIC-PRIVATE COMPETITION MAY OCCUR.—An executive agency may not begin, plan for, or announce a study or public-private competition regarding the conversion to contractor performance of any function performed by Federal employees pursuant to OMB Circular A–76 or any other administrative regulation or directive until after that agency has submitted to OMB a report, pursuant to subsection (f), that includes actions taken to convert from contractor to Federal employee performance functions that are not inherently governmental, closely associated with governmental functions, critical, or should not otherwise be reserved for performance by Federal employees. This subsection shall take effect beginning with the report required under subsection (f) that is included as an attachment to the annual inventory due by December 31, 2011.''.

SEC. 742. (a) The Vice President may not receive a pay rate increase in calendar year 2011, notwithstanding 3 U.S.C. 104 or any other provision of law.

(b) An individual serving in an Executive Schedule position, or in a position for which the rate of pay is fixed by statute at an Executive Schedule rate, may not receive a pay rate increase in calendar year 2011, notwithstanding schedule adjustments made under 5 U.S.C. 5318, or any other provision of law, except as provided in subsection (g) or (h). The preceding sentence applies only to individuals who are holding a position in which they serve at the pleasure of the President or other appointing official.

(c) A chief of mission or ambassador at large may not receive a pay rate increase in calendar year 2011, notwithstanding section 401 of the Foreign Service Act of 1980 (Public Law 96–465) or any other provision of law, except as provided in subsection (g) or (h).

(d) A noncareer appointee in the Senior Executive Service may not receive a pay rate increase in calendar year 2011, notwithstanding sections 5382 and 5383 of title 5, U.S.C.

(e) Any employee paid a rate of basic pay (including locality-based payments under 5 U.S.C. 5304 or similar authority) at or above level IV of the Executive Schedule who serves at the pleasure of the appointing official may not receive a pay rate increase in calendar year 2011, notwithstanding any other provision of law, except as provided in subsection (g) or (h). This subsection does not apply to employees in the General Schedule pay system or the Foreign Service pay system, or to employees appointed under 5 U.S.C. 3161, or to employees in another pay system whose position would be classified at GS–15 or below if chapter 51 of title 5, U.S.C., applied to them.

(f) Nothing in this section shall prevent employees who do not serve at the pleasure of the appointing official from receiving pay increases as otherwise provided under applicable law.

(g) A career appointee in the Senior Executive Service who receives a Presidential appointment and who makes an election to retain Senior Executive Service basic pay entitlements under 5 U.S.C. 3392, is not subject to this section.

(h) A member of Senior Foreign Service who receives a Presidential appointment to any position in the executive branch and who makes an election to retain Senior Foreign Service pay entitlements under section 302(b)of the Foreign Service Act of 1980 (Public Law 96–465) is not subject to this section.

SEC. 743. Except as expressly provided otherwise, any reference to ''this Act'' contained in any title other than title IV or VIII shall not apply to such title IV or VIII.

SEC. 744. (a) STUDY.—The Comptroller General of the United States shall conduct a study of the feasibility of allowing agencies of the Federal Government to impose convenience fees for the use of credit cards for the purchase of goods or services by individuals or businesses from Federal agencies, where such convenience fees would be designed to recover the cost to the Federal agency of accepting credit card payments.

(b) CONSIDERATIONS.—In conducting the study required by subsection (a), the Comptroller General shall take into consideration—

(1) the impact of convenience fees on consumers;

(2) the extent to which convenience fees would affect the ability of smaller financial institutions and credit unions to offer basic banking and other services, as well as compete against larger financial institutions; and

(3) the impact of convenience fees on Federal agencies and departments.

(c) REPORT.—Not later than 180 days after the date of enactment of this Act, the Comptroller General shall submit a report to Congress on the results of the study required by this section.

## TITLE VIII

## GENERAL PROVISIONS—DISTRICT OF COLUMBIA

(INCLUDING TRANSFER OF FUNDS)

SEC. 801. Whenever in this Act, an amount is specified within an appropriation for particular purposes or objects of expenditure, such amount, unless otherwise specified, shall be considered as the maximum amount that may be expended for said purpose or object rather than an amount set apart exclusively therefor.

SEC. 802. Appropriations in this Act shall be available for expenses of travel and for the payment of dues of organizations concerned with the work of the District of Columbia government, when authorized by the Mayor, or, in the case of the Council of the District of Columbia, funds may be expended with the authorization of the Chairman of the Council.

SEC. 803. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making refunds and for the payment of legal settlements or judgments that have been entered against the District of Columbia government.

SEC. 804. (a) None of the Federal funds provided in this Act shall be used for publicity or propaganda purposes or implementation of any policy including boycott designed to support or defeat legislation pending before Congress or any State legislature.

(b) The District of Columbia may use local funds provided in this title to carry out lobbying activities on any matter.

SEC. 805. (a) None of the Federal funds provided under this Act to the agencies funded by this Act, both Federal and District government agencies, that remain available for obligation or expenditure in fiscal year 2011, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditures for an agency through a reprogramming of funds which—

(1) creates new programs;

(2) eliminates a program, project, or responsibility center;

(3) establishes or changes allocations specifically denied, limited or increased under this Act;

(4) increases funds or personnel by any means for any program, project, or responsibility center for which funds have been denied or restricted;

(5) re-establishes any program or project previously deferred through reprogramming;

(6) augments any existing program, project, or responsibility center through a reprogramming of funds in excess of $3,000,000 or 10 percent, whichever is less; or

(7) increases by 20 percent or more personnel assigned to a specific program, project or responsibility center,

unless the Committees on Appropriations are notified in writing 15 days in advance of the reprogramming.

(b) The District of Columbia government is authorized to approve and execute reprogramming and transfer requests of local funds under this title through November 1, 2011.

SEC. 806. Consistent with the provisions of 31 U.S.C. 1301(a), appropriations under this Act shall be applied only to the objects for which the appropriations were made except as otherwise provided by law.

SEC. 807. None of the Federal funds provided in this Act may be used by the District of Columbia to provide for salaries, expenses, or other costs associated with the offices of United States Senator or United States Representative under section 4(d) of the District of Columbia Statehood Constitutional Convention Initiatives of 1979 (D.C. Law 3–171; D.C. Official Code, sec. 1–123).

SEC. 808. Except as otherwise provided in this section, none of the funds made available by this Act or by any other Act may be used to provide any officer or employee of the District of Columbia with an official vehicle unless the officer or employee uses the vehicle only in the performance of the officer's or employee's official duties. For purposes of this section, the term ''official duties'' does not include travel between the officer's or employee's residence and workplace, except in the case of—

(1) an officer or employee of the Metropolitan Police Department who resides in the District of Columbia or a District of Columbia government employee as may otherwise be designated by the Chief of the Department;

(2) at the discretion of the Fire Chief, an officer or employee of the District of Columbia Fire and Emergency Medical Services Department who resides in the District of Columbia and is on call 24 hours a day or is otherwise designated by the Fire Chief;

(3) at the discretion of the Director of the Department of Corrections, an officer or employee of the District of Columbia Department of Corrections who resides in the District of Columbia and is on call 24 hours a day or is otherwise designated by the Director;

(4) the Mayor of the District of Columbia; and

(5) the Chairman of the Council of the District of Columbia.

SEC. 809. (a) None of the Federal funds contained in this Act may be used by the District of Columbia Attorney General or any other officer or entity of the District government to provide assistance for any petition drive or civil action which seeks to require Congress to provide for voting representation in Congress for the District of Columbia.

(b) Nothing in this section bars the District of Columbia Attorney General from reviewing or commenting on briefs in private lawsuits, or from consulting with officials of the District government regarding such lawsuits.

SEC. 810. None of the Federal funds contained in this Act may be used to distribute any needle or syringe for the purpose of preventing the spread of blood borne pathogens in any location that has been determined by the local public health or local law enforcement authorities to be inappropriate for such distribution.

SEC. 811. Nothing in this Act may be construed to prevent the Council or Mayor of the District of Columbia from addressing the issue of the provision of contraceptive coverage by health insurance plans, but it is the intent of Congress that any legislation enacted on such issue should include a ''conscience clause'' which provides exceptions for religious beliefs and moral convictions.

SEC. 812. The Mayor of the District of Columbia shall submit to the Committees on Appropriations, the House Committee on Oversight and Government Reform, and the Senate Committee on Homeland Security and Governmental Affairs annual reports addressing—

(1) crime, including the homicide rate, implementation of community policing, the number of police officers on local beats, and the closing down of open-air drug markets;

(2) access to substance and alcohol abuse treatment, including the number of treatment slots, the number of people served, the number of people on waiting lists, and the effectiveness of treatment programs, the retention rates in treatment programs, and the recidivism/re-arrest rates for treatment participants;

(3) management of parolees and pre-trial violent offenders, including the number of halfway houses escapes and steps taken to improve monitoring and supervision of halfway house residents to reduce the number of escapes to be provided in consultation with the Court Services and Offender Supervision Agency for the District of Columbia;

(4) education, including access to special education services and student achievement to be provided in consultation with the District of Columbia Public Schools and the District of Columbia public charter schools, repeated grade rates, high school graduation rates, post-secondary education attendance rates, and teen pregnancy rates;

(5) improvement in basic District services, including rat control and abatement;

(6) application for and management of Federal grants, including the number and type of grants for which the District was eligible but failed to apply and the number and type

of grants awarded to the District but for which the District failed to spend the amounts received;

(7) indicators of child and family well-being including child living arrangements by family structure, number of children aging out of foster care, poverty rates by family structure, crime by family structure, marriage rates by income quintile, and out-of-wedlock births; and

(8) employment, including job status and participation in assistance programs by income, education and family structure.

SEC. 813. None of the Federal funds contained in this Act may be used to enact or carry out any law, rule, or regulation to legalize or otherwise reduce penalties associated with the possession, use, or distribution of any schedule I substance under the Controlled Substances Act (21 U.S.C. 801 et seq.) or any tetrahydrocannabinols derivative.

SEC. 814. None of the Federal funds appropriated under this Act shall be expended for any abortion except where the life of the mother would be endangered if the fetus were carried to term or where the pregnancy is the result of an act of rape or incest.

SEC. 815. (a) No later than 30 calendar days after the date of the enactment of this Act, the Chief Financial Officer for the District of Columbia shall submit to the appropriate committees of Congress, the Mayor, and the Council of the District of Columbia, a revised appropriated funds operating budget in the format of the budget that the District of Columbia government submitted pursuant to section 442 of the District of Columbia Home Rule Act (D.C. Official Code, sec. 1–204.42), for all agencies of the District of Columbia government for fiscal year 2011 that is in the total amount of the approved appropriation and that realigns all budgeted data for personal services and other-than-personal services, respectively, with anticipated actual expenditures.

(b) This section shall apply only to an agency for which the Chief Financial Officer for the District of Columbia certifies that a reallocation is required to address unanticipated changes in program requirements.

SEC. 816. No later than 30 calendar days after the date of the enactment of this Act, the Chief Financial Officer for the District of Columbia shall submit to the appropriate committees of Congress, the Mayor, and the Council for the District of Columbia, a revised appropriated funds operating budget for the District of Columbia Public Schools that aligns schools budgets to actual enrollment. The revised appropriated funds budget shall be in the format of the budget that the District of Columbia government submitted pursuant to section 442 of the District of Columbia Home Rule Act (D.C. Official Code, Sec. 1–204.42).

SEC. 817. Amounts appropriated in this Act as operating funds may be transferred to the District of Columbia's enterprise and capital funds and such amounts, once transferred, shall retain appropriation authority consistent with the provisions of this Act.

SEC. 818. Notwithstanding any other laws, for this and succeeding fiscal years, the Director of the District of Columbia Public Defender Service shall, to the extent the Director considers appropriate, provide representation for and hold harmless, or provide liability insurance for, any person who is an employee, member of the Board of Trustees, or officer of the District of Columbia Public Defender Service for money damages arising out of any claim, proceeding, or case at law relating to the furnishing of representational services or management services or related services while acting within the scope of that person's office or employment, including, but not limited to such claims, proceedings, or cases at law involving employment actions, injury, loss of liberty, property damage, loss of property, or personal injury, or death arising from malpractice or negligence of any such officer or employee.

SEC. 819. Section 346 of the District of Columbia Appropriations Act, 2005 (Public Law 108–335) is amended—

(1) in the title, by striking ''BIENNIAL'';

(2) in subsection (a), by striking ''Biennial management'' and inserting ''Management'';

(3) in subsection (a), by striking ''States.'' and inserting ''States every five years.''; and

(4) in subsection (b)(6), by striking ''2'' and inserting ''5''.

SEC. 820. Except as expressly provided otherwise, any reference to ''this Act'' contained in this title or in title IV shall be treated as referring only to the provisions of this title or of title IV.

This division may be cited as the ''Financial Services and General Government Appropriations Act, 2011''.

## DIVISION F—DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2011

### TITLE I

### DEPARTMENTAL MANAGEMENT AND OPERATIONS

#### OFFICE OF THE SECRETARY AND EXECUTIVE MANAGEMENT

For necessary expenses of the Office of the Secretary of Homeland Security, as authorized by section 102 of the Homeland Security Act of 2002 (6 U.S.C. 112), and executive management of the Department of Homeland Security, as authorized by law, $150,126,000: *Provided*, That not to exceed $55,000 shall be for official reception and representation expenses, of which $15,000 shall be made available to the Office of Policy for Visa Waiver Program negotiations in Washington, DC, and for other international activities: *Provided further*, That all official costs associated with the use of Government aircraft by Department of Homeland Security personnel to support official travel of the Secretary and the Deputy Secretary shall be paid from amounts made available for the Immediate Office of the Secretary and the Immediate Office of the Deputy Secretary: *Provided further*, That $25,000,000 shall not be available for obligation until the Secretary submits to the Committees on Appropriations of the Senate and the House of Representatives: (1) an expenditure plan for the Office of Policy for fiscal year 2011; and (2) a comprehensive plan to initiate implementation of a biometric air exit capability in fiscal year 2011, or a written certification to the Congress that it is the position of the Administration that the statutory requirements for biometric air exit be repealed.

#### OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT

For necessary expenses of the Office of the Under Secretary for Management, as authorized by sections 701 through 705 of the Homeland Security Act of 2002 (6 U.S.C. 341 through 345), $242,233,000, of which not less than $500,000 shall be for logistics training; and of which not to exceed $3,000 shall be for official reception and representation expenses: *Provided*, That of the total amount made available under this heading, $5,000,000 shall remain available until expended solely for the alteration and improvement of facilities, tenant improvements, and relocation costs to consolidate Department headquarters operations at the Nebraska Avenue Complex; and $14,641,000 shall remain available until expended for the Human Resources Information Technology program.

#### OFFICE OF THE CHIEF FINANCIAL OFFICER

For necessary expenses of the Office of the Chief Financial Officer, as authorized by section 103 of the Homeland Security Act of 2002 (6 U.S.C. 113), $64,480,000, of which $11,000,000 shall remain available until expended for financial systems consolidation efforts.

#### OFFICE OF THE CHIEF INFORMATION OFFICER

For necessary expenses of the Office of the Chief Information Officer, as authorized by section 103 of the Homeland Security Act of 2002 (6 U.S.C. 113), and Department-wide technology investments, $375,359,000; of which $82,727,000 shall be available for salaries and expenses; and of which $292,632,000, to remain available until expended, shall be available for development and acquisition of information technology equipment, software, services, and related activities for the Department of Homeland Security: *Provided*, That of the total amount appropriated, not less than $83,948,000 shall be available for data center development, of which not less than $27,730,000 shall be available for power capabilities upgrades and facility construction projects at Data Center One (National Center for Critical Information Processing and Storage): *Provided further*, That the Chief Information Officer shall submit to the Committees on Appropriations of the Senate and the House of Representatives, not more than 60 days after the date of enactment of this Act, an expenditure plan for all information technology acquisition projects that: (1) are funded under this heading; or (2) are funded by multiple components of the Department of Homeland Security through reimbursable agreements: *Provided further*, That such expenditure plan shall include each specific project funded, key milestones, all funding sources for each project, details of annual and lifecycle costs, and projected cost savings or cost avoidance to be achieved by the project: *Provided further*, That $75,000,000 shall not be available for obligation until the submission of the expenditure plan to the Committees on Appropriations of the Senate and the House of Representatives.

#### ANALYSIS AND OPERATIONS

For necessary expenses for intelligence analysis and operations coordination activities, as authorized by title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.), $340,000,000, of which not to exceed $5,000 shall be for official reception and representation expenses; and of which $53,975,000 shall remain available until September 30, 2012: *Provided*, That $20,000,000 shall be withheld from obligation until an expenditure plan for the Office of Intelligence and Analysis is received by the Committees on Appropriations of the Senate and House of Representatives: *Provided further*, That none of the funds provided in this or any other Act shall be available to commence operations of the National Immigration Information Sharing Operation or any follow-on entity until the Secretary certifies that such program complies with all existing laws, including all applicable privacy and civil liberties standards; the Comptroller General of the United States notifies the Committees on Appropriations of the Senate and the House of Representatives and the Secretary that the Comptroller has reviewed such certification; and the Secretary notifies the Committees on Appropriations of the Senate and the House of Representatives of all funds to be expended on operations of the National Immigration Information Sharing Operation or any follow-on entity pursuant to section 503 of this Act: *Provided further*, That none of the funds provided under this heading may be obligated to create or operate a new program management office or similar organization or entity to oversee the State and Local Fusion Center program until the Committees on Appropriations of the Senate and House of Representatives receive a notification

pursuant to section 503 of this Act that describes the purpose, management goals, implementation timeline, budget, and funding sources for any proposed new office, organization, or entity.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.), $115,806,000, of which not to exceed $300,000 may be used for certain confidential operational expenses, including the payment of informants, to be expended at the direction of the Inspector General.

TITLE II

SECURITY, ENFORCEMENT, AND INVESTIGATIONS

U.S. CUSTOMS AND BORDER PROTECTION

SALARIES AND EXPENSES

For necessary expenses for enforcement of laws relating to border security, immigration, customs, agricultural inspections and regulatory activities related to plant and animal imports, and transportation of unaccompanied minor aliens; purchase and lease of up to 8,000 (7,000 for replacement only) police-type vehicles; and contracting with individuals for personal services abroad; $8,239,377,000, of which $3,274,000 shall be derived from the Harbor Maintenance Trust Fund for administrative expenses related to the collection of the Harbor Maintenance Fee pursuant to section 9505(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 9505(c)(3)) and notwithstanding section 1511(e)(1) of the Homeland Security Act of 2002 (6 U.S.C. 551(e)(1)); of which not to exceed $45,000 shall be for official reception and representation expenses; of which not less than $311,052,000 shall be for Air and Marine Operations; of which such sums as become available in the Customs User Fee Account, except sums subject to section 13031(f)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(f)(3)), shall be derived from that account; of which not to exceed $150,000 shall be available for payment for rental space in connection with preclearance operations; and of which not to exceed $1,000,000 shall be for awards of compensation to informants, to be accounted for solely under the certificate of the Secretary of Homeland Security: *Provided*, That for fiscal year 2011, the overtime limitation prescribed in section 5(c)(1) of the Act of February 13, 1911 (19 U.S.C. 267(c)(1)) shall be $35,000, and notwithstanding any other provision of law, none of the funds appropriated by this Act may be available to compensate any employee of U.S. Customs and Border Protection for overtime, from whatever source, in an amount that exceeds such limitation, except in individual cases determined by the Secretary of Homeland Security, or the designee of the Secretary, to be necessary for national security purposes, to prevent excessive costs, or in cases of immigration emergencies: *Provided further*, That of the total amount provided, $1,700,000 shall remain available until September 30, 2012, for the Global Advanced Passenger Information/Passenger Name Record Program: *Provided further*, That the Border Patrol shall maintain an active duty presence of not less than 20,500 full-time equivalent agents protecting the borders of the United States throughout the fiscal year.

AUTOMATION MODERNIZATION

For expenses for U.S. Customs and Border Protection automated systems, $347,575,000, to remain available until expended, of which not less than $153,090,000 shall be for the development of the Automated Commercial Environment: *Provided*, That not later than 30 days after the date of enactment of this Act, the Commissioner of U.S. Customs and Border Protection shall submit to the Committees on Appropriations of the Senate and the House of Representatives a report on the results to date of, and plans for completing, the Automated Commercial Environment program.

BORDER SECURITY FENCING, INFRASTRUCTURE, AND TECHNOLOGY

For expenses for border security fencing, infrastructure, and technology, $574,173,000, to remain available until expended: *Provided*, That of the total amount made available under this heading, $75,000,000 shall not be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure, prepared by the Commissioner of U.S. Customs and Border Protection, reviewed by the Government Accountability Office, and submitted not later than 90 days after the date of the enactment of this Act, for a program to establish and maintain a security barrier along the borders of the United States, of fencing and vehicle barriers where practicable, and of other forms of tactical infrastructure and technology, that meets the statutory conditions specified under this heading in Public Law 111–83 and which may cite by reference previous expenditure plans and supporting documentation previously submitted to the Committees: *Provided further*, That at least 15 days before the award of any task order requiring an obligation of funds in an amount greater than $25,000,000 and before the award of a task order that would cause cumulative obligations of funds to exceed 50 percent of the total amount appropriated under this heading, the Commissioner of U.S. Customs and Border Protection shall report to the Committees on Appropriations of the Senate and the House of Representatives on the progress of the program, and obligations and expenditures for all outstanding task orders awarded under the program, and specific objectives to be achieved through the award of current and remaining task orders planned for the balance of available appropriations for the program: *Provided further*, That none of the funds made available under this heading may be obligated unless the Department has complied with section 102(b)(1)(C)(i) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103 note), and the Secretary certifies such to the Committees on Appropriations of the Senate and the House of Representatives: *Provided further*, That none of the funds made available under this heading may be obligated for any project or activity for which the Secretary has exercised waiver authority pursuant to section 102(c) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103 note) until 15 days have elapsed from the date of the publication in the Federal Register of the decision to exercise that authority.

AIR AND MARINE INTERDICTION, OPERATIONS, MAINTENANCE, AND PROCUREMENT

For necessary expenses for the operations, maintenance, and procurement of marine vessels, aircraft, unmanned aircraft systems, and other related equipment of the air and marine program, including operational training and mission-related travel; the interdiction of narcotics and other goods; the provision of support to Federal, State, and local agencies in the enforcement or administration of laws enforced by the Department; and at the discretion of the Secretary of Homeland Security, the provision of assistance to Federal, State, and local agencies in other law enforcement and emergency humanitarian efforts, $511,751,000, to remain available until expended: *Provided*, That no aircraft or other related equipment, with the exception of aircraft that are one of a kind and have been identified as excess to U.S. Customs and Border Protection requirements and aircraft that have been damaged beyond repair, shall be transferred to any other Federal agency, department, or office outside of the Department in fiscal year 2011 without the prior approval of the Committees on Appropriations of the Senate and the House of Representatives.

CONSTRUCTION AND FACILITIES MANAGEMENT

For necessary expenses to plan, acquire, construct, renovate, equip, and maintain buildings and facilities necessary for the administration and enforcement of the laws relating to customs, immigration, and border security, $282,740,000, to remain available until expended; of which $4,000,000 shall be for constructing and equipping the Advanced Training Center: *Provided*, That for fiscal year 2012 and hereafter, the annual budget submission of U.S. Customs and Border Protection for ''Construction and Facilities Management'' shall, in consultation with the General Services Administration, include a detailed 5-year plan for all Federal land border port of entry projects with a yearly update of total projected future funding needs delineated by land port of entry.

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For the necessary expenses to conduct investigations of criminal violations of Federal law relating to border security, customs and trade, immigration and naturalization, intellectual property rights, and travel and transportation; for the civil enforcement of immigration and customs laws, including the detention and removal of immigration status violators; and for the purchase and lease of up to 3,790 (2,350 for replacement only) police-type vehicles, $5,508,555,000, of which not less than $250,000,000 shall be for activities to investigate violations of immigration and customs laws along the Southwest border of the United States, including Border Enforcement Security Task Force operations and Law Enforcement Agency Response Teams; of which not less than $120,000,000 shall be for activities to investigate cyber crimes and child exploitation offenses, including sex trafficking, child pornography, child sex tourism, and promotion of public awareness of the child pornography tipline; of which $15,770,000 shall be for activities in fiscal year 2011 to enforce laws against forced child labor, of which $6,000,000 shall be available until expended; of which not to exceed $10,000,000 shall be available until expended for conducting special operations under section 3131 of the Customs Enforcement Act of 1986 (19 U.S.C. 2081); of which not to exceed $2,000,000 shall be for awards of compensation to informants, to be accounted for solely under the certificate of the Secretary of Homeland Security; of which not to exceed $11,216,000 shall be available to fund or reimburse other Federal agencies for the costs associated with the care, maintenance, and repatriation of smuggled aliens unlawfully present in the United States; of which not to exceed $15,000 shall be for official reception and representation expenses: *Provided,* That none of the funds made available under this heading shall be available to compensate any employee for overtime in an annual amount in excess of $35,000, except that the Secretary, or the designee of the Secretary, may waive that amount as necessary for national security purposes and in cases of immigration emergencies: *Provided further,* That of the total amount made available under this heading, not less than $2,000,000,000 shall be available to identify aliens convicted of a

crime who may be deportable, and to remove them from the United States once they are judged deportable: *Provided further*, That the Secretary, or the designee of the Secretary, shall report to the Committees on Appropriations of the Senate and the House of Representatives, not later than 45 days after the end of each quarter of the fiscal year, on progress in implementing the preceding proviso and the funds obligated during that quarter to make that progress: *Provided further*, That the Secretary shall prioritize the identification and removal of aliens convicted of a crime by the severity of that crime: *Provided further*, That not less than $5,400,000 shall be used to facilitate agreements consistent with section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)): *Provided further*, That none of the funds under this heading may be used to continue a delegation of law enforcement authority authorized under section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)) if the Department of Homeland Security Inspector General determines that the terms of the agreement governing the delegation of authority have been violated: *Provided further*, That of the total amount provided, not less than $2,583,021,000 is for detention and removal operations, including transportation of unaccompanied alien minors: *Provided further*, That funding made available under this heading shall maintain a level of not less than 33,400 detention beds through September 30, 2011: *Provided further*, That none of the funds made available under this heading may be used to continue any contract for the provision of detention services if the two most recent overall performance evaluations received by the contracted facility are less than ''adequate'' or the equivalent median score in any subsequent performance evaluation system: *Provided further*, That nothing under this heading shall prevent U.S. Immigration and Customs Enforcement from exercising those authorities provided under immigration laws (as defined in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17))) during priority operations pertaining to aliens convicted of a crime: *Provided further*, That none of the funds provided under this heading may be obligated to collocate field offices of U.S. Immigration and Customs Enforcement until the Secretary submits to the Committees on Appropriations of the Senate and the House of Representatives a plan for the nationwide implementation of the Alternatives to Detention program that identifies: (1) how funding made available by this Act will be used to expand the Alternatives to Detention program; (2) the date by which the Secretary will achieve nationwide implementation of the Alternatives to Detention program; and (3) the milestones the Secretary will establish to measure progress toward achieving nationwide implementation of the Alternatives to Detention program: *Provided further*, That of the total amount provided for the purposes of identifying aliens convicted of a crime who may be deportable, and removing them from the United States once they are judged deportable, $259,825,000 shall remain available until September 30, 2012, of which up to $30,625,000 may be available for transfer to U.S. Immigration and Customs Enforcement ''Automation Modernization'' for information technology investments associated with these purposes: *Provided further*, That of the total amount provided, $7,300,000 shall remain available until September 30, 2012, for the Visa Security Program.

AUTOMATION MODERNIZATION

For expenses of immigration and customs enforcement automated systems, $84,700,000, to remain available until expended: *Provided*, That of the funds made available under this heading, $10,000,000 shall not be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive an expenditure plan prepared by the Assistant Secretary of U.S. Immigration and Customs Enforcement.

TRANSPORTATION SECURITY ADMINISTRATION

AVIATION SECURITY

For necessary expenses of the Transportation Security Administration related to providing civil aviation security services pursuant to the Aviation and Transportation Security Act (Public Law 107–71), $5,452,037,000, to remain available until September 30, 2012, of which not to exceed $10,000 shall be for official reception and representation expenses: *Provided*, That of the total amount made available under this heading, not to exceed $4,363,000,000 shall be for screening operations, of which $643,325,000 shall be available for explosives detection systems; and not to exceed $1,089,037,000 shall be for aviation security direction and enforcement: *Provided further*, That of the amount made available in the preceding proviso for explosives detection systems, $320,000,000 shall be available for the purchase and installation of these systems, of which not less than 9 percent shall be available for the purchase and installation of certified explosives detection systems at medium- and small-sized airports: *Provided further*, That any award to deploy explosives detection systems shall be based on risk, the airport's current reliance on other screening solutions, lobby congestion resulting in increased security concerns, high injury rates, airport readiness, and increased cost effectiveness: *Provided further*, That security service fees authorized under section 44940 of title 49, United States Code, shall be credited to this appropriation as offsetting collections and shall be available only for aviation security: *Provided further*, That the sum appropriated under this heading from the general fund shall be reduced on a dollar-for-dollar basis as such offsetting collections are received in fiscal year 2011, so as to result in a final fiscal year appropriation from the general fund of not more than $3,352,037,000: *Provided further*, That any security service fees collected in excess of the amount made available under this heading shall be available for fiscal year 2012: *Provided further*, That Members of the House of Representatives and Senate, including the leadership; the heads of Federal agencies and commissions, including the Secretary, Deputy Secretary, Under Secretaries, and Assistant Secretaries of the Department of Homeland Security; the Attorney General, Assistant Attorneys General, and United States attorneys; and senior members of the Executive Office of the President, including the Director of the Office of Management and Budget; shall not be exempt from Federal passenger and baggage screening.

SURFACE TRANSPORTATION SECURITY

For necessary expenses of the Transportation Security Administration related to surface transportation security activities, $137,558,000, to remain available until September 30, 2012.

TRANSPORTATION THREAT ASSESSMENT AND CREDENTIALING

For necessary expenses for the development and implementation of screening programs of the Office of Transportation Threat Assessment and Credentialing, $159,124,000, to remain available until September 30, 2012: *Provided*, That if the Assistant Secretary of Homeland Security (Transportation Security Administration) determines that the Secure Flight program does not need to check airline passenger names against the full terrorist watchlist, the Assistant Secretary shall certify to the Committees on Appropriations of the Senate and the House of Representatives, not later than 30 days after the date of enactment of this Act, that no significant security risks are raised by screening airline passenger names only against a subset of the full terrorist watchlist.

TRANSPORTATION SECURITY SUPPORT

For necessary expenses of the Transportation Security Administration related to providing transportation security support and intelligence pursuant to the Aviation and Transportation Security Act (Public Law 107–71), $1,039,777,000, to remain available until September 30, 2012: *Provided*, That of the funds appropriated under this heading, $50,000,000 may not be obligated for headquarters administration until the Assistant Secretary of Homeland Security (Transportation Security Administration) submits to the Committees on Appropriations of the Senate and the House of Representatives detailed expenditure plans for air cargo security, and for checkpoint support and explosives detection systems refurbishment, procurement, and installations on an airport-by-airport basis for fiscal year 2011: *Provided further*, That such plans shall be submitted no later than 60 days after the date of enactment of this Act.

FEDERAL AIR MARSHALS

For necessary expenses of the Federal Air Marshals, $945,015,000.

COAST GUARD

OPERATING EXPENSES

For necessary expenses for the operation and maintenance of the Coast Guard, not otherwise provided for; purchase or lease of not to exceed 25 passenger motor vehicles, which shall be for replacement only; purchase or lease of small boats for contingent and emergent requirements (at a unit cost of no more than $700,000) and repairs and service-life replacements, not to exceed a total of $26,000,000, in addition to boats necessary for overseas deployments and other activities; minor shore construction projects not exceeding $1,000,000 in total cost at any location; payments pursuant to section 156 of Public Law 97–377 (42 U.S.C. 402 note; 96 Stat. 1920); and recreation and welfare; $6,951,973,000, of which $594,000,000 shall be for defense-related activities, of which $254,000,000 is for overseas deployments and other activities; of which $24,500,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)); and of which not to exceed $20,000 shall be for official reception and representation expenses: *Provided*, That none of the funds made available by this or any other Act shall be available for administrative expenses in connection with shipping commissioners in the United States: *Provided further*, That none of the funds made available by this Act shall be for expenses incurred for recreational vessels under section 12114 of title 46, United States Code, except to the extent fees are collected from yacht owners and credited to this appropriation: *Provided further*, That the Coast Guard shall comply with the requirements of section 527 of the National Defense Authorization Act for Fiscal Year 2004 (10 U.S.C. 4331 note) with respect to the Coast Guard Academy: *Provided further*, That of the funds made available under this heading, $75,000,000 shall be withheld from obligation for Headquarters Directorates until: (1) the fiscal year 2011 second quarter acquisition report; (2) the annual review of the Revised Deepwater Implementation Plan; (3) the future-years capital investment plan for fiscal years 2012–2016;

and (4) the Polar High Latitude Study are received by the Committees on Appropriations of the Senate and the House of Representatives: *Provided further*, That of the amount provided under this heading for overseas deployments and other activities, $254,000,000 is designated as described in section 5 (in the matter preceding division A of this consolidated Act): *Provided further*, That funds made available under this heading for overseas deployments and other activities may be allocated by program, project, and activity, notwithstanding section 503 of this Act.

ENVIRONMENTAL COMPLIANCE AND RESTORATION

For necessary expenses to carry out the environmental compliance and restoration functions of the Coast Guard under chapter 19 of title 14, United States Code, $13,329,000, to remain available until expended.

RESERVE TRAINING

For necessary expenses of the Coast Guard Reserve, as authorized by law; operations and maintenance of the reserve program; personnel and training costs; and equipment and services; $135,675,000.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of acquisition, construction, renovation, and improvement of aids to navigation, shore facilities, vessels, and aircraft, including equipment related thereto; and maintenance, rehabilitation, lease and operation of facilities and equipment, as authorized by law; $1,518,613,000, of which $20,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)); of which $2,000,000 shall be derived from the Coast Guard Housing Fund, established pursuant to 14 U.S.C. 687, and shall remain available until expended for military family housing; of which $73,200,000 shall be available until September 30, 2015, to acquire, effect major repairs, renovate, or improve vessels, small boats, and related equipment; of which $36,000,000 shall be available until September 30, 2013, for other equipment; of which $108,350,000 shall be available until September 30, 2013, for shore facilities and aids to navigation facilities, including not less than $23,500,000 for waterfront improvements and support facilities for buoy tender operations at Naval Station Newport, not less than $18,100,000 for the Coast Guard Sector Honolulu Command and Interagency Operations Center, and not less than $21,050,000 for Coast Guard Station Cleveland Harbor; of which $107,561,000 shall be available for personnel compensation and benefits and related costs; and of which $1,191,502,000 shall be available until September 30, 2015, for the Integrated Deepwater Systems program: *Provided*, That of the funds made available for the Integrated Deepwater Systems program, $103,000,000 is for aircraft and $933,002,000 is for surface ships: *Provided further*, That the Commandant of the Coast Guard shall submit to the Committees on Appropriations of the Senate and the House of Representatives, in conjunction with the President's fiscal year 2012 budget, a review of the Revised Deepwater Implementation Plan that identifies any changes to the plan for the fiscal year; an annual performance comparison of Integrated Deepwater Systems program assets to pre-Deepwater legacy assets; a status report of such legacy assets; a detailed explanation of how the costs of such legacy assets are being accounted for within the Integrated Deepwater Systems program; and the earned value management system gold card data for each Integrated Deepwater Systems program asset: *Provided further*, That the Commandant of the Coast Guard shall submit to the Committees on Appropriations of the Senate and the House of Representatives, in conjunction with the fiscal year 2016 budget request, and every 5 years thereafter, a comprehensive review of the Revised Deepwater Implementation Plan, that includes a complete projection of the acquisition costs and schedule for the duration of the plan: *Provided further*, That the Commandant of the Coast Guard shall annually submit to the Committees on Appropriations of the Senate and the House of Representatives, at the time that the President's budget is submitted under section 1105(a) of title 31, United States Code, a future-years capital investment plan for the Coast Guard that identifies for each capital budget line item—

(1) the proposed appropriation included in that budget;

(2) the estimated total acquisition cost;

(3) projected funding levels, including a listing (by fiscal year) of the number of assets or segments that will be procured with the funding requested, for each fiscal year for the next 5 fiscal years or until project completion, whichever is earlier;

(4) an estimated completion date at the projected funding levels;

(5) the total number of planned assets or segments;

(6) justification for each requested project including a qualitative description of mission performance envisioned to be achieved upon completion of the acquisition program and missions that will be supported by such project; and

(7) changes, if any, in the total estimated cost of completion or estimated completion date from previous future-years capital investment plans submitted to the Committees on Appropriations of the Senate and the House of Representatives:

*Provided further*, That the Commandant of the Coast Guard shall ensure that amounts specified in the future-years capital investment plan are consistent, to the maximum extent practicable, with proposed appropriations necessary to support the programs, projects, and activities of the Coast Guard in the President's budget as submitted under section 1105(a) of title 31, United States Code, for that fiscal year: *Provided further*, That any inconsistencies between the capital investment plan and proposed appropriations shall be identified and justified: *Provided further*, That subsections (a) and (b) of section 6402 of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Public Law 110–28) shall apply to fiscal year 2011.

ALTERATION OF BRIDGES

For necessary expenses for alteration or removal of obstructive bridges, as authorized by section 6 of the Truman-Hobbs Act (33 U.S.C. 516), $4,000,000, to remain available until expended: *Provided*, That of the amounts made available under this heading, $4,000,000 shall be for the Union Pacific Railroad Bridge in Clinton, Iowa.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

For necessary expenses for applied scientific research, development, test, and evaluation; and for maintenance, rehabilitation, lease, and operation of facilities and equipment; as authorized by law; $32,534,000, to remain available until expended, of which $500,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)): *Provided*, That there may be credited to and used for the purposes of this appropriation funds received from State and local governments, other public authorities, private sources, and foreign countries for expenses incurred for research, development, testing, and evaluation.

RETIRED PAY

For retired pay, including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose, payments under the Retired Serviceman's Family Protection and Survivor Benefits Plans, payment for career status bonuses, concurrent receipts and combat-related special compensation under the National Defense Authorization Act, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, $1,400,700,000, to remain available until expended.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Secret Service, including: purchase of not to exceed 652 vehicles for police-type use for replacement only; hire of passenger motor vehicles; purchase of motorcycles made in the United States; hire of aircraft; services of expert witnesses at such rates as may be determined by the Director of the Secret Service; rental of buildings in the District of Columbia, and fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control, as may be necessary to perform protective functions; payment of per diem or subsistence allowances to employees in a case in which a protective assignment during the actual day or days of the visit of a protectee requires an employee to work 16 hours per day or to remain overnight at a post of duty; conduct of and participation in firearms matches; presentation of awards; travel of United States Secret Service employees on protective missions without regard to the limitations on such expenditures in this or any other Act if approval is obtained in advance from the Committees on Appropriations of the Senate and the House of Representatives; research and development; grants to conduct behavioral research in support of protective research and operations; and payment in advance for commercial accommodations as may be necessary to perform protective functions; $1,574,642,000, of which not to exceed $25,000 shall be for official reception and representation expenses; of which not to exceed $100,000 shall be to provide technical assistance and equipment to foreign law enforcement organizations in counterfeit investigations; of which $2,366,000 shall be for forensic and related support of investigations of missing and exploited children; and of which $6,000,000 shall be for a grant for activities related to the investigations of missing and exploited children and shall remain available until expended: *Provided*, That up to $18,000,000 for protective travel shall remain available until September 30, 2012: *Provided further*, That up to $1,000,000 for National Special Security Events shall remain available until expended: *Provided further*, That the United States Secret Service is authorized to obligate funds in anticipation of reimbursements from Federal agencies and entities, as defined in section 105 of title 5, United States Code, receiving training sponsored by the James J. Rowley Training Center, except that total obligations for the fiscal year shall not exceed total budgetary resources available under this heading at the end of the fiscal year: *Provided further*, That none of the funds made available under this heading shall be available to compensate any employee for overtime in an annual amount in excess of $35,000, except that the Secretary of Homeland Security, or the designee of the Secretary, may waive that amount as necessary for national security purposes: *Provided further*, That none of the funds made available to the United States Secret Service by this Act or by previous appropriations

Acts may be made available for the protection of the head of a Federal agency other than the Secretary of Homeland Security: *Provided further*, That the Director of the Secret Service may enter into an agreement to perform such service on a fully reimbursable basis: *Provided further*, That of the total amount made available under this heading, $69,960,000, to remain available until expended, is for information integration and technology transformation: *Provided further*, That of the funds made available in the preceding proviso, $20,000,000 shall not be available for obligation until the Chief Information Officer of the Department submits a report to the Committees on Appropriations of the Senate and the House of Representatives certifying that all plans for such activities are consistent with Department of Homeland Security data center migration and enterprise architecture requirements: *Provided further*, That none of the funds made available to the United States Secret Service by this Act or by previous appropriations Acts may be obligated for the purpose of opening a new permanent domestic or overseas office or location unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such obligation.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For necessary expenses for acquisition, construction, repair, alteration, and improvement of facilities, $3,975,000, to remain available until expended.

TITLE III

PROTECTION, PREPAREDNESS, RESPONSE, AND RECOVERY

NATIONAL PROTECTION AND PROGRAMS DIRECTORATE

MANAGEMENT AND ADMINISTRATION

For salaries and expenses of the Office of the Under Secretary for the National Protection and Programs Directorate, support for operations, information technology, and the Office of Risk Management and Analysis, $45,387,000: *Provided*, That not to exceed $5,000 shall be for official reception and representation expenses.

INFRASTRUCTURE PROTECTION AND INFORMATION SECURITY

For necessary expenses for infrastructure protection and information security programs and activities, as authorized by title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.), $874,923,000, of which $720,884,000 shall remain available until September 30, 2012: *Provided*, That of the amount made available under this heading, $100,000,000 may not be obligated for the National Cyber Security Division and $10,000,000 may not be obligated for the Next Generation Networks program until the Committees on Appropriations of the Senate and the House of Representatives receive a plan for expenditure for each that describes the strategic context, the specific goals and milestones set, and the funds allocated to achieving each of those goals and milestones: *Provided further*, That of the total amount provided, not less than: $18,000,000 is for the National Infrastructure Simulation and Analysis Center; $3,000,000 is for State and local cyber security training; $3,000,000 is for the Multi-State Information Sharing and Analysis Center; and $1,000,000 is for interoperable communications, technical assistance, and outreach programs.

FEDERAL PROTECTIVE SERVICE

The revenues and collections of security fees credited to this account shall be available until expended for necessary expenses related to the protection of federally-owned and leased buildings and for the operations of the Federal Protective Service: *Provided*, That the Secretary of Homeland Security and the Director of the Office of Management and Budget shall certify in writing to the Committees on Appropriations of the Senate and the House of Representatives, no later than 60 days after the date of enactment of this Act, that the operations of the Federal Protective Service will be fully funded in fiscal year 2011 through revenues and collection of security fees, and shall adjust the fees to ensure fee collections are sufficient to ensure that, no later than September 1, 2011, the Federal Protective Service maintains not fewer than 1,348 full-time staff and 1,011 full-time Police Officers, Inspectors, Area Commanders, and Special Agents who, while working, are directly engaged on a daily basis protecting and enforcing laws at Federal buildings (referred to as ''in-service field staff'').

UNITED STATES VISITOR AND IMMIGRANT STATUS INDICATOR TECHNOLOGY

For necessary expenses for the development of the United States Visitor and Immigrant Status Indicator Technology project, as authorized by section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1365a), $339,263,000, of which $50,000,000 shall remain available until September 30, 2012: *Provided*, That of the total amount made available under this heading, $125,000,000 shall not be obligated for the United States Visitor and Immigrant Status Indicator Technology project until the Committees on Appropriations of the Senate and the House of Representatives receive a plan for expenditure, prepared by the Secretary of Homeland Security, not later than 90 days after the date of enactment of this Act that meets the statutory conditions specified under this heading in Public Law 110–329: *Provided further*, That not less than $50,000,000 of unobligated balances of prior year appropriations shall remain available and be obligated solely for implementation of a biometric air exit capability.

OFFICE OF HEALTH AFFAIRS

For necessary expenses of the Office of Health Affairs, $157,984,000, of which $27,053,000 is for salaries and expenses: *Provided*, That $130,931,000 shall remain available until September 30, 2012, for biosurveillance, BioWatch, medical readiness planning, chemical response, and other activities, including $4,750,000 for the North Carolina Collaboratory for Bio-Preparedness, University of North Carolina, Chapel Hill: *Provided further*, That of the amount made available under this heading, $3,500,000 may not be obligated for the National Biosurveillance Integration System until the Committees on Appropriations of the Senate and the House of Representatives receive a plan for expenditure for such System: *Provided further*, That not to exceed $3,000 shall be for official reception and representation expenses.

FEDERAL EMERGENCY MANAGEMENT AGENCY

MANAGEMENT AND ADMINISTRATION

For necessary expenses for management and administration of the Federal Emergency Management Agency, $764,296,000, including activities authorized by the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Cerro Grande Fire Assistance Act of 2000 (division C, title I, 114 Stat. 583), the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.), the Defense Production Act of 1950 (50 U.S.C. App. 2061 et seq.), sections 107 and 303 of the National Security Act of 1947 (50 U.S.C. 404, 405), Reorganization Plan No. 3 of 1978 (5 U.S.C. App.), the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.), and the Post-Katrina Emergency Management Reform Act of 2006 (Public Law 109–295): *Provided*, That not to exceed $3,000 shall be for official reception and representation expenses: *Provided further*, That the President's budget submitted under section 1105(a) of title 31, United States Code, shall be detailed by office for the Federal Emergency Management Agency: *Provided further*, That the Administrator of the Federal Emergency Management Agency shall provide to the Committees on Appropriations of the Senate and the House of Representatives an expenditure plan for all funds made available in this Act for Federal Emergency Management Agency ''Management and Administration'', not later than 75 days after the date of enactment of this Act: *Provided further*, That of the total amount made available under this heading, not to exceed $12,000,000 shall remain available until September 30, 2012, for capital improvements at the Mount Weather Emergency Operations Center: *Provided further*, That of the total amount made available under this heading, $38,000,000 shall be for the Urban Search and Rescue Response System, of which not to exceed $1,600,000 may be made available for administrative costs; and $7,049,000 shall be for the Office of National Capital Region Coordination: *Provided further*, That for purposes of planning, coordination, execution, and decisionmaking related to mass evacuation during a disaster, for fiscal year 2011 and hereafter, the Governors of the State of West Virginia and the Commonwealth of Pennsylvania, or their designees, shall be incorporated into efforts to integrate the activities of Federal, State, and local governments in the National Capital Region, as defined in section 882 of Public Law 107–296, the Homeland Security Act of 2002.

STATE AND LOCAL PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For grants, contracts, cooperative agreements, and other activities, $3,080,450,000 shall be allocated as follows:

(1) $950,000,000 shall be for the State Homeland Security Grant Program under section 2004 of the Homeland Security Act of 2002 (6 U.S.C. 605): *Provided*, That of the amount provided by this paragraph and not subject to the requirements of title XX, subtitle A of the Homeland Security Act of 2002 (6 U.S.C. 603, et seq.), $60,000,000 shall be for Operation Stonegarden and $10,000,000 shall be for the Citizen Corps Program: *Provided further*, That notwithstanding subsection (c)(4) of such section 2004, for fiscal year 2011, the Commonwealth of Puerto Rico shall make available to local and tribal governments amounts provided to the Commonwealth of Puerto Rico under this paragraph in accordance with subsection (c)(1) of such section 2004.

(2) $977,500,000 shall be for the Urban Area Security Initiative under section 2003 of the Homeland Security Act of 2002 (6 U.S.C. 604): *Provided*, That, notwithstanding subsection (c)(1) of such section, $19,000,000 shall be for grants to organizations (as described under section 501(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 501(c)(3)) and exempt from tax section 501(a) of such code (26 U.S.C. 501(a)) determined by the Secretary of Homeland Security to be at high risk of a terrorist attack: *Provided further*, That of the amount provided by this paragraph, $20,000,000 shall be for radiological and nuclear detection systems: *Provided further*, That of the amount provided by this paragraph and not subject to the requirements of title XX, subtitle A of the Homeland Security Act of 2002 (6 U.S.C. 603, et seq.), $17,500,000, to remain available until expended, shall be for necessary expenses for reimbursement of the actual costs to State and local governments for providing emergency management, public safety, and

security at events, as determined by the Administrator of the Federal Emergency Management Agency, related to the presence of a National Special Security Event: *Provided further*, That the amount of any grant made to reimburse the actual costs related to a National Special Security Event shall not be deducted from the allocation of any amounts otherwise made available under this paragraph to any entity.

(3) $35,000,000 shall be for Regional Catastrophic Preparedness Grants.

(4) $41,000,000 shall be for the Metropolitan Medical Response System under section 635 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 723).

(5) $350,000,000 shall be for Public Transportation Security Assistance, Railroad Security Assistance, and Over-the-Road Bus Security Assistance under section 1406, 1513, and 1532 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (Public Law 110–53; 6 U.S.C. 1135, 1163, and 1182); of which not less than $25,000,000 shall be for Amtrak security; and not less than $12,000,000 shall be for Over-the-Road Bus Security Assistance: *Provided*, That such public transportation security assistance shall be provided directly to public transportation agencies.

(6) $350,000,000 shall be for Port Security Grants under section 70107 of title 46, United States Code.

(7) $35,000,000 shall be for Buffer Zone Protection Program Grants.

(8) $35,000,000 shall be for the Interoperable Emergency Communications Grant Program under section 1809 of the Homeland Security Act of 2002 (6 U.S.C. 579).

(9) $50,000,000 shall be for grants for Emergency Operations Centers under section 614 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5196c) to remain available until expended, of which not less than the amount specified for each Emergency Operations Center shall be provided as follows: $700,000, California Emergency Management Agency; $228,125, Cherry Hill Township, New Jersey; $800,000, City of Alexandria, Virginia; $250,000, City of Baton Rouge, Louisiana; $800,000, City of Bowie Police Department, Maryland; $800,000, City of Brownsville, Texas; $442,000, City of Columbia, South Carolina; $800,000, City of Columbus, Ohio; $800,000, City of Compton, California; $800,000, City of Houston, Texas; $800,000, City of Laredo, Texas; $500,000, City of Lauderdale Lakes, Florida; $800,000, City of New Orleans, Louisiana; $600,000, City of Orange Township, New Jersey; $800,000, City of Palm Beach Gardens, Florida; $500,000, City of Pasadena, California; $950,000, City of Passaic, New Jersey; $800,000, City of Pharr, Texas; $800,000, City of Phoenix, Arizona; $800,000, City of South Daytona, Florida; $375,000, City of Temple City, California; $800,000, Clallam County Sheriff's Office, Washington; $800,000, County of Gloucester, New Jersey; $3,450,000, County of Hudson, New Jersey; $771,000, Missoula County, Montana; $250,000, Fulton County Government, Arkansas; $300,000, Fulton County Government, County Manager's Office, Georgia; $800,000, Hancock County Commission, West Virginia; $750,000, Louisiana Sheriff's Association, Baton Rouge, Louisiana; $250,000, Madison County, Texas; $750,000, Maryland Emergency Management Agency; $800,000, Oakland County Homeland Security Division, Michigan; $129,000, Park County, Montana; $800,000, Plaquemines Parish Sheriff's Office, Louisiana; $610,000, Polk County, Iowa; $750,000, Providence Emergency Management Agency and Office of Homeland Security, Rhode Island; $1,000,000, Rhode Island Emergency Management Agency; $750,000, Salt Lake County, Utah; $1,000,000, State of Illinois; $250,000, State of Michigan; $5,000,000, State of West Virginia; $800,000, Town of East Haven, Connecticut; $800,000, Town of South Windsor, Connecticut; $800,000, Town of Southwest Ranches, Florida; $775,000, Uvalde County, Texas; and $800,000, Wisconsin Division of Emergency Management.

(10) $256,950,000 shall be for training, exercises, technical assistance, and other programs, of which—

(A) $159,500,000 shall be for the National Domestic Preparedness Consortium in accordance with section 1204 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (6 U.S.C. 1102), of which $62,500,000 shall be for the Center for Domestic Preparedness; $23,000,000 shall be for the National Energetic Materials Research and Testing Center, New Mexico Institute of Mining and Technology; $23,000,000 shall be for the National Center for Biomedical Research and Training, Louisiana State University; $23,000,000 shall be for the National Emergency Response and Rescue Training Center, Texas A&M University; $23,000,000 shall be for the National Exercise, Test, and Training Center, Nevada Test Site; and $5,000,000 shall be for the National Disaster Preparedness Training Center, University of Hawaii, Honolulu, Hawaii; and

(B) $2,450,000 shall be for the Center for Counterterrorism and Cyber Crime, Norwich University, Northfield, Vermont:

*Provided*, That not to exceed 4.7 percent of the amounts provided under this heading shall be transferred to the Federal Emergency Management Agency ''Management and Administration'' account for program administration: *Provided further*, That notwithstanding section 2008(a)(11) of the Homeland Security Act of 2002 (6 U.S.C. 609(a)(11)), or any other provision of law, a grantee may use not more than 5 percent of the amount of a grant made available under this heading for expenses directly related to administration of the grant: *Provided further*, That for grants under paragraphs (1) through (4), the applications for grants shall be made available to eligible applicants not later than 25 days after the date of enactment of this Act, eligible applicants shall submit applications not later than 90 days after the grant announcement, and that the Administrator of the Federal Emergency Management Agency shall act within 90 days after receipt of an application: *Provided further*, That the previous proviso shall not apply to funds for necessary expenses related to the presence of a National Special Security Event: *Provided further*, That for grants under paragraphs (5) through (8), the applications for grants shall be made available to eligible applicants not later than 30 days after the date of enactment of this Act, eligible applicants shall submit applications within 45 days after the grant announcement, and the Administrator of the Federal Emergency Management Agency shall act not later than 60 days after receipt of an application: *Provided further*, That for grants under paragraphs (1) and (2), the installation of communications towers is not considered construction of a building or other physical facility: *Provided further*, That grantees shall provide reports on their use of funds, as determined necessary by the Secretary: *Provided further*, That in fiscal year 2011 and hereafter, (a) the Center for Domestic Preparedness may provide training to emergency response providers from the Federal Government, foreign governments, or private entities, if the Center for Domestic Preparedness is reimbursed for the cost of such training, and any reimbursement under this subsection shall be credited to the account from which the expenditure being reimbursed was made and shall be available, without fiscal year limitation, for the purposes for which amounts in the account may be expended; (b) the head of the Center for Domestic Preparedness shall ensure that any training provided under (a) does not interfere with the primary mission of the Center to train state and local emergency response providers; (c) subject to (b), nothing in (a) prohibits the Center for Domestic Preparedness from providing training to employees of the Federal Emergency Management Agency for the professional development of those employees pursuant to 5 U.S.C. 4103 without reimbursement for the cost of such training.

FIREFIGHTER ASSISTANCE GRANTS

For necessary expenses for programs authorized by the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.), $840,000,000, of which $420,000,000 shall be available to carry out section 33 of that Act (15 U.S.C. 2229) and $420,000,000 shall be available to carry out section 34 of that Act (15 U.S.C. 2229a), to remain available until September 30, 2012: *Provided*, That notwithstanding the requirement under section 34(a)(1)(A) of such Act that grants must be used to increase the number of firefighters in fire departments, the Secretary of Homeland Security, in making grants under section 34 of such Act using the funds made available under this heading, shall grant waivers from the requirements of subsections (a)(1)(B), (c)(1), (c)(2), and (c)(4)(A) of such section: *Provided further*, That section 34(a)(1)(E) of such Act shall not apply with respect to funds appropriated under this heading for grants under section 34 of such Act: *Provided further*, That the Secretary of Homeland Security, in making grants under section 34 of such Act, shall ensure that funds appropriated under this heading are made available for the retention of firefighters: *Provided further*, That not to exceed 5 percent of the amount available under this heading shall be available for program administration.

EMERGENCY MANAGEMENT PERFORMANCE GRANTS

For necessary expenses for emergency management performance grants, as authorized by the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.), and Reorganization Plan No. 3 of 1978 (5 U.S.C. App.), $345,000,000: *Provided*, That total administrative costs shall not exceed 3 percent of the total amount appropriated under this heading.

RADIOLOGICAL EMERGENCY PREPAREDNESS PROGRAM

The aggregate charges assessed during fiscal year 2011, as authorized in title III of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999 (42 U.S.C. 5196e), shall not be less than 100 percent of the amounts anticipated by the Department of Homeland Security necessary for the radiological emergency preparedness program for the next fiscal year: *Provided*, That the methodology for assessment and collection of fees under that title shall be fair and equitable and shall reflect costs of providing such services, including administrative costs of collecting such fees: *Provided further*, That fees collected shall be deposited in this account as offsetting collections and will become available for authorized purposes on October 1, 2011, and remain available until expended.

UNITED STATES FIRE ADMINISTRATION

For necessary expenses of the United States Fire Administration and for other purposes, as authorized by the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.) and the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.), $45,930,000.

DISASTER RELIEF

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses in carrying out the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $1,950,000,000, to remain available until expended: *Provided*, That the Federal Emergency Management Agency shall submit an expenditure plan to the Committees on Appropriations of the Senate and the House of Representatives detailing the use of the funds for disaster readiness and support not later than 60 days after the date of enactment of this Act: *Provided further*, That the Federal Emergency Management Agency shall submit to such Committees a quarterly report detailing obligations against the expenditure plan and a justification for any changes in spending: *Provided further*, That of the total amount provided, $16,000,000 shall be transferred to the Department of Homeland Security Office of Inspector General for audits and investigations related to disasters, subject to section 503 of this Act: *Provided further*, That, not later than 60 days after enactment of this Act, $145,600,000 shall be transferred to Federal Emergency Management Agency ''Management and Administration'' for management and administration functions: *Provided further*, That the Federal Emergency Management Agency shall submit the monthly ''Disaster Relief'' report, as specified in Public Law 110–161, to the Committees on Appropriations of the Senate and the House of Representatives, and include the amounts provided to each Federal agency for mission assignments: *Provided further*, That for any request for reimbursement from a Federal agency to the Department of Homeland Security to cover expenditures under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), or any mission assignment orders issued by the Department for such purposes, the Secretary of Homeland Security shall take appropriate steps to ensure that each agency is periodically reminded of Department policies on—

(1) the detailed information required in supporting documentation for reimbursements; and

(2) the necessity for timeliness of agency billings.

DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

For activities under section 319 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5162), $295,000 is for the cost of direct loans: *Provided*, That gross obligations for the principal amount of direct loans shall not exceed $25,000,000: *Provided further*, That the cost of modifying such loans shall be as defined in section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a).

FLOOD HAZARD MAPPING AND RISK ANALYSIS

For necessary expenses under section 1360 of the National Flood Insurance Act of 1968 (42 U.S.C. 4101), $194,000,000, and such additional sums as may be provided by State and local governments or other political subdivisions for cost-shared mapping activities under section 1360(f)(2) of such Act (42 U.S.C. 4101(f)(2)), to remain available until expended: *Provided*, That total administrative costs shall not exceed 5 percent of the total amount appropriated under this heading.

NATIONAL FLOOD INSURANCE FUND

For activities under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.) and the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001 et seq.), $169,000,000, which shall be derived from offsetting collections assessed and collected under section 1308(d) of the National Flood Insurance Act of 1968 (42 U.S.C. 4015(d)), of which not to exceed $22,145,000 shall be available for salaries and expenses associated with flood mitigation and flood insurance operations; and not less than $146,855,000 shall be available for flood plain management and flood mapping, which shall remain available until September 30, 2012: *Provided*, That any additional fees collected pursuant to section 1308(d) of the National Flood Insurance Act of 1968 (42 U.S.C. 4015(d)) shall be credited as an offsetting collection to this account, to be available for flood plain management and flood mapping: *Provided further*, That in fiscal year 2011, no funds shall be available from the National Flood Insurance Fund under section 1310 of that Act (42 U.S.C. 4017) in excess of: (1) $110,000,000 for operating expenses; (2) $963,339,000 for commissions and taxes of agents; (3) such sums as are necessary for interest on Treasury borrowings; and (4) $120,000,000, which shall remain available until expended for flood mitigation actions, of which not less than $40,000,000 is for severe repetitive loss properties under section 1361A of the National Flood Insurance Act of 1968 (42 U.S.C. 4102a), of which $10,000,000 shall be for repetitive insurance claims properties under section 1323 of the National Flood Insurance Act of 1968 (42 U.S.C. 4030), and of which $40,000,000 shall be for flood mitigation assistance under section 1366 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c) notwithstanding subparagraphs (B) and (C) of subsection (b)(3) and subsection (f) of section 1366 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c) and notwithstanding subsection (a)(7) of section 1310 of the National Flood Insurance Act of 1968 (42 U.S.C. 4017): *Provided further*, That amounts collected under section 102 of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a) and section 1366(i) of the National Flood Insurance Act of 1968 shall be deposited in the National Flood Insurance Fund to supplement other amounts specified as available for section 1366 of the National Flood Insurance Act of 1968, notwithstanding subsection (f)(8) of such section 102 (42 U.S.C. 4012a(f)(8) and section 1366(i) and paragraphs (2) and (3) of section 1367(b) of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c(i), 4104d(b)(2)–(3)): *Provided further*, That total administrative costs shall not exceed 4 percent of the total appropriation.

NATIONAL PREDISASTER MITIGATION FUND

For the predisaster mitigation grant program under section 203 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133), including administrative costs, $85,000,000, to remain available until expended and to be obligated as detailed in the statement accompanying this Act: *Provided*, That the total administrative costs associated with such grants shall not exceed 3 percent of the total amount made available under this heading.

EMERGENCY FOOD AND SHELTER

To carry out the emergency food and shelter program pursuant to title III of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11331 et seq.), $150,000,000, to remain available until expended: *Provided*, That total administrative costs shall not exceed 3.5 percent of the total amount made available under this heading.

TITLE IV

RESEARCH AND DEVELOPMENT, TRAINING, AND SERVICES

UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES

For necessary expenses for citizenship and immigration services, $297,993,000, of which $176,400,000 is for processing applications for asylum or refugee status; and of which $103,400,000 is for the E-Verify Program, as authorized by section 402 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note), to assist United States employers with maintaining a legal workforce: *Provided*, That notwithstanding any other provision of law, funds available to United States Citizenship and Immigration Services may be used to acquire, operate, equip, and dispose of up to five vehicles, for replacement only, for use in areas where the Administrator of General Services does not provide vehicles for lease: *Provided further*, That the Director of United States Citizenship and Immigration Services may authorize employees of United States Citizenship and Immigration Services who are assigned to those areas to use such vehicles to travel between the employees' residences and places of employment: *Provided further*, That none of the funds made available in this Act for grants for immigrant integration may be used to provide services to aliens who have not been lawfully admitted to the United States for permanent residence.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Law Enforcement Training Center as authorized under section 884 of the Homeland Security Act of 2002 (6 U.S.C. 464), including materials and support costs of Federal law enforcement basic training; the purchase of not to exceed 117 vehicles for police-type use and hire of passenger motor vehicles; expenses for student athletic and related activities; the conduct of and participation in firearms matches and presentation of awards; public awareness and enhancement of community support of law enforcement training; room and board for student interns; a flat monthly reimbursement to employees authorized to use personal mobile phones for official duties; and services as authorized by section 3109 of title 5, United States Code, $234,500,000, of which up to $48,420,000 shall remain available until September 30, 2012, for materials and support costs of Federal law enforcement basic training; and of which not to exceed $12,000 shall be for official reception and representation expenses: *Provided*, That of the total amount made available under this heading, not to exceed $30,000,000 shall be for management and administration: *Provided further*, That the Center is authorized to obligate funds in anticipation of reimbursements from agencies receiving training sponsored by the Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available at the end of the fiscal year: *Provided further*, That the Director of the Federal Law Enforcement Training Center shall schedule basic or advanced law enforcement training, or both, at all four training facilities under the control of the Federal Law Enforcement Training Center to ensure that such training facilities are operated at the highest capacity throughout the fiscal year: *Provided further*, That section 1202(a) of the 2002 Supplemental Appropriations Act for Further Recovery From and Response to Terrorist Attacks on the United States (Public Law 107–206; 42 U.S.C. 3771 note), is amended by striking ''December 31, 2012'' and inserting ''December 31, 2013''.

ACCREDITATION

For necessary expenses of Federal Law Enforcement Training Accreditation activities, $1,419,000, of which $300,000 shall remain available until expended to be distributed to Federal law enforcement agencies for expenses incurred participating in training accreditation: *Provided*, That the Federal Law Enforcement Training Accreditation Board, including representatives from the Federal

law enforcement community and non-Federal accreditation experts involved in law enforcement training, shall lead the Federal law enforcement training accreditation process to continue the implementation of measuring and assessing the quality and effectiveness of Federal law enforcement training programs, facilities, and instructors.

ACQUISITIONS, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For acquisition of necessary additional real property and facilities, construction, and ongoing maintenance, facility improvements, and related expenses of the Federal Law Enforcement Training Center, $38,456,000, to remain available until expended: *Provided*, That the Center is authorized to accept reimbursement to this appropriation from Government agencies requesting the construction of special use facilities.

SCIENCE AND TECHNOLOGY

MANAGEMENT AND ADMINISTRATION

For salaries and expenses of the Office of the Under Secretary for Science and Technology and for management and administration of programs and activities, as authorized by title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.), $145,959,000: *Provided*, That not to exceed $10,000 shall be for official reception and representation expenses.

RESEARCH, DEVELOPMENT, ACQUISITION, AND OPERATIONS

For necessary expenses for science and technology research, including advanced research projects; development; test and evaluation; acquisition; and operations, as authorized by title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.); and the purchase or lease of not to exceed five vehicles, $902,651,000, of which $780,651,000 is to remain available until September 30, 2013; and of which not less than $122,000,000 is to remain available until September 30, 2015, solely for laboratory facilities: *Provided*, That not less than $50,000,000 shall be available for university programs: *Provided further*, That not less than $20,865,000 shall be available for the Southeast Region Research Initiative at the United States Army Corps of Engineers' Engineer Research and Development Center: *Provided further*, That not less than $2,250,000 shall be available for Distributed Environment for Critical Infrastructure Decision-making Exercises: *Provided further*, That not less than $500,000 shall be available to continue a project to develop situational awareness and decision support capabilities through remote sensing technologies: *Provided further*, That not less than $1,000,000 shall be available to continue a homeland security research, development, and manufacturing pilot project.

DOMESTIC NUCLEAR DETECTION OFFICE

MANAGEMENT AND ADMINISTRATION

For salaries and expenses of the Domestic Nuclear Detection Office as authorized by title XIX of the Homeland Security Act of 2002 (6 U.S.C. 591 et seq.), for management and administration of programs and activities, $36,400,000: *Provided*, That not to exceed $3,000 shall be for official reception and representation expenses: *Provided further*, That not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committees on Appropriations of the Senate and House of Representatives a strategic plan of investments necessary to implement the Department of Homeland Security's responsibilities under the domestic component of the global nuclear detection architecture that shall: (1) define each Departmental entity's roles and responsibilities in support of the domestic detection architecture, including any existing or planned programs to pre-screen cargo or conveyances overseas; (2) identify and describe the specific investments being made by Departmental organizations in fiscal year 2011, and planned for fiscal year 2012, to support the domestic architecture and the security of sea, land, and air pathways into the United States; (3) describe the investments necessary to close known vulnerabilities and gaps, including associated costs and timeframes, and estimates of feasibility and cost effectiveness; and (4) explain how the Department's research and development funding is furthering the implementation of the domestic nuclear detection architecture, including specific investments planned for fiscal years 2011 and 2012.

RESEARCH, DEVELOPMENT, AND OPERATIONS

For necessary expenses for radiological and nuclear detection, development, testing, evaluation, and operations, $191,242,000, to remain available until September 30, 2013: *Provided*, That not later than 60 days after the date of enactment of this Act, all prior year balances available for transformational research and development shall be transferred to Science and Technology ''Research, Development, Acquisition, and Operations''.

SYSTEMS ACQUISITION

For expenses for the Domestic Nuclear Detection Office acquisition and deployment of radiological detection systems in accordance with the global nuclear detection architecture, $52,000,000, to remain available until September 30, 2013: *Provided*, That none of the funds appropriated under this heading in this Act or any other Act shall be obligated for full-scale procurement of advanced spectroscopic portal monitors until the Secretary of Homeland Security submits to the Committees on Appropriations of the Senate and the House of Representatives a report certifying that a significant increase in operational effectiveness will be achieved by such obligation: *Provided further*, That the Secretary shall submit separate and distinct certifications prior to the procurement of advanced spectroscopic portal monitors for primary and secondary deployment that address the unique requirements for operational effectiveness of each type of deployment: *Provided further*, That the Secretary may continue to consult with the National Academy of Sciences before making such certifications: *Provided further*, That none of the funds appropriated under this heading shall be used for high-risk concurrent development and production of mutually dependent software and hardware.

TITLE V

GENERAL PROVISIONS

(INCLUDING RESCISSIONS OF FUNDS)

SEC. 501. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 502. Subject to the requirements of section 503 of this Act, the unexpended balances of prior appropriations provided for activities in this Act may be transferred to appropriation accounts for such activities established pursuant to this Act, may be merged with funds in the applicable established accounts, and thereafter may be accounted for as one fund for the same time period as originally enacted.

SEC. 503. (a) None of the funds provided by this Act, provided by previous appropriations Acts to the agencies in or transferred to the Department of Homeland Security that remain available for obligation or expenditure in fiscal year 2011, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that: (1) creates a new program, project, or activity; (2) eliminates a program, project, office, or activity; (3) increases funds for any program, project, or activity for which funds have been denied or restricted by the Congress; (4) proposes to use funds directed for a specific activity by either of the Committees on Appropriations of the Senate or the House of Representatives for a different purpose; or (5) contracts out any function or activity for which funding levels were requested for Federal full-time equivalents in the object classification tables contained in the fiscal year 2011 Budget Appendix for the Department of Homeland Security, as modified by the explanatory statement accompanying this Act, unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such reprogramming of funds.

(b) None of the funds provided by this Act, provided by previous appropriations Acts to the agencies in or transferred to the Department of Homeland Security that remain available for obligation or expenditure in fiscal year 2011, or provided from any accounts in the Treasury of the United States derived by the collection of fees or proceeds available to the agencies funded by this Act, shall be available for obligation or expenditure for programs, projects, or activities through a reprogramming of funds in excess of $5,000,000 or 10 percent, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by the Congress; or (3) results from any general savings from a reduction in personnel that would result in a change in existing programs, projects, or activities as approved by the Congress, unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such reprogramming of funds.

(c) Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Homeland Security by this Act or provided by previous appropriations Acts may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by such transfers: *Provided*, That any transfer under this section shall be treated as a reprogramming of funds under subsection (b) and shall not be available for obligation unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such transfer.

(d) Notwithstanding subsections (a), (b), and (c) of this section, no funds shall be reprogrammed within or transferred between appropriations after May 31, except in extraordinary circumstances that imminently threaten the safety of human life or the protection of property.

SEC. 504. The Department of Homeland Security Working Capital Fund, established pursuant to section 403 of the Federal Financial Management Act of 1994 (Public Law 103–356; 31 U.S.C. 501 note), shall continue operations as a permanent working capital fund for fiscal year 2011: *Provided*, That none of the funds appropriated or otherwise made available to the Department of Homeland Security may be used to make payments to the Working Capital Fund, except for the activities and amounts allowed in the President's fiscal year 2011 budget: *Provided further*, That funds provided to the Working Capital Fund shall be available for obligation until expended to carry out the purposes of the Working Capital Fund: *Provided further*, That all departmental components shall

be charged only for direct usage of each Working Capital Fund service: *Provided further*, That funds provided to the Working Capital Fund shall be used only for purposes consistent with the contributing component: *Provided further*, That such funds shall be paid in advance or reimbursed at rates which will return the full cost of each service: *Provided further*, That the Working Capital Fund shall be subject to the requirements of section 503 of this Act.

SEC. 505. Except as otherwise specifically provided by law, not to exceed 50 percent of the amount of any unobligated balances remaining available at the end of fiscal year 2011 from appropriations for salaries and expenses for fiscal year 2011, under this Act shall remain available through September 30, 2012, in the account and for the purposes for which the appropriations were provided: *Provided*, That prior to the obligation of such funds, a request shall be submitted to the Committees on Appropriations of the Senate and the House of Representatives for approval in accordance with section 503 of this Act.

SEC. 506. Funds made available by this Act for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2011 until the enactment of an Act authorizing intelligence activities for fiscal year 2011.

SEC. 507. None of the funds made available by this Act may be used to make a grant allocation, grant award, contract award, other transaction agreement, a task or delivery order on a Department of Homeland Security multiple award contract, or to issue a letter of intent totaling in excess of $1,000,000, or to announce publicly the intention to make such an award, including a contract covered by the Federal Acquisition Regulation, unless the Secretary of Homeland Security notifies the Committees on Appropriations of the Senate and the House of Representatives at least 3 full business days in advance of making such an award or issuing such a letter: *Provided*, That if the Secretary of Homeland Security determines that compliance with this section would pose a substantial risk to human life, health, or safety, an award may be made without such notification and the Committees on Appropriations of the Senate and the House of Representatives shall be notified not later than 5 full business days after such an award is made or letter issued: *Provided further*, That no notification shall involve funds that are not available for obligation: *Provided further*, That a notification under this section shall include the amount of the award, the fiscal year for which the funds for the award were appropriated, and the account from which the funds are being drawn: *Provided further*, That the Federal Emergency Management Agency shall brief the Committees on Appropriations of the Senate and the House of Representatives 5 full business days in advance of announcing publicly the intention of making an award under ''State and Local Programs''.

SEC. 508. Notwithstanding any other provision of law, no Federal department or agency shall purchase, construct, or lease any additional facilities, except within or contiguous to existing locations, to be used for the purpose of conducting Federal law enforcement training without the advance approval of the Committees on Appropriations of the Senate and the House of Representatives, except that the Federal Law Enforcement Training Center is authorized to obtain the temporary use of additional facilities by lease, contract, or other agreement for training that cannot be accommodated in existing Center facilities.

SEC. 509. None of the funds appropriated or otherwise made available by this Act may be used for expenses for any construction, repair, alteration, or acquisition project for which a prospectus otherwise required under chapter 33 of title 40, United States Code, has not been approved, except that necessary funds may be expended for each project for required expenses for the development of a proposed prospectus.

SEC. 510. Sections 520, 522, 528, and 530 of the Department of Homeland Security Appropriations Act, 2008 (division E of Public Law 110–161; 121 Stat. 2073 et seq.) shall apply with respect to funds made available in this Act in the same manner as such sections applied to funds made available in that Act.

SEC. 511. None of the funds made available in this Act may be used in contravention of the applicable provisions of the Buy American Act (41 U.S.C. 10a et seq.).

SEC. 512. None of the funds made available in this Act may be used by any person other than the Privacy Officer appointed under subsection (a) of section 222 of the Homeland Security Act of 2002 (6 U.S.C. 142(a)) to alter, direct that changes be made to, delay, or prohibit the transmission to Congress of any report prepared under paragraph (6) of such subsection.

SEC. 513. None of the funds made available in this Act may be used to amend the oath of allegiance required by section 337 of the Immigration and Nationality Act (8 U.S.C. 1448).

SEC. 514. None of the funds appropriated by this Act may be used to process or approve a competition under Office of Management and Budget Circular A–76 for services provided as of June 1, 2004, by employees (including employees serving on a temporary or term basis) of United States Citizenship and Immigration Services of the Department of Homeland Security who are known as of that date as Immigration Information Officers, Contact Representatives, or Investigative Assistants.

SEC. 515. (a) The Assistant Secretary of Homeland Security (Transportation Security Administration) shall work with air carriers and airports to ensure that screening of cargo carried on passenger aircraft, as that term is defined in section 44901(g)(5) of title 49, United States Code, increases incrementally each quarter until the requirement under section 44901(g)(2)(B) of such title is met.

(b) Not later than 120 days after the end of each quarter, the Assistant Secretary shall submit to the Committees on Appropriations of the Senate and the House of Representatives a report on air cargo inspection statistics by airport and air carrier detailing the incremental progress being made to meet the requirement of section 44901(g)(2)(B) of title 49, United States Code.

SEC. 516. Not later than 45 days after the last day of each month, the Chief Financial Officer of the Department of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives a monthly budget and staffing report for that month that includes total obligations, on-board versus funded full-time equivalent staffing levels, and the number of contract employees for each office of the Department.

SEC. 517. Any funds appropriated to Coast Guard ''Acquisition, Construction, and Improvements'' for fiscal years 2002, 2003, 2004, 2005, and 2006 for the 110–123 foot patrol boat conversion that are recovered, collected, or otherwise received as the result of negotiation, mediation, or litigation, shall be available until expended for the Fast Response Cutter program.

SEC. 518. None of the funds provided by this or any other Act may be obligated for the development, testing, deployment, or operation of any portion of a human resources management system authorized by section 9701(a) of title 5, United States Code, or by regulations prescribed pursuant to such section, for an employee, as that term is defined in section 7103(a)(2) of such title.

SEC. 519. Section 532(a) of the Department of the Homeland Security Appropriations Act, 2007 (Public Law 109–295, 120 Stat. 1384) is amended by striking ''2010'' and inserting ''2011 and thereafter''.

SEC. 520. The functions of the Federal Law Enforcement Training Center instructor staff shall be classified as inherently governmental for the purpose of the Federal Activities Inventory Reform Act of 1998 (31 U.S.C. 501 note).

SEC. 521. None of the funds provided by this or previous appropriations Acts shall be used to fund any position designated as a Principal Federal Official (or the successor thereto) for any Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) declared disasters or emergencies unless—

(1) The responsibilities of the Principal Federal Official do not include operational functions related to incident management, including coordination of operations, and are consistent with the requirements of subsection 509(c) and subsections 503(c)(3) and (c)(4)(A) of the Homeland Security Act of 2002 (6 U.S.C. 319(c) and 313(c)(3) and (c)(4)(A)) and section 302 of the Robert T. Stafford Disaster Relief and Assistance Act (42 U.S.C. 5143); and

(2) Not later than 10 business days after the latter of the date on which the Secretary of Homeland Security appoints the Principal Federal Official and the date on which the President issues a declaration under section 401 or section 501 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170 and 5191, respectively), the Secretary of Homeland Security shall submit a notification of the appointment of the Principal Federal Official and a description of the responsibilities of such Official and how such responsibilities are consistent with paragraph (1) to the Committees on Appropriations of the Senate and the House of Representatives, the Transportation and Infrastructure Committee of the House of Representatives, and the Homeland Security and Governmental Affairs Committee of the Senate.

(3) Not later than 60 days after the date of enactment of this Act, the Secretary shall provide a report specifying timeframes and milestones regarding the update of operations, planning and policy documents, and training and exercise protocols, to ensure consistency with paragraph (1) of this section.

SEC. 522. (a) Except as provided in subsection (b), none of the funds appropriated in this or any other Act to the Office of the Secretary and Executive Management, the Office of the Under Secretary for Management, or the Office of the Chief Financial Officer may be obligated for a grant or contract funded under any such heading by any means other than full and open competition.

(b) Subsection (a) does not apply to obligation of funds for a contract awarded—

(1) by a means that is required by a Federal statute, including obligation for a purchase made under a mandated preferential program, including the AbilityOne Program, that is authorized under the Javits-Wagner-O'Day Act (41 U.S.C. 46 et seq.);

(2) pursuant to the Small Business Act (15 U.S.C. 631 et seq.);

(3) in an amount less than the simplified acquisition threshold described under section 302A(a) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 252a(a)); or

(4) by a Federal agency other than the Department of Homeland Security using funds provided through an interagency agreement.

(c)(1) Subject to paragraph (2), the Secretary of Homeland Security may waive the applicability of this section with respect to the award of a contract if such a waiver is in the interest of national security or if failure to waive such applicability would pose a substantial risk to human health or welfare.

(2) Not later than 5 days after the date on which the Secretary of Homeland Security issues a waiver under this subsection, the Secretary shall submit notification of that waiver to the Committees on Appropriations of the Senate and the House of Representatives, including a description of the contract to which the waiver applies and an explanation of why the waiver authority was used. The Secretary may not delegate the authority to grant such a waiver.

(d) In addition to the requirements established by subsections (a), (b), and (c) of this section, the Inspector General of the Department of Homeland Security shall review departmental contracts awarded through means other than a full and open competition to assess departmental compliance with applicable laws and regulations: *Provided*, That the Inspector General shall review selected contracts awarded in the previous fiscal year through means other than a full and open competition: *Provided further*, That in selecting which contracts to review, the Inspector General shall consider the cost and complexity of the goods and services to be provided under the contract, the criticality of the contract to fulfilling Department missions, past performance problems on similar contracts or by the selected vendor, complaints received about the award process or contractor performance, and such other factors as the Inspector General determines are relevant: *Provided further*, That no later than February 7, 2011, the Inspector General shall submit to the Committees on Appropriations of the Senate and the House of Representatives a report on the reviews conducted under this section.

SEC. 523. None of the funds made available in this or any other Act may be used to enforce section 4025(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 118 Stat. 3724) unless the Assistant Secretary of Homeland Security (Transportation Security Administration) reverses the determination of July 19, 2007, that butane lighters are not a significant threat to civil aviation security.

SEC. 524. None of the funds made available by this Act may be used to take an action that would violate Executive Order No. 13423 (72 Fed. Reg. 3919; relating to strengthening Federal environmental, energy, and transportation management).

SEC. 525. Funds made available in this Act may be used to alter operations within the Civil Engineering Program of the Coast Guard nationwide, including civil engineering units, facilities design and construction centers, maintenance and logistics commands, and the Coast Guard Academy, except that none of the funds provided in this Act may be used to reduce operations within any Civil Engineering Unit unless specifically authorized by a statute enacted after the date of the enactment of this Act.

SEC. 526. None of the funds made available in this Act shall be available to carry out section 872 of the Homeland Security Act of 2002 (6 U.S.C. 452).

SEC. 527. None of the funds made available in this Act may be used by United States Citizenship and Immigration Services to grant an immigration benefit unless the results of background checks required by law to be completed prior to the granting of the benefit have been received by United States Citizenship and Immigration Services and such results do not preclude the granting of the benefit.

SEC. 528. None of the funds made available in this or any other Act for fiscal year 2011 and hereafter may be used to destroy or put out to pasture any horse or other equine belonging to any component or agency of the Department of Homeland Security that has become unfit for service, unless the trainer or handler is first given the option to take possession of the equine through an adoption program that has safeguards against slaughter and inhumane treatment.

SEC. 529. None of the funds appropriated by this Act may be used to conduct, or to implement the results of, a competition under Office of Management and Budget Circular A–76 for activities performed with respect to the Coast Guard National Vessel Documentation Center.

SEC. 530. None of the funds provided in this Act under the heading ''Office of the Chief Information Officer'' shall be used for data center development other than for Data Center One (National Center for Critical Information Processing and Storage) until the Chief Information Officer certifies that Data Center One is fully utilized as the Department's primary data storage center at the highest capacity throughout the fiscal year.

SEC. 531. Section 831 of the Homeland Security Act of 2002 (6 U.S.C. 391) is amended—

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

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

SEC. 532. None of the funds in this Act shall be used to reduce the United States Coast Guard's Operations Systems Center mission or its Government-employed or contract staff levels.

SEC. 533. The Secretary of Homeland Security shall require that all contracts entered into by the Department of Homeland Security that provide award fees link such fees to successful acquisition outcomes (which outcomes shall be specified in terms of cost, schedule, and performance).

SEC. 534. None of the funds made available to the ''Office of the Secretary and Executive Management'' under this Act may be expended to hire any new employees of the Department of Homeland Security who are not verified through the E-Verify Program established under title IV of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note).

SEC. 535. None of the funds made available in this Act for U.S. Customs and Border Protection may be used to prevent an individual not in the business of importing a prescription drug (within the meaning of section 801(g) of the Federal Food, Drug, and Cosmetic Act) from importing a prescription drug from Canada that complies with the Federal Food, Drug, and Cosmetic Act: *Provided*, That this section shall apply only to individuals transporting on their person a personal-use quantity of the prescription drug, not to exceed a 90-day supply: *Provided further*, That the prescription drug may not be—

(1) a controlled substance, as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802); or

(2) a biological product, as defined in section 351 of the Public Health Service Act (42 U.S.C. 262).

SEC. 536. None of the funds made available in this Act may be used by the Secretary of Homeland Security or any delegate of the Secretary to issue any rule or regulation which implements the Notice of Proposed Rulemaking related to Petitions for Aliens To Perform Temporary Nonagricultural Services or Labor (H–2B) set out beginning on 70 Fed. Reg. 3984 (January 27, 2005).

SEC. 537. The Secretary of Homeland Security, in consultation with the Secretary of the Treasury, shall notify the Committees on Appropriations of the Senate and the House of Representatives of any proposed transfers of funds available under section 9703(g)(4)(B) of title 31, Unites States Code (added by Public Law 102–393) from the Department of the Treasury Forfeiture Fund to any agency within the Department of Homeland Security: *Provided*, That none of the funds identified for such a transfer may be obligated until the Committees on Appropriations of the Senate and the House of Representatives approve the proposed transfers.

SEC. 538. None of the funds made available in this Act may be used for planning, testing, piloting, or developing a national identification card.

SEC. 539. If the Assistant Secretary of Homeland Security (Transportation Security Administration) determines that an airport does not need to participate in the E-Verify Program established under title IV of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note), the Assistant Secretary shall certify to the Committees on Appropriations of the Senate and the House of Representatives that no security risks will result from such nonparticipation.

SEC. 540. (a) Notwithstanding any other provision of this Act, except as provided in subsection (b), and by the later of 30 days after the date that the President determines whether to declare a major disaster because of an event or the date of the completion of any appeal by a Governor regarding such determination, the Administrator shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Homeland Security of the House of Representatives, the Committee on Transportation and Infrastructure of the House of Representatives, the Committees on Appropriations of the Senate and the House of Representatives, and publish on the website of the Federal Emergency Management Agency, a report regarding that decision, summarizing damage assessment information used to determine whether to declare a major disaster.

(b) The Administrator may redact from a report under subsection (a) any data that the Administrator determines would compromise national security.

(c) In this section—

(1) the term ''Administrator'' means the Administrator of the Federal Emergency Management Agency; and

(2) the term ''major disaster'' has the meaning given that term in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122).

SEC. 541. (a) Notwithstanding any other provision of law, during fiscal year 2011 or any subsequent fiscal year, if the Secretary of Homeland Security determines that the National Bio- and Agro-defense Facility is to be located at a site other than Plum Island, New York, the Secretary shall ensure that the Administrator of General Services sells, through public sale, all real and related personal property and transportation assets that support Plum Island operations, subject to such terms and conditions as may be necessary to protect Government interests and meet program requirements.

(b) The proceeds of any sale described in subsection (a) shall be deposited as offsetting collections into the Department of Homeland Security Science and Technology ''Research, Development, Acquisition, and Operations'' account and, subject to appropriation, shall be available until expended, for

site acquisition, construction, and costs related to the construction of the National Bio- and Agro-defense Facility, including the costs associated with the sale, including due diligence requirements, necessary environmental remediation at Plum Island, and reimbursement of any expenses incurred by the General Services Administration.

SEC. 542. (a) For an additional amount for Science and Technology, ''Research, Development, Acquisition, and Operations'', $40,000,000, to remain available until September 30, 2012, for construction of the Central Utility Plant at the approved National Bio- and Agro-defense Facility site in Manhattan, Kansas.

(b) The Department shall provide an update of the site-specific biosafety and biosecurity mitigation risk assessment of the National Bio- and Agro-defense Facility in Manhattan, Kansas that integrates findings from the Department's risk assessment, as well as findings from the National Academy of Sciences' evaluation of the Department's risk assessment. The update shall:

(1) include strategies to mitigate the risk of foot-and-mouth disease virus release from the laboratory and ensure safe operations at the approved National Bio- and Agro-defense Facility site in Manhattan, Kansas;

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

(3) address how the Department will collaborate with the United States Department of Agriculture and other appropriate Federal departments and agencies to identify and complete such additional studies as may be necessary in order to secure a future permit from the United States Department of Agriculture to operate the National Bio- and Agro-defense Facility safely and securely.

(c) The Secretary of Homeland Security shall enter into a contract with the National Academy of Sciences to evaluate the adequacy and validity of the risk assessment required by subsection (b). The National Academy of Sciences shall submit a report on such evaluation within 4 months after the date the Department of Homeland Security concludes its mitigation risk assessment.

SEC. 543. Any official who is required by this Act to report or certify to the Committees on Appropriations of the Senate and the House of Representatives may not delegate such authority to perform that act unless specifically authorized herein.

SEC. 544. Section 203(m) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133(m)) is amended by striking ''September 30, 2010'' and inserting ''September 30, 2011''.

SEC. 545. Section 550(b) of the Department of Homeland Security Appropriations Act, 2007 (Public Law 109–295; 6 U.S.C. 121 note) is amended by striking ''on October 4, 2010'' and inserting ''on October 4, 2011''.

SEC. 546. None of the funds made available in this Act may be used for first-class travel by the employees of agencies funded by this Act in contravention of sections 301–10.122 through 301.10–124 of title 41, Code of Federal Regulations.

SEC. 547. For purposes of section 210C of the Homeland Security Act of 2002 (6 U.S.C. 124j), for fiscal year 2011 and hereafter, a rural area shall also include any area that is located in a metropolitan statistical area and a county, borough, parish, or area under the jurisdiction of an Indian tribe with a population of not more than 50,000.

SEC. 548. None of the funds made available in this Act may be used to propose or effect a disciplinary or adverse action with respect to any Department of Homeland Security employee who engages regularly with the public in the performance of his or her official duties solely because that employee elects to utilize protective equipment or measures, including surgical masks, N95 respirators, gloves, or hand-sanitizers, where use of such equipment or measures is in accordance with Department of Homeland Security policy, and Centers for Disease Control and Prevention and Office of Personnel Management guidance.

SEC. 549. None of the funds made available in this Act may be used to employ workers described in section 274A(h)(3) of the Immigration and Nationality Act (8 U.S.C. 1324a(h)(3)).

SEC. 550. (a) Any company that collects or retains personal information directly from any individual who participates in the Registered Traveler program of the Transportation Security Administration shall safeguard and dispose of such information in accordance with the requirements in—

(1) the National Institute for Standards and Technology Special Publication 800–30, entitled ''Risk Management Guide for Information Technology Systems'';

(2) the National Institute for Standards and Technology Special Publication 800–53, Revision 3, entitled ''Recommended Security Controls for Federal Information Systems and Organizations''; and

(3) any supplemental standards established by the Assistant Secretary, Transportation Security Administration (referred to in this section as the ''Assistant Secretary'').

(b) The airport authority or air carrier operator that sponsors the company under the Registered Traveler program shall be known as the Sponsoring Entity.

(c) The Assistant Secretary shall require any company covered by subsection (a) to provide, not later than 30 days after the date of the enactment of this Act, to the Sponsoring Entity written certification that the procedures used by the company to safeguard and dispose of information are in compliance with the requirements under subsection (a). Such certification shall include a description of the procedures used by the company to comply with such requirements.

(d) Not later than 90 days after the date of the enactment of this Act, the Assistant Secretary shall submit to the Committees on Appropriations of the Senate and House of Representatives a report that includes a description of—

(1) the procedures that have been used to safeguard and dispose of personal information collected through the Registered Traveler program; and

(2) the status of any certifications required to be submitted by subsection (c).

SEC. 551. Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available by this Act may be used to pay award or incentive fees for contractor performance that has been judged to be below satisfactory performance or for performance that does not meet the basic requirements of a contract.

SEC. 552. None of the funds appropriated or otherwise made available by this Act may be used by the Department of Homeland Security to enter into any Federal contract unless such contract is entered into in accordance with the requirements of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253) or chapter 137 of title 10, United States Code, and the Federal Acquisition Regulation, unless such contract is otherwise authorized by statute to be entered into without regard to the above referenced statutes.

(INCLUDING TRANSFERS OF FUNDS)

SEC. 553. (a) Funds made available by this Act solely for data center migration may be transferred by the Secretary between appropriations for the same purpose, notwithstanding section 503 of this Act.

(b) No transfer described in (a) shall occur until 15 days after the Committees on Appropriations of the Senate and the House of Representatives are notified of such transfer.

SEC. 554. The administrative law judge annuitants participating in the Senior Administrative Law Judge Program managed by the Director of the Office of Personnel Management under section 3323 of title 5, United States Code, shall be available on a temporary re-employment basis to conduct arbitrations of disputes as part of the arbitration panel established by the President under section 601 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 164).

SEC. 555. For an additional amount for the ''Office of the Under Secretary for Management'', $270,800,000 to remain available until expended for necessary expenses to plan, acquire, construct, renovate, remediate, equip, furnish, and occupy buildings and facilities to consolidate the Department of Homeland Security headquarters at St. Elizabeths, and for associated mission support lease consolidation: *Provided*, That the Committees on Appropriations of the Senate and House of Representatives shall receive an expenditure plan no later than 60 days after the date of enactment of this Act detailing the allocation of these funds.

(INCLUDING TRANSFERS OF FUNDS)

SEC. 556. For an additional amount for the ''Office of the Under Secretary for Management'', $10,000,000, to increase the acquisition workforce capacity and capabilities of the Department of Homeland Security: *Provided*, That such funds may be transferred by the Under Secretary for Management to any other account in the Department to carry out the purposes provided herein: *Provided further*, That such transfer authority is in addition to any other transfer authority provided in this Act, but no transfer shall occur until 15 days after the Committees on Appropriations of the Senate and the House of Representatives are notified of such transfer: *Provided further*, That any such notification shall include an expenditure plan that outlines the amount of funds to be obligated, the number of personnel to be hired and the details of any other intended uses of these funds: *Provided further*, That such funds shall be available only to supplement and not to supplant existing acquisition workforce activities: *Provided further*, That such funds shall be available for training, recruitment, retention, and hiring additional members of the acquisition workforce as defined by the Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.): *Provided further*, That such funds shall be available for information technology in support of acquisition workforce effectiveness or for management solutions to improve acquisition management.

SEC. 557. Section 559(e) of the Department of Homeland Security Appropriations Act, 2010 (Public Law 111–83) is amended—

(1) in the matter preceding the first proviso, by striking ''law, sell'' and inserting ''law, hereafter sell''; and

(2) in the first proviso—

(A) by striking ''shall be deposited'' and inserting ''shall hereafter be deposited''; and

(B) by striking ''subject to appropriation,'' and inserting ''without further appropriations,''.

SEC. 558. (a) Not later than 180 days after the date of enactment of this Act, the Assistant Secretary of Homeland Security (Transportation Security Administration) shall submit to the Committees on Appropriations of the Senate and the House of Representatives, a report that either—

(1) certifies that the requirement for screening all air cargo on passenger aircraft by the deadline under section 44901(g) of title 49, United States Code, has been met; or

(2) includes a strategy to comply with the requirements under title 44901(g) of title 49, United States Code, including—

(A) a plan to meet the requirement under section 44901(g) of title 49, United States Code, to screen 100 percent of air cargo transported on passenger aircraft arriving in the United States in foreign air transportation (as that term is defined in section 40102 of that title); and

(B) specification of—

(i) the percentage of such air cargo that is being screened; and

(ii) the schedule for achieving screening of 100 percent of such air cargo.

(b) The Assistant Secretary shall continue to submit reports described in subsection (a)(2) every 180 days thereafter until the Assistant Secretary certifies that the Transportation Security Administration has achieved screening of 100 percent of such air cargo.

SEC. 559. In developing any process to screen aviation passengers and crews for transportation or national security purposes, the Secretary of Homeland Security shall ensure that any processes developed take into consideration such passengers' and crews' privacy and civil liberties consistent with applicable laws, regulations, and guidance.

SEC. 560. Notwithstanding any other provision of law, should the Secretary of Homeland Security determine that specific U.S. Immigration and Customs Enforcement Service Processing Centers or other U.S. Immigration and Customs Enforcement owned detention facilities no longer meet the mission need, the Secretary is authorized to dispose of individual Service Processing Centers or other U.S. Immigration and Customs Enforcement owned detention facilities by directing the Administrator of General Services to sell all real and related personal property which support Service Processing Centers or other U.S. Immigration and Customs Enforcement owned detention facilities, subject to such terms and conditions as necessary to protect Government interests and meet program requirements: *Provided*, That the proceeds, net of the costs of sale incurred by the General Services Administration and U.S. Immigration and Customs Enforcement, shall be deposited as offsetting collections into a separate account that shall be available, subject to appropriation, until expended for other real property capital asset needs of existing U.S. Immigration and Customs Enforcement assets, excluding daily operations and maintenance costs, as the Secretary deems appropriate: *Provided further*, That any sale or collocation of federally owned detention facilities shall not result in the maintenance of fewer than 33,400 detention beds: *Provided further*, That the Committees on Appropriations of the Senate and the House of Representatives shall be notified 15 days prior to the announcement of any proposed sale or collocation.

SEC. 561. (a) CIVIL PENALTIES.—Section 46301(a)(5)(A)(i) of title 49, United States Code, is amended—

(1) by striking ''or chapter 449'' and inserting ''chapter 449''; and

(2) by inserting '', or section 46314(a)'' after ''44909)''.

(b) CRIMINAL PENALTIES.—Section 46314(b) of title 49, United States Code, is amended to read as follows:

''(b) CRIMINAL PENALTY.—A person violating subsection (a) of this section shall be fined under title 18, imprisoned for not more than 10 years, or both.''.

(c) NOTICE OF PENALTIES.—Section 46314 of title 49, United States Code, is amended by adding at the end the following new subsection:

''(c) NOTICE OF PENALTIES.—

''(1) IN GENERAL.—Each operator of an airport in the United States that is required to establish an air transportation security program pursuant to section 44903(c) shall ensure that signs that meet such requirements as the Secretary of Homeland Security may prescribe providing notice of the penalties imposed under sections 46301(a)(5)(A)(i) and subsection (b) of this section, are displayed near all screening locations, all locations where passengers exit the sterile area, and such other locations at the airport as the Secretary of Homeland Security determines appropriate.

''(2) EFFECT OF SIGNS ON PENALTIES.—An individual shall be subject to the penalty provided for under section 46301(a)(5)(A)(i) and subsection (b) of this section without regard to whether signs are displayed at an airport as required by paragraph (1).''.

SEC. 562. Section 301(b) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11331(b)) is amended—

(1) by striking paragraph (1) and inserting the following:

''(1) United Way Worldwide.''; and

(2) by striking paragraph (5) and inserting the following:

''(5) The Jewish Federations of North America, Inc.''.

SEC. 563. Lot 1 of the Morning Heights Subdivision, Lot 2 and PT ST of the Morning Heights Subdivision, Lot 1 and PT ST of the Bayless Addition, and Lot 24 of the Bayless Addition in Findlay, Ohio, shall be available for construction and operation of portions of a flood control levee if a feasibility study completed by the Chief of Engineers, of the civil works program, of the United States Army Corps of Engineers indicates that such construction is the most appropriate and cost-effective flood risk management project for the area: *Provided*, That those portions of the properties identified by the Chief of Engineers for construction and operation of portions of the flood control levee pursuant to the preceding proviso shall be excepted from section 404(b)(2)(B) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, and those portions of the named properties that are not used to construct and operate portions of said flood control levee shall remain deeded as open space in perpetuity, in accordance with section 404(b)(2)(B).

(INCLUDING TRANSFERS OF FUNDS)

SEC. 564. Notwithstanding the 10 percent limitation contained in section 503(c) of this Act, the Secretary of Homeland Security may transfer to the fund established by 8 U.S.C. 1101 (note), up to $20,000,000 from appropriations available to the Department of Homeland Security: *Provided*, That the Secretary shall notify the Committees on Appropriations of the Senate and the House of Representatives 5 days in advance of such transfer.

(INCLUDING TRANSFERS OF FUNDS)

SEC. 565. (a) The Secretary of Homeland Security may transfer to the Secretary of the Interior amounts available for environmental mitigation requirements for ''U.S. Customs and Border Protection—Border Security Fencing, Infrastructure, and Technology'' for fiscal year 2009 or thereafter, for use by the Secretary of the Interior under laws administered by such Secretary to mitigate adverse environmental impacts, including impact on species listed under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) resulting from construction, operation, and maintenance activities related to border security.

(b) Uses of funds authorized by this section include acquisition of land or interests in land that will, in the judgment of the Secretary of the Interior, mitigate or offset such adverse impacts.

(c) Any funds transferred under this section shall be used in accordance with an agreement between the Secretaries.

(d) Not later than September 30, 2011, and on an annual basis thereafter, the Secretary of the Interior, in consultation with the Secretary of Homeland Security, shall submit to the Committees on Appropriations of the Senate and the House of Representatives a report that describes in detail the actions taken in the preceding year with amounts transferred under this section.

SEC. 566. (a) Subject to subsection (b), for fiscal year 2011, the Coast Guard may enter into Economy Act Agreements (31 U.S.C. 1535) with the Secretary of the Navy for the disposal of Coast Guard vessels pursuant to the authority, terms and conditions set forth in 10 U.S.C. 7305 and 7305a.

(b) Any agreement entered into under subsection (a) shall be at no additional cost to the United States Navy.

SEC. 567. For fiscal year 2011 and hereafter, U.S. Customs and Border Protection's Advanced Training Center is authorized to charge fees for any service and/or thing of value it provides to Federal Government or non-government entities or individuals, so long as the fees charged do not exceed the full costs associated with the service or thing of value provided: *Provided*, That notwithstanding 31 U.S.C. 3302(b), fees collected by the Advanced Training Center are to be deposited into a separate account entitled the ''Advanced Training Center Revolving Fund'', and be available, without further appropriations, for necessary expenses of the Advanced Training Center program, and are to remain available until expended.

SEC. 568. Notwithstanding any other provision of law, including any agreement, the Federal share of assistance, including direct Federal assistance provided under sections 403, 406, and 407 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5140b, 5172, and 5173), for damages resulting from FEMA–1867–DR, FEMA–1873–DR, FEMA–1889–DR, and FEMA–1897–DR shall not be less than 90 percent of the eligible costs under such sections.

SEC. 569. The Administrator of the Federal Emergency Management Agency shall consider as non-discretionary the decision to award grants for the construction and equipping of any interoperable communications system for which construction was initiated before June 1, 2009, for which grant applications were made under section 573 of division E of the Consolidated Appropriations Act, 2008 (Public Law 110–161), section 10501 of division B of the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009 (Public Law 110–329), or section 603 of the Supplemental Appropriations Act, 2009 (Public Law 111–32).

RESCISSIONS

SEC. 570. The following unobligated balances made available pursuant to section 505 of Public Law 111–83 are rescinded: $886,665 from the ''Office of the Secretary and Executive Management''; $603,638 from the ''Office of the Under Secretary for Management''; $24,379 from the ''Office of the Chief Financial Officer''; $29,736 from the ''Office of the Chief Information Officer''; $183,762 from ''Analysis and Operations''; $76,498 from the ''Office of the Federal Coordinator for Gulf Coast Rebuilding''; $152,735 from the ''Office of Inspector General''; $7,610,588 from U.S. Customs and Border Protection ''Salaries and Expenses''; $3,443,644 from U.S. Immigration and Customs Enforcement ''Salaries and Expenses''; $4,542,980 from the Transportation Security Administration ''Federal Air

Marshals''; $246,435 from Coast Guard ''Operating Expenses''; $2,965,312 from Coast Guard ''Reserve Training''; $83,784 from National Protection and Programs Directorate ''Management and Administration''; $551,737 from National Protection and Programs Directorate ''Infrastructure Protection and Information Security''; $700,167 from United States Secret Service ''Salaries and Expenses''; $863,628 from Federal Emergency Management Agency ''Management and Administration''; $837,953 from ''Office of Health Affairs''; $32,945,983 from ''United States Citizenship and Immigration Services''; $927,823 from Federal Law Enforcement Training Center ''Salaries and Expenses''; $346,637 from Science and Technology ''Management and Administration''; and $42,257 from Domestic Nuclear Detection Office ''Management and Administration''.

SEC. 571. Of the unobligated balances available in the Department of the Treasury Forfeiture Fund established by section 9703 of title 31, United States Code, that was added to such title by section 638 of Public Law 102–393, $22,600,000 are rescinded.

SEC. 572. From the unobligated balances for ''Operations'' of funds transferred to the Department of Homeland Security when it was created in 2003, $1,891,657 are rescinded.

SEC. 573. From the unobligated balances of prior year appropriations made available for U.S. Customs and Border Protection ''Automation Modernization'', $10,000,000 are rescinded.

SEC. 574. From the unobligated balances of prior year appropriations made available for U.S. Customs and Border Protection ''Border Security Fencing, Infrastructure, and Technology'', $68,000,000 are rescinded.

SEC. 575. Of the unobligated balances available for U.S. Customs and Border Protection ''Construction'' for construction projects in prior year appropriations, $99,772,000 are rescinded: *Provided*, That amounts rescinded shall be limited to Border Patrol projects and facilities: *Provided further*, That no amounts may be rescinded from amounts that were designated by Congress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 576. From the unobligated balances of funds for the ''Violent Crime Reduction Program'' transferred to the Department of Homeland Security when it was established in 2003, $4,912,245 are rescinded.

SEC. 577. From the unobligated balances of prior year appropriations made available for U.S. Customs and Border Protection, ''Salaries and Expenses'' transferred to the Department of Homeland Security when it was established in 2003, $18,122,393 are rescinded.

SEC. 578. From the unobligated balances of prior year appropriations made available for Transportation Security Administration, $15,000,000 are rescinded: *Provided*, That the Transportation Security Administration shall not rescind any unobligated balances from the following programs: explosives detection systems; checkpoint support; aviation regulation and other enforcement; and air cargo.

SEC. 579. From the unobligated balances of prior year appropriations made available for National Protection and Programs Directorate ''Infrastructure Protection and Information Security'' the following amounts are rescinded—

(1) $6,000,000 from Next Generation Networks; and

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

SEC. 580. From the unobligated balances of prior year appropriations made available for the Federal Emergency Management Agency ''National Pre-Disaster Mitigation Fund'', $18,173,641 are rescinded.

SEC. 581. From the unobligated balances of funds for the ''Office for Domestic Preparedness'' transferred to the Department of Homeland Security when it was established in 2003, $10,568,964 are rescinded.

SEC. 582. From the unobligated balances of prior year appropriations made available for United States Visitor and Immigrant Status Indicator Technology, $28,000,000 are rescinded: *Provided*, That none of these rescissions may be taken from the $50,000,000 in unobligated balances of prior-year appropriations made available for a biometric air exit capability.

SEC. 583. From unobligated balances of prior year appropriations made available for United States Citizenship and Immigration Services for the program commonly known as the ''REAL ID hub'', $18,500,000 are rescinded.

SEC. 584. From the unobligated balances of prior year appropriations made available for Science and Technology ''Research, Development, Acquisition, and Operations'', $62,900,000 are rescinded: *Provided*, That this rescission shall not apply to funds made available for Laboratory Facilities in Public Law 111–83.

SEC. 585. From the unobligated balances of prior year appropriations made available for Domestic Nuclear Detection Office ''Research, Development, and Operations'', $27,000,000 are rescinded.

SEC. 586. From the unobligated balances made available for Coast Guard ''Operating Expenses'' in chapter 6 of title I of Public Law 111–212, $5,000,000 are rescinded.

SEC. 587. From the unobligated balances made available for ''United States Citizenship and Immigration Services'' in chapter 6 of title I of Public Law 111–212, $6,500,000 are rescinded.

SEC. 588. From the unobligated balances made available for Coast Guard ''Acquisition, Construction, and Improvements'' in chapter 5 of title I of division B of Public Law 110–329, $7,000,000 are rescinded.

SEC. 589. From the unobligated balances made available for Transportation Security Administration ''Aviation Security'' in chapter 5 of title III of Public Law 110–28, $18,345,000 are rescinded.

SEC. 590. From the unobligated balances made available for ''Office of the Secretary and Executive Management'' in chapter 4 of title II of division B of Public Law 109–148, $196,653 are rescinded.

This division may be cited as the ''Department of Homeland Security Appropriations Act, 2011''.

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

### TITLE I

### DEPARTMENT OF THE INTERIOR

#### BUREAU OF LAND MANAGEMENT

##### MANAGEMENT OF LANDS AND RESOURCES

For necessary expenses for protection, use, improvement, development, disposal, cadastral surveying, classification, acquisition of easements and other interests in lands, and performance of other functions, including maintenance of facilities, as authorized by law, in the management of lands and their resources under the jurisdiction of the Bureau of Land Management, including the general administration of the Bureau, and assessment of mineral potential of public lands pursuant to Public Law 96–487 (16 U.S.C. 3150(a)), $954,633,000, to remain available until expended; of which $4,000,000 shall be available in fiscal year 2011 subject to a match by at least an equal amount by the National Fish and Wildlife Foundation for cost-shared projects supporting conservation of Bureau lands; and such funds shall be advanced to the Foundation as a lump sum grant without regard to when expenses are incurred.

In addition, $45,500,000 is for the processing of applications for permit to drill and related use authorizations, to remain available until expended, to be reduced by amounts collected by the Bureau and credited to this appropriation that shall be derived from $6,500 per new application for permit to drill that the Bureau shall collect upon submission of each new application, and in addition, $20,000,000 is for conducting oil and gas inspection activities, to remain available until expended, to be reduced by amounts collected by the Bureau and credited to this appropriation that shall be derived from fees that the Bureau shall collect to offset inspection costs, as provided for in this Act, and in addition, $36,696,000 is for Mining Law Administration program operations, including the cost of administering the mining claim fee program; to remain available until expended, to be reduced by amounts collected by the Bureau and credited to this appropriation from mining claim maintenance fees and location fees that are hereby authorized for fiscal year 2011 so as to result in a final appropriation estimated at not more than $954,633,000, and $2,000,000, to remain available until expended, from communication site rental fees established by the Bureau for the cost of administering communication site activities.

##### CONSTRUCTION

For construction of buildings, recreation facilities, roads, trails, and appurtenant facilities, $4,066,000, to remain available until expended.

##### LAND ACQUISITION

For expenses necessary to carry out sections 205, 206, and 318(d) of Public Law 94–579, including administrative expenses and acquisition of lands or waters, or interests therein, $36,550,000, to be derived from the Land and Water Conservation Fund and to remain available until expended.

##### OREGON AND CALIFORNIA GRANT LANDS

For expenses necessary for management, protection, and development of resources and for construction, operation, and maintenance of access roads, reforestation, and other improvements on the revested Oregon and California Railroad grant lands, on other Federal lands in the Oregon and California land-grant counties of Oregon, and on adjacent rights-of-way; and acquisition of lands or interests therein, including existing connecting roads on or adjacent to such grant lands; $111,759,000, to remain available until expended: *Provided*, That 25 percent of the aggregate of all receipts during the current fiscal year from the revested Oregon and California Railroad grant lands is hereby made a charge against the Oregon and California land-grant fund and shall be transferred to the General Fund in the Treasury in accordance with the second paragraph of subsection (b) of title II of the Act of August 28, 1937 (50 Stat. 876).

##### RANGE IMPROVEMENTS

For rehabilitation, protection, and acquisition of lands and interests therein, and improvement of Federal rangelands pursuant to section 401 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701), notwithstanding any other Act, sums equal to 50 percent of all moneys received during the prior fiscal year under sections 3 and 15 of the Taylor Grazing Act (43 U.S.C. 315 et seq.) and the amount designated for range improvements from grazing fees and mineral

leasing receipts from Bankhead-Jones lands transferred to the Department of the Interior pursuant to law, but not less than $10,000,000, to remain available until expended: *Provided*, That not to exceed $600,000 shall be available for administrative expenses.

SERVICE CHARGES, DEPOSITS, AND FORFEITURES

For administrative expenses and other costs related to processing application documents and other authorizations for use and disposal of public lands and resources, for costs of providing copies of official public land documents, for monitoring construction, operation, and termination of facilities in conjunction with use authorizations, and for rehabilitation of damaged property, such amounts as may be collected under Public Law 94–579, as amended, and Public Law 93–153, to remain available until expended: *Provided*, That, notwithstanding any provision to the contrary of section 305(a) of Public Law 94–579 (43 U.S.C. 1735(a)), any moneys that have been or will be received pursuant to that section, whether as a result of forfeiture, compromise, or settlement, if not appropriate for refund pursuant to section 305(c) of that Act (43 U.S.C. 1735(c)), shall be available and may be expended under the authority of this Act by the Secretary to improve, protect, or rehabilitate any public lands administered through the Bureau of Land Management which have been damaged by the action of a resource developer, purchaser, permittee, or any unauthorized person, without regard to whether all moneys collected from each such action are used on the exact lands damaged which led to the action: *Provided further*, That any such moneys that are in excess of amounts needed to repair damage to the exact land for which funds were collected may be used to repair other damaged public lands.

MISCELLANEOUS TRUST FUNDS

In addition to amounts authorized to be expended under existing laws, there is hereby appropriated such amounts as may be contributed under section 307 of the Act of October 21, 1976 (43 U.S.C. 1701), and such amounts as may be advanced for administrative costs, surveys, appraisals, and costs of making conveyances of omitted lands under section 211(b) of that Act, to remain available until expended.

ADMINISTRATIVE PROVISIONS

The Bureau of Land Management may carry out the operations funded under this Act by direct expenditure, contracts, grants, cooperative agreements and reimbursable agreements with public and private entities, including with States. For October 1, 2010 and hereafter, in carrying out work involving cooperation with any State or political subdivision thereof, the Bureau may record obligations against accounts receivable from any such entities. Appropriations for the Bureau shall be available for purchase, erection, and dismantlement of temporary structures, and alteration and maintenance of necessary buildings and appurtenant facilities to which the United States has title; up to $100,000 for payments, at the discretion of the Secretary, for information or evidence concerning violations of laws administered by the Bureau; miscellaneous and emergency expenses of enforcement activities authorized or approved by the Secretary and to be accounted for solely on the Secretary's certificate, not to exceed $10,000: *Provided*, That notwithstanding 44 U.S.C. 501, the Bureau may, under cooperative cost-sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share the cost of printing either in cash or in services, and the Bureau determines the cooperator is capable of meeting accepted quality standards: *Provided further*, That projects to be funded pursuant to a written commitment by a State government to provide an identified amount of money in support of the project may be carried out by the Bureau on a reimbursable basis. Appropriations herein made shall not be available for the destruction of healthy, unadopted, wild horses and burros in the care of the Bureau or its contractors or for the sale of wild horses and burros that results in their destruction for processing into commercial products: *Provided further*, That the Secretary of the Interior may enter into multiyear cooperative agreements with nonprofit organizations and other appropriate entities, and may enter into multiyear contracts in accordance with the provisions of section 304B of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254c) (except that the 5 year term restriction in subsection (d) shall not apply), for the long-term care and maintenance of excess wild horses and burros by such organizations or entities on private land. Such cooperative agreements and contracts may not exceed 10 years, subject to renewal at the discretion of the Secretary.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

For necessary expenses of the United States Fish and Wildlife Service, as authorized by law, and for scientific and economic studies, general administration, and for the performance of other authorized functions related to such resources, $1,296,770,000, to remain available until September 30, 2012 except as otherwise provided herein: *Provided*, That not to exceed $21,945,000 shall be used for implementing subsections (a), (b), (c), and (e) of section 4 of the Endangered Species Act, as amended, (except for processing petitions, developing and issuing proposed and final regulations, and taking any other steps to implement actions described in subsection (c)(2)(A), (c)(2)(B)(i), or (c)(2)(B)(ii)), of which not to exceed $10,548,000 shall be used for any activity regarding the designation of critical habitat, pursuant to subsection (a)(3), excluding litigation support, for species listed pursuant to subsection (a)(1) prior to October 1, 2010; of which not to exceed $1,500,000 shall be used for implementing subsections (a), (b), (c), and (e) of section 4 of the Endangered Species Act, as amended, for species that are not indigenous to the United States: *Provided further*, That, in fiscal year 2011 and hereafter of the amount available for law enforcement, up to $400,000, to remain available until expended, may at the discretion of the Secretary be used for payment for information, rewards, or evidence concerning violations of laws administered by the Service, and miscellaneous and emergency expenses of enforcement activity, authorized or approved by the Secretary and to be accounted for solely on the Secretary's certificate.

CONSTRUCTION

For construction, improvement, acquisition, or removal of buildings and other facilities required in the conservation, management, investigation, protection, and utilization of fishery and wildlife resources, and the acquisition of lands and interests therein; $35,676,000, to remain available until expended.

LAND ACQUISITION

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601–4 through 11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the United States Fish and Wildlife Service, $101,925,000, to be derived from the Land and Water Conservation Fund and to remain available until expended, of which, notwithstanding 16 U.S.C. 4601–9, not more than $5,000,000 shall be for land conservation partnerships authorized by the Highlands Conservation Act of 2004, including not to exceed $160,000 for administrative expenses: *Provided*, That none of the funds appropriated for specific land acquisition projects may be used to pay for any administrative overhead, planning or other management costs.

COOPERATIVE ENDANGERED SPECIES CONSERVATION FUND

For expenses necessary to carry out section 6 of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), as amended, $85,000,000, to remain available until expended, of which $35,000,000 is to be derived from the Cooperative Endangered Species Conservation Fund, of which $4,987,000 shall be for the Idaho Salmon and Clearwater River Basins Habitat Account pursuant to the Snake River Water Rights Act of 2004; and of which $50,000,000 is to be derived from the Land and Water Conservation Fund.

NATIONAL WILDLIFE REFUGE FUND

For expenses necessary to implement the Act of October 17, 1978 (16 U.S.C. 715s), $14,500,000.

NORTH AMERICAN WETLANDS CONSERVATION FUND

For expenses necessary to carry out the provisions of the North American Wetlands Conservation Act, as amended (16 U.S.C. 4401–4414), $45,000,000, to remain available until expended.

NEOTROPICAL MIGRATORY BIRD CONSERVATION

For expenses necessary to carry out the Neotropical Migratory Bird Conservation Act, as amended, (16 U.S.C. 6101 et seq.), $5,000,000, to remain available until expended.

MULTINATIONAL SPECIES CONSERVATION FUND

For expenses necessary to carry out the African Elephant Conservation Act (16 U.S.C. 4201–4203, 4211–4214, 4221–4225, 4241–4246, and 1538), the Asian Elephant Conservation Act of 1997 (16 U.S.C. 4261–4266), the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5301–5306), the Great Ape Conservation Act of 2000 (16 U.S.C. 6301–6305), and the Marine Turtle Conservation Act of 2004 (16 U.S.C. 6601–6606), $12,000,000, to remain available until expended.

STATE AND TRIBAL WILDLIFE GRANTS

For wildlife conservation grants to States and to the District of Columbia, Puerto Rico, Guam, the United States Virgin Islands, the Northern Mariana Islands, American Samoa, and Indian tribes under the provisions of the Fish and Wildlife Act of 1956 and the Fish and Wildlife Coordination Act, for the development and implementation of programs for the benefit of wildlife and their habitat, including species that are not hunted or fished, $90,000,000, to remain available until expended: *Provided*, That of the amount provided herein, $7,000,000 is for a competitive grant program for Indian tribes not subject to the remaining provisions of this appropriation: *Provided further*, That $5,000,000 is for a competitive grant program for States, territories, and other jurisdictions with approved plans, not subject to the remaining provisions of this appropriation: *Provided further*, That the Secretary shall, after deducting $12,000,000 and administrative expenses, apportion the amount provided herein in the following manner: (1) to the District of Columbia and to the Commonwealth of Puerto Rico, each a sum equal to not more than one-half of 1 percent thereof; and (2) to Guam, American Samoa, the United States

Virgin Islands, and the Commonwealth of the Northern Mariana Islands, each a sum equal to not more than one-fourth of 1 percent thereof: *Provided further*, That the Secretary shall apportion the remaining amount in the following manner: (1) one-third of which is based on the ratio to which the land area of such State bears to the total land area of all such States; and (2) two-thirds of which is based on the ratio to which the population of such State bears to the total population of all such States: *Provided further*, That the amounts apportioned under this paragraph shall be adjusted equitably so that no State shall be apportioned a sum which is less than 1 percent of the amount available for apportionment under this paragraph for any fiscal year or more than 5 percent of such amount: *Provided further*, That the Federal share of planning grants shall not exceed 75 percent of the total costs of such projects and the Federal share of implementation grants shall not exceed 50 percent of the total costs of such projects: *Provided further*, That the non-Federal share of such projects may not be derived from Federal grant programs: *Provided further*, That any amount apportioned in 2011 to any State, territory, or other jurisdiction that remains unobligated as of September 30, 2012, shall be reapportioned, together with funds appropriated in 2013, in the manner provided herein.

ADMINISTRATIVE PROVISIONS

The Fish and Wildlife Service may carry out the operations of Service programs by direct expenditure, contracts, grants, cooperative agreements and reimbursable agreements with public and private entities. Appropriations and funds available to the United States Fish and Wildlife Service shall be available for repair of damage to public roads within and adjacent to reservation areas caused by operations of the Service; options for the purchase of land at not to exceed $1 for each option; facilities incident to such public recreational uses on conservation areas as are consistent with their primary purpose; and the maintenance and improvement of aquaria, buildings, and other facilities under the jurisdiction of the Service and to which the United States has title, and which are used pursuant to law in connection with management, and investigation of fish and wildlife resources: *Provided*, That notwithstanding 44 U.S.C. 501, the Service may, under cooperative cost sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share at least one-half the cost of printing either in cash or services and the Service determines the cooperator is capable of meeting accepted quality standards: *Provided further*, That the Service may accept donated aircraft as replacements for existing aircraft.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For expenses necessary for the management, operation, and maintenance of areas and facilities administered by the National Park Service (including expenses to carry out programs of the United States Park Police), and for the general administration of the National Park Service, $2,298,577,000, of which $9,943,000 for planning and interagency coordination in support of Everglades restoration and $98,092,000 for maintenance, repair or rehabilitation projects for constructed assets, operation of the National Park Service automated facility management software system, and comprehensive facility condition assessments shall remain available until September 30, 2012.

NATIONAL RECREATION AND PRESERVATION

For expenses necessary to carry out recreation programs, natural programs, cultural programs, heritage partnership programs, environmental compliance and review, international park affairs, statutory or contractual aid for other activities, and grant administration, not otherwise provided for, $67,958,000, of which $3,000,000 under section 7301(b) of the Omnibus Public Land Management Act of 2009 (Public Law 111–11) shall be available for competitive grants for programs and projects related to the sesquicentennial of the American Civil War.

HISTORIC PRESERVATION FUND

For expenses necessary in carrying out the Historic Preservation Act of 1966, as amended (16 U.S.C. 470), and the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333), $78,000,000, to be derived from the Historic Preservation Fund and to remain available until September 30, 2012; of which $20,000,000 shall be for Save America's Treasures grants as authorized by section 7303 of the Omnibus Public Land Management Act of 2009 (Public Law 111–11).

CONSTRUCTION

For construction, improvements, repair or replacement of physical facilities, including modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989, $197,105,000, to remain available until expended: *Provided*, That for fiscal year 2011, funds provided in this account shall be available, not to exceed $4,000,000, for further payments consistent with an agreement signed by the Secretary of the Interior that supersedes the agreement of July 30, 1943 (relating to the construction of the North Shore Road from the eastern boundary of Great Smoky Mountains National Park), and such payments shall be considered construction, improvements, repair or replacement of physical facilities for purposes of this account: *Provided further*, That notwithstanding any other provision of law, a single procurement for phase 1 of the National Mall improvement project number 151515, may be issued that includes the full scope of this phase of the project, so long as the solicitation and contract shall contain the clause ''availability of appropriated funds'' found in CFR section 52.232.18 of title 48: *Provided further*, That the National Park Service may acquire through donation, land near Great Smoky Mountains National Park and adjacent to the Great Smoky Mountains Heritage Museum, in Townsend, Tennessee for the purpose of constructing a curatorial storage facility for the park.

LAND AND WATER CONSERVATION FUND

(RESCISSION)

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

LAND ACQUISITION AND STATE ASSISTANCE

For expenses necessary to carry out the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 4601–4 through 11), including administrative expenses, and for acquisition of lands or waters, or interest therein, in accordance with the statutory authority applicable to the National Park Service, $143,423,000, to be derived from the Land and Water Conservation Fund and to remain available until expended, of which $50,000,000 is for the State assistance program and of which $6,000,000 shall be for the American Battlefield Protection Program grants as authorized by section 7301 of the Omnibus Public Land Management Act of 2009 (Public Law 111–11): *Provided*, That notwithstanding sections 6(b)(3) and 6(c) of the Land and Water Conservation Fund Act of 1965, as amended, payments to any State through a competitive demonstration grants program shall not be counted towards an individual State's total allocation subject to the 10 per centum annual limitation and shall not cover more than 70 per centum of the total cost of the demonstration grant project.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

In addition to other uses set forth in section 407(d) of Public Law 105–391, franchise fees credited to a sub-account shall be available for expenditure by the Secretary, without further appropriation, for use at any unit within the National Park System to extinguish or reduce liability for Possessory Interest or leasehold surrender interest. Such funds may only be used for this purpose to the extent that the benefitting unit anticipated franchise fee receipts over the term of the contract at that unit exceed the amount of funds used to extinguish or reduce liability. Franchise fees at the benefitting unit shall be credited to the sub-account of the originating unit over a period not to exceed the term of a single contract at the benefitting unit, in the amount of funds so expended to extinguish or reduce liability.

For the costs of administration of the Land and Water Conservation Fund grants authorized by section 105(a)(2)(B) of the Gulf of Mexico Energy Security Act of 2006 (Public Law 109–432), the National Park Service may retain up to 3 percent of the amounts which are authorized to be disbursed under such section, such retained amounts to remain available until expended.

National Park Service funds may be transferred to the Federal Highway Administration (FHWA), Department of Transportation, for purposes authorized under 23 U.S.C. 204. Transfers may include a reasonable amount for FHWA administrative support costs.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For expenses necessary for the United States Geological Survey to perform surveys, investigations, and research covering topography, geology, hydrology, biology, and the mineral and water resources of the United States, its territories and possessions, and other areas as authorized by 43 U.S.C. 31, 1332, and 1340; classify lands as to their mineral and water resources; give engineering supervision to power permittees and Federal Energy Regulatory Commission licensees; administer the minerals exploration program (30 U.S.C. 641); conduct inquiries into the economic conditions affecting mining and materials processing industries (30 U.S.C. 3, 21a, and 1603; 50 U.S.C. 98g(1)) and related purposes as authorized by law; and to publish and disseminate data relative to the foregoing activities; $1,154,179,000, to remain available until September 30, 2012, of which $65,598,000 shall be available only for cooperation with States or municipalities for water resources investigations; of which $53,500,000 shall remain available until expended for satellite operations; of which $4,807,000 shall be available until expended for deferred maintenance and capital improvement projects that exceed $100,000 in cost; and of which $2,000,000 shall be available to fund the operating expenses for the Civil Applications Committee: *Provided*, That none of the funds provided for the biological research activity shall be used to conduct new surveys on private property, unless specifically authorized in writing by the property owner: *Provided further*, That no part of this appropriation shall be used to pay more than one-half the cost of topographic mapping or water resources data collection and investigations carried on in cooperation with States and municipalities.

ADMINISTRATIVE PROVISIONS

From within the amount appropriated for activities of the United States Geological Survey such sums as are necessary shall be available for reimbursement to the General

Services Administration for security guard services; contracting for the furnishing of topographic maps and for the making of geophysical or other specialized surveys when it is administratively determined that such procedures are in the public interest; construction and maintenance of necessary buildings and appurtenant facilities; acquisition of lands for gauging stations and observation wells; expenses of the United States National Committee on Geology; and payment of compensation and expenses of persons on the rolls of the Survey duly appointed to represent the United States in the negotiation and administration of interstate compacts: *Provided*, That activities funded by appropriations herein made may be accomplished through the use of contracts, grants, or cooperative agreements as defined in 31 U.S.C. 6302 et seq.: *Provided further*, That the United States Geological Survey may enter into contracts or cooperative agreements directly with individuals or indirectly with institutions or nonprofit organizations, without regard to 41 U.S.C. 5, for the temporary or intermittent services of students or recent graduates, who shall be considered employees for the purpose of chapters 57 and 81 of title 5, United States Code, relating to compensation for travel and work injuries, and chapter 171 of title 28, United States Code, relating to tort claims, but shall not be considered to be Federal employees for any other purposes.

BUREAU OF OCEAN ENERGY MANAGEMENT, REGULATION, AND ENFORCEMENT

(FORMERLY THE MINERALS MANAGEMENT SERVICE)

ROYALTY AND OFFSHORE MINERALS MANAGEMENT

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for minerals leasing and environmental studies, regulation of industry operations, and collection of royalties, as authorized by law; for enforcing laws and regulations applicable to oil, gas, and other minerals leases, permits, licenses and operating contracts; for energy-related or other authorized marine-related purposes on the Outer Continental Shelf; and for matching grants or cooperative agreements, $221,113,000, to remain available until September 30, 2012, of which $113,174,000 shall be available for royalty management activities; and an amount not to exceed $154,890,000, to be credited to this appropriation and to remain available until expended, from additions to receipts resulting from increases to rates in effect on August 5, 1993, and from cost recovery fees: *Provided*, That notwithstanding 31 U.S.C. 3302, in fiscal year 2011, such amounts as are assessed under 31 U.S.C. 9701 shall be collected and credited to this account and shall be available until expended for necessary expenses: *Provided further*, That to the extent $154,890,000 in addition to receipts are not realized from the sources of receipts stated above, the amount needed to reach $154,890,000 shall be credited to this appropriation from receipts resulting from rental rates for Outer Continental Shelf leases in effect before August 5, 1993: *Provided further*, That for fiscal year 2011 and each fiscal year thereafter, the term ''qualified Outer Continental Shelf revenues'', as defined in section 102(9)(A) of the Gulf of Mexico Energy Security Act, division C of Public Law 109–432, shall include only the portion of rental revenues that would have been collected at the rental rates in effect before August 5, 1993: *Provided further*, That not to exceed $3,000 shall be available for reasonable expenses related to promoting volunteer beach and marine cleanup activities: *Provided further*, That notwithstanding any other provision of law, $15,000 under this heading shall be available for refunds of overpayments in connection with certain Indian leases in which the Director of the Bureau of Ocean Energy Management, Regulation, and Enforcement concurred with the claimed refund due, to pay amounts owed to Indian allottees or tribes, or to correct prior unrecoverable erroneous payments.

For an additional amount, $60,000,000, to remain available until expended, which shall be derived from nonrefundable inspection fees collected in fiscal year 2011, as provided in this Act: *Provided*, That to the extent that such amounts are not realized from such fees, the amount needed to reach $60,000,000 shall be credited to this appropriation from receipts resulting from rental rates for Outer Continental Shelf leases in effect before August 5, 1993: *Provided further*, That to implement a reorganization of the Bureau of Ocean Energy Management, Regulation, and Enforcement the Secretary may establish accounts, transfer funds among and between the offices and bureaus affected by the reorganization, and take any other administrative actions necessary in conformance with the Appropriations Committees' reprogramming guidance (as described in House Report 111–316, the explanatory statement accompanying Public Law 111–88).

OIL SPILL RESEARCH

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out title I, section 1016, title IV, sections 4202 and 4303, title VII, and title VIII, section 8201 of the Oil Pollution Act of 1990, $11,768,000, which shall be derived from the Oil Spill Liability Trust Fund, to remain available until expended: *Provided*, That to implement a reorganization of the Bureau of Ocean Energy Management, Regulation, and Enforcement the Secretary may establish accounts, transfer funds among and between the offices and bureaus affected by the reorganization, and take any other administrative actions necessary in conformance with the Appropriations Committees' reprogramming guidance (as described in House Report 111–316, the explanatory statement accompanying Public Law 111–88).

ADMINISTRATIVE PROVISION

Notwithstanding the provisions of section 35(b) of the Mineral Leasing Act, as amended (30 U.S.C. 191(b)), the Secretary shall deduct 2 percent from the amount payable to each State in fiscal year 2011 and deposit the amount deducted to miscellaneous receipts of the Treasury.

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

REGULATION AND TECHNOLOGY

For necessary expenses to carry out the provisions of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, as amended, $127,185,000, to remain available until September 30, 2012: *Provided*, That appropriations for the Office of Surface Mining Reclamation and Enforcement may provide for the travel and per diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training.

ABANDONED MINE RECLAMATION FUND

For necessary expenses to carry out title IV of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, as amended, $34,909,000, to be derived from receipts of the Abandoned Mine Reclamation Fund and to remain available until expended: *Provided*, That pursuant to Public Law 97–365, the Department of the Interior is authorized to use up to 20 percent from the recovery of the delinquent debt owed to the United States Government to pay for contracts to collect these debts: *Provided further*, That funds made available under title IV of Public Law 95–87 may be used for any required non-Federal share of the cost of projects funded by the Federal Government for the purpose of environmental restoration related to treatment or abatement of acid mine drainage from abandoned mines: *Provided further*, That such projects must be consistent with the purposes and priorities of the Surface Mining Control and Reclamation Act: *Provided further*, That amounts provided under this heading may be used for the travel and per diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training.

ADMINISTRATIVE PROVISION

With funds available for the Technical Innovation and Professional Services program in this Act, the Secretary may transfer title for computer hardware, software and other technical equipment to State and tribal regulatory and reclamation programs.

BUREAU OF INDIAN AFFAIRS AND BUREAU OF INDIAN EDUCATION

OPERATION OF INDIAN PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the operation of Indian programs, as authorized by law, including the Snyder Act of November 2, 1921 (25 U.S.C. 13), the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450 et seq.), as amended, the Education Amendments of 1978 (25 U.S.C. 2001–2019), and the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.), as amended, $2,404,029,000, to remain available until September 30, 2012 except as otherwise provided herein; of which not to exceed $8,500 may be for official reception and representation expenses; of which not to exceed $74,911,000 shall be for welfare assistance payments: *Provided*, That in cases of designated Federal disasters, the Secretary may exceed such cap, from the amounts provided herein, to provide for disaster relief to Indian communities affected by the disaster; and of which, notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, not to exceed $187,526,000 shall be available for payments for contract support costs associated with ongoing contracts, grants, compacts, or annual funding agreements entered into with the Bureau prior to or during fiscal year 2011, as authorized by such Act, except that tribes, and tribal organizations, may use their tribal priority allocations for unmet contract support costs of ongoing contracts, grants, or compacts, or annual funding agreements and for unmet welfare assistance costs; of which not to exceed $590,111,000 for school operations costs of Bureau-funded schools and other education programs shall become available on July 1, 2011, and shall remain available until September 30, 2012; *Provided further*, That notwithstanding any prohibitions in this Act, the Bureau shall fund the school operations costs of Jones Academy for the 2011–2012 school year in Hartshorne, Oklahoma for grades 1–6 as if Jones Academy were in the Bureau school system as of October 1, 1995 and in determining the academic ISEP formula pursuant to 25 CFR Part 39 for the 2011–2012 school year, Jones Academy shall be funded for academic ISEP based on its average student enrollment for the 2008–2009, 2009–2010, and 2010–2011 school years, and thereafter based on its three-year average enrollment determined pursuant to 25 CFR Part 39; and of which not to exceed $59,630,000 shall remain available until expended for housing improvement, road maintenance, attorney fees, litigation support, the Indian Self-Determination Fund, land records improvement, and the Navajo-Hopi Settlement

Program: *Provided further*, That notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, and 25 U.S.C. 2008, not to exceed $46,373,000 within and only from such amounts made available for school operations shall be available for administrative cost grants associated with ongoing grants entered into with the Bureau prior to or during fiscal year 2010 for the operation of Bureau-funded schools, and up to $500,000 within and only from such amounts made available for administrative cost grants shall be available for the transitional costs of initial administrative cost grants to grantees that assume operation on or after July 1, 2010, of Bureau-funded schools: *Provided further*, That any forestry funds allocated to a tribe which remain unobligated as of September 30, 2012, may be transferred during fiscal year 2013 to an Indian forest land assistance account established for the benefit of the holder of the funds within the holder's trust fund account: *Provided further*, That any such unobligated balances not so transferred shall expire on September 30, 2013: *Provided further*, That in order to enhance the safety of Bureau field employees, the Bureau may use funds to purchase uniforms or other identifying articles of clothing for personnel.

CONSTRUCTION

(INCLUDING TRANSFER OF FUNDS)

For construction, repair, improvement, and maintenance of irrigation and power systems, buildings, utilities, and other facilities, including architectural and engineering services by contract; acquisition of lands, and interests in lands; and preparation of lands for farming, and for construction of the Navajo Indian Irrigation Project pursuant to Public Law 87–483, $125,723,000, to remain available until expended: *Provided*, That such amounts as may be available for the construction of the Navajo Indian Irrigation Project may be transferred to the Bureau of Reclamation: *Provided further*, That not to exceed 6 percent of contract authority available to the Bureau of Indian Affairs from the Federal Highway Trust Fund may be used to cover the road program management costs of the Bureau: *Provided further*, That any funds provided for the Safety of Dams program pursuant to 25 U.S.C. 13 shall be made available on a nonreimbursable basis: *Provided further*, That for fiscal year 2011, in implementing new construction or facilities improvement and repair project grants in excess of $100,000 that are provided to grant schools under Public Law 100–297, as amended, the Secretary of the Interior shall use the Administrative and Audit Requirements and Cost Principles for Assistance Programs contained in 43 CFR part 12 as the regulatory requirements: *Provided further*, That such grants shall not be subject to section 12.61 of 43 CFR; the Secretary and the grantee shall negotiate and determine a schedule of payments for the work to be performed: *Provided further*, That in considering grant applications, the Secretary shall consider whether such grantee would be deficient in assuring that the construction projects conform to applicable building standards and codes and Federal, tribal, or State health and safety standards as required by 25 U.S.C. 2005(b), with respect to organizational and financial management capabilities: *Provided further*, That if the Secretary declines a grant application, the Secretary shall follow the requirements contained in 25 U.S.C. 2504(f): *Provided further*, That any disputes between the Secretary and any grantee concerning a grant shall be subject to the disputes provision in 25 U.S.C. 2507(e): *Provided further*, That in order to ensure timely completion of construction projects, the Secretary may assume control of a project and all funds related to the project, if, within 18 months of the date of enactment of this Act, any grantee receiving funds appropriated in this Act or in any prior Act, has not completed the planning and design phase of the project and commenced construction: *Provided further*, That this appropriation may be reimbursed from the Office of the Special Trustee for American Indians appropriation for the appropriate share of construction costs for space expansion needed in agency offices to meet trust reform implementation.

INDIAN LAND AND WATER CLAIM SETTLEMENTS AND MISCELLANEOUS PAYMENTS TO INDIANS

For payments and necessary administrative expenses for implementation of Indian land and water claim settlements pursuant to Public Laws 99–264, 100–580, 101–618, 108–447, 109–479, 110–297, and 111–11, and for implementation of other land and water rights settlements, $46,480,000, to remain available until expended.

INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

For the cost of guaranteed loans and insured loans, $8,158,000, of which $1,572,000 is for administrative expenses, as authorized by the Indian Financing Act of 1974, as amended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed or insured, not to exceed $83,740,196.

INDIAN LAND CONSOLIDATION

For consolidation of fractional interests in Indian lands and expenses associated with redetermining and redistributing escheated interests in allotted lands, and for necessary expenses to carry out the Indian Land Consolidation Act of 1983, as amended, by direct expenditure or cooperative agreement, $1,000,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

The Bureau of Indian Affairs may carry out the operation of Indian programs by direct expenditure, contracts, cooperative agreements, compacts and grants, either directly or in cooperation with States and other organizations.

Notwithstanding 25 U.S.C. 15, the Bureau of Indian Affairs may contract for services in support of the management, operation, and maintenance of the Power Division of the San Carlos Irrigation Project.

Appropriations for the Bureau of Indian Affairs (except the Revolving Fund for Loans Liquidating Account, Indian Loan Guaranty and Insurance Fund Liquidating Account, Indian Guaranteed Loan Financing Account, Indian Direct Loan Financing Account, and the Indian Guaranteed Loan Program account) shall be available for expenses of exhibits.

Notwithstanding any other provision of law, no funds available to the Bureau of Indian Affairs for central office oversight and Executive Direction and Administrative Services (except executive direction and administrative services funding for Tribal Priority Allocations, regional offices, and facilities operations and maintenance) shall be available for contracts, grants, compacts, or cooperative agreements with the Bureau of Indian Affairs under the provisions of the Indian Self-Determination Act or the Tribal Self-Governance Act of 1994 (Public Law 103–413).

In the event any tribe returns appropriations made available by this Act to the Bureau of Indian Affairs, this action shall not diminish the Federal Government's trust responsibility to that tribe, or the government-to-government relationship between the United States and that tribe, or that tribe's ability to access future appropriations.

Notwithstanding any other provision of law, no funds available to the Bureau, other than the amounts provided herein for assistance to public schools under 25 U.S.C. 452 et seq., shall be available to support the operation of any elementary or secondary school in the State of Alaska.

Appropriations made available in this or any other Act for schools funded by the Bureau shall be available only to the schools in the Bureau school system as of September 1, 1996. No funds available to the Bureau shall be used to support expanded grades for any school or dormitory beyond the grade structure in place or approved by the Secretary of the Interior at each school in the Bureau school system as of October 1, 1995. Funds made available under this Act may not be used to establish a charter school at a Bureau-funded school (as that term is defined in section 1146 of the Education Amendments of 1978 (25 U.S.C. 2026)), except that a charter school that is in existence on the date of the enactment of this Act and that has operated at a Bureau-funded school before September 1, 1999, may continue to operate during that period, but only if the charter school pays to the Bureau a pro rata share of funds to reimburse the Bureau for the use of the real and personal property (including buses and vans), the funds of the charter school are kept separate and apart from Bureau funds, and the Bureau does not assume any obligation for charter school programs of the State in which the school is located if the charter school loses such funding. Employees of Bureau-funded schools sharing a campus with a charter school and performing functions related to the charter schools operation and employees of a charter school shall not be treated as Federal employees for purposes of chapter 171 of title 28, United States Code.

Notwithstanding any other provision of law, including section 113 of title I of appendix C of Public Law 106–113, if in fiscal year 2003 or 2004 a grantee received indirect and administrative costs pursuant to a distribution formula based on section 5(f) of Public Law 101–301, the Secretary shall continue to distribute indirect and administrative cost funds to such grantee using the section 5(f) distribution formula.

DEPARTMENTAL OFFICES

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for management of the Department of the Interior, $121,987,000; of which not to exceed $15,000 may be for official reception and representation expenses; and of which up to $1,000,000 shall be available for workers compensation payments and unemployment compensation payments associated with the orderly closure of the United States Bureau of Mines; and of which $14,136,000 for consolidated appraisal services is to be derived from the Land and Water Conservation Fund and shall remain available until expended: *Provided*, That, for each fiscal year through fiscal year 2012, up to $400,000 of the payments authorized by the Act of October 20, 1976, as amended (31 U.S.C. 6901–6907) may be retained for administrative expenses of the Payments in Lieu of Taxes Program: *Provided further*, That no payment shall be made pursuant to that Act to otherwise eligible units of local government if the computed amount of the payment is less than $100: *Provided further*, That to implement a reorganization of the Bureau of Ocean Energy Management, Regulation, and

Enforcement the Secretary may establish accounts, transfer funds among and between the offices and bureaus affected by the reorganization, and take any other administrative actions necessary in conformance with the Appropriations Committees' reprogramming guidance (as described in House Report 111–316, the explanatory statement accompanying Public Law 111–88).

INSULAR AFFAIRS

ASSISTANCE TO TERRITORIES

For expenses necessary for assistance to territories under the jurisdiction of the Department of the Interior, $88,507,000, of which: (1) $77,808,000 shall remain available until expended for territorial assistance, including general technical assistance, maintenance assistance, disaster assistance, insular management controls, coral reef initiative activities, and brown tree snake control and research; grants to the judiciary in American Samoa for compensation and expenses, as authorized by law (48 U.S.C. 1661(c)); grants to the Government of American Samoa, in addition to current local revenues, for construction and support of governmental functions; grants to the Government of the Virgin Islands as authorized by law; grants to the Government of Guam, as authorized by law; and grants to the Government of the Northern Mariana Islands as authorized by law (Public Law 94–241; 90 Stat. 272); and (2) $10,699,000 shall be available until September 30, 2012 for salaries and expenses of the Office of Insular Affairs: *Provided*, That all financial transactions of the territorial and local governments herein provided for, including such transactions of all agencies or instrumentalities established or used by such governments, may be audited by the Government Accountability Office, at its discretion, in accordance with chapter 35 of title 31, United States Code: *Provided further*, That Northern Mariana Islands Covenant grant funding shall be provided according to those terms of the Agreement of the Special Representatives on Future United States Financial Assistance for the Northern Mariana Islands approved by Public Law 104–134: *Provided further*, That of the amounts provided for technical assistance, sufficient funds shall be made available for a grant to the Pacific Basin Development Council: *Provided further*, That of the amounts provided for technical assistance, sufficient funding shall be made available for a grant to the Close Up Foundation: *Provided further*, That the funds for the program of operations and maintenance improvement are appropriated to institutionalize routine operations and maintenance improvement of capital infrastructure with territorial participation and cost sharing to be determined by the Secretary based on the grantee's commitment to timely maintenance of its capital assets: *Provided further*, That any appropriation for disaster assistance under this heading in this Act or previous appropriations Acts may be used as non-Federal matching funds for the purpose of hazard mitigation grants provided pursuant to section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c).

COMPACT OF FREE ASSOCIATION

For grants and necessary expenses, $5,318,000, to remain available until expended, as provided for in sections 221(a)(2), 221(b), and 233 of the Compact of Free Association for the Republic of Palau; and section 221(a)(2) of the Compacts of Free Association for the Government of the Republic of the Marshall Islands and the Federated States of Micronesia, as authorized by Public Law 99–658 and Public Law 108–188.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

At the request of the Governor of Guam, the Secretary may transfer discretionary funds or mandatory funds provided under section 104(e) of Public Law 108–188 and Public Law 104–134, that are allocated for Guam, to the Secretary of Agriculture for the subsidy cost of direct or guaranteed loans, plus not to exceed three percent of the amount of the subsidy transferred for the cost of loan administration, for the purposes authorized by the Rural Electrification Act of 1936 and section 306(a)(1) of the Consolidated Farm and Rural Development Act for construction and repair projects in Guam, and such funds shall remain available until expended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That such loans or loan guarantees may be made without regard to the population of the area, credit elsewhere requirements, and restrictions on the types of eligible entities under the Rural Electrification Act of 1936 and section 306(a)(1) of the Consolidated Farm and Rural Development Act: *Provided further*, That any funds transferred to the Secretary of Agriculture shall be in addition to funds otherwise made available to make or guarantee loans under such authorities.

OFFICE OF THE SOLICITOR

SALARIES AND EXPENSES

For necessary expenses of the Office of the Solicitor, $67,894,000.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General, $49,560,000.

OFFICE OF THE SPECIAL TRUSTEE FOR AMERICAN INDIANS

FEDERAL TRUST PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For the operation of trust programs for Indians by direct expenditure, contracts, cooperative agreements, compacts, and grants, $168,115,000, to remain available until expended, of which not to exceed $31,534,000 from this or any other Act, shall be available for historical accounting: *Provided*, That funds for trust management improvements and litigation support may, as needed, be transferred to or merged with the Bureau of Indian Affairs, ''Operation of Indian Programs'' account; the Office of the Solicitor, ''Salaries and Expenses'' account; and the Office of the Secretary, ''Salaries and Expenses'' account: *Provided further*, That funds made available through contracts or grants obligated during fiscal year 2011, as authorized by the Indian Self-Determination Act of 1975 (25 U.S.C. 450 et seq.), shall remain available until expended by the contractor or grantee: *Provided further*, That, notwithstanding any other provision of law, the statute of limitations shall not commence to run on any claim, including any claim in litigation pending on the date of the enactment of this Act, concerning losses to or mismanagement of trust funds, until the affected tribe or individual Indian has been furnished with an accounting of such funds from which the beneficiary can determine whether there has been a loss: *Provided further*, That, notwithstanding any other provision of law, the Secretary shall not be required to provide a quarterly statement of performance for any Indian trust account that has not had activity for at least 18 months and has a balance of $15.00 or less: *Provided further*, That the Secretary shall issue an annual account statement and maintain a record of any such accounts and shall permit the balance in each such account to be withdrawn upon the express written request of the account holder: *Provided further*, That not to exceed $50,000 is available for the Secretary to make payments to correct administrative errors of either disbursements from or deposits to Individual Indian Money or Tribal accounts after September 30, 2002: *Provided further*, That erroneous payments that are recovered shall be credited to and remain available in this account for this purpose.

DEPARTMENT-WIDE PROGRAMS

WILDLAND FIRE MANAGEMENT

(INCLUDING TRANSFERS AND RESCISSION OF FUNDS)

For necessary expenses for fire preparedness, suppression operations, fire science and research, emergency rehabilitation, hazardous fuels reduction, and rural fire assistance by the Department of the Interior, $825,452,000, to remain available until expended, of which not to exceed $6,137,000 shall be for the renovation or construction of fire facilities: *Provided*, That such funds are also available for repayment of advances to other appropriation accounts from which funds were previously transferred for such purposes: *Provided further*, That persons hired pursuant to 43 U.S.C. 1469 may be furnished subsistence and lodging without cost from funds available from this appropriation: *Provided further*, That notwithstanding 42 U.S.C. 1856d, sums received by a bureau or office of the Department of the Interior for fire protection rendered pursuant to 42 U.S.C. 1856 et seq., protection of United States property, may be credited to the appropriation from which funds were expended to provide that protection, and are available without fiscal year limitation: *Provided further*, That using the amounts designated under this title of this Act, the Secretary of the Interior may enter into procurement contracts, grants, or cooperative agreements, for hazardous fuels reduction activities, and for training and monitoring associated with such hazardous fuels reduction activities, on Federal land, or on adjacent non-Federal land for activities that benefit resources on Federal land: *Provided further*, That the costs of implementing any cooperative agreement between the Federal Government and any non-Federal entity may be shared, as mutually agreed on by the affected parties: *Provided further*, That notwithstanding requirements of the Competition in Contracting Act, the Secretary, for purposes of hazardous fuels reduction activities, may obtain maximum practicable competition among: (1) local private, nonprofit, or cooperative entities; (2) Youth Conservation Corps crews, Public Lands Corps (Public Law 109–154), or related partnerships with State, local, or nonprofit youth groups; (3) small or micro-businesses; or (4) other entities that will hire or train locally a significant percentage, defined as 50 percent or more, of the project workforce to complete such contracts: *Provided further*, That in implementing this section, the Secretary shall develop written guidance to field units to ensure accountability and consistent application of the authorities provided herein: *Provided further*, That funds appropriated under this head may be used to reimburse the United States Fish and Wildlife Service and the National Marine Fisheries Service for the costs of carrying out their responsibilities under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) to consult and conference, as required by section 7 of such Act, in connection with wildland fire management activities: *Provided further*, That the Secretary of the Interior may use wildland fire appropriations to enter into noncompetitive sole-source leases of real property with local governments, at or below

fair market value, to construct capitalized improvements for fire facilities on such leased properties, including but not limited to fire guard stations, retardant stations, and other initial attack and fire support facilities, and to make advance payments for any such lease or for construction activity associated with the lease: *Provided further*, That the Secretary of the Interior and the Secretary of Agriculture may authorize the transfer of funds appropriated for wildland fire management, in an aggregate amount not to exceed $50,000,000, between the Departments when such transfers would facilitate and expedite jointly funded wildland fire management programs and projects: *Provided further*, That funds provided for wildfire suppression shall be available for support of Federal emergency response actions: *Provided further*, That $145,000,000 in unobligated fire suppression balances under this heading in Public Law 111–8 and Public Law 111–88 are hereby permanently rescinded.

FLAME WILDFIRE SUPPRESSION RESERVE FUND

(INCLUDING TRANSFER OF FUNDS)

For deposit in the FLAME Wildfire Suppression Reserve Fund, as authorized in the FLAME Act of 2009 (title V of division A of Public Law 111–88), $96,000,000, to remain available until expended.

CENTRAL HAZARDOUS MATERIALS FUND

For necessary expenses of the Department of the Interior and any of its component offices and bureaus for the response action, including associated activities, performed pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601 et seq.), $10,152,000, to remain available until expended.

NATURAL RESOURCE DAMAGE ASSESSMENT AND RESTORATION

NATURAL RESOURCE DAMAGE ASSESSMENT FUND

To conduct natural resource damage assessment and restoration activities by the Department of the Interior necessary to carry out the provisions of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601 et seq.), the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq.), the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.), and Public Law 101–337, as amended (16 U.S.C. 19jj et seq.), $6,434,000, to remain available until expended.

WORKING CAPITAL FUND

For the acquisition of a departmental financial and business management system and information technology improvements of general benefit to the Department, $81,619,000, to remain available until expended: *Provided*, That hereafter none of the funds in this Act or any other Act may be used to establish reserves in the Working Capital Fund account other than for accrued annual leave and depreciation of equipment without prior approval of the House and Senate Committees on Appropriations: *Provided further*, That for fiscal years 2011 through 2013 the Secretary may assess reasonable charges to State, local and tribal government employees for training services provided by the National Indian Program Training Center, other than training related to Public Law 93–638: *Provided further*, That the Secretary may lease or otherwise provide space and related facilities, equipment or professional services of the National Indian Program Training Center to State, local and tribal government employees or persons or organizations engaged in cultural, educational, or recreational activities (as defined in 40 U.S.C. 3306(a)) at the prevailing rate for similar space, facilities, equipment, or services in the vicinity of the National Indian Program Training Center: *Provided further*, That for fiscal years 2011 through 2013 all funds received pursuant to the two preceding provisos shall be credited to this account, shall be available until expended, and shall be used by the Secretary for necessary expenses of the National Indian Program Training Center: *Provided further*, That of the funds made available under this heading, $2,500,000 shall be used to increase acquisition workforce and capabilities and to support the implementation of Department-wide strategic sourcing vehicles for improved effectiveness and efficiency.

ADMINISTRATIVE PROVISION

There is hereby authorized for acquisition from available resources within the Working Capital Fund, 15 aircraft, 10 of which shall be for replacement and which may be obtained by donation, purchase or through available excess surplus property: *Provided*, That existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

(INCLUDING TRANSFERS OF FUNDS)

EMERGENCY TRANSFER AUTHORITY—INTRA-BUREAU

SEC. 101. Appropriations made in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement, or repair of aircraft, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: *Provided*, That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted: *Provided further*, That all funds used pursuant to this section must be replenished by a supplemental appropriation which must be requested as promptly as possible.

EMERGENCY TRANSFER AUTHORITY—DEPARTMENT-WIDE

SEC. 102. The Secretary may authorize the expenditure or transfer of any no year appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of wildland fires on or threatening lands under the jurisdiction of the Department of the Interior; for the emergency rehabilitation of burned-over lands under its jurisdiction; for emergency actions related to potential or actual earthquakes, floods, volcanoes, storms, or other unavoidable causes; for contingency planning subsequent to actual oil spills; for response and natural resource damage assessment activities related to actual oil spills; for the prevention, suppression, and control of actual or potential grasshopper and Mormon cricket outbreaks on lands under the jurisdiction of the Secretary, pursuant to the authority in section 1773(b) of Public Law 99–198 (99 Stat. 1658); for emergency reclamation projects under section 410 of Public Law 95–87; and shall transfer, from any no year funds available to the Office of Surface Mining Reclamation and Enforcement, such funds as may be necessary to permit assumption of regulatory authority in the event a primacy State is not carrying out the regulatory provisions of the Surface Mining Act: *Provided*, That appropriations made in this title for wildland fire operations shall be available for the payment of obligations incurred during the preceding fiscal year, and for reimbursement to other Federal agencies for destruction of vehicles, aircraft, or other equipment in connection with their use for wildland fire operations, such reimbursement to be credited to appropriations currently available at the time of receipt thereof: *Provided further*, That for wildland fire operations, no funds shall be made available under this authority until the Secretary determines that funds appropriated for ''wildland fire operations'' and ''FLAME Wildfire Suppression Reserve Fund'' shall be exhausted within 30 days: *Provided further*, That all funds used pursuant to this section must be replenished by a supplemental appropriation which must be requested as promptly as possible: *Provided further*, That such replenishment funds shall be used to reimburse, on a pro rata basis, accounts from which emergency funds were transferred.

AUTHORIZED USE OF FUNDS

SEC. 103. Appropriations made to the Department of the Interior in this title shall be available for services as authorized by 5 U.S.C. 3109, when authorized by the Secretary, in total amount not to exceed $500,000; purchase and replacement of motor vehicles, including specially equipped law enforcement vehicles; hire, maintenance, and operation of aircraft; hire of passenger motor vehicles; purchase of reprints; payment for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and the payment of dues, when authorized by the Secretary, for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members.

AUTHORIZED USE OF FUNDS, INDIAN TRUST MANAGEMENT

SEC. 104. Appropriations made in this Act under the headings Bureau of Indian Affairs and Office of the Special Trustee for American Indians and any unobligated balances from prior appropriations Acts made under the same headings shall be available for expenditure or transfer for Indian trust management and reform activities. Total funding for historical accounting activities shall not exceed amounts specifically designated in this Act for such purpose.

REDISTRIBUTION OF FUNDS, BUREAU OF INDIAN AFFAIRS

SEC. 105. Notwithstanding any other provision of law, the Secretary of the Interior is authorized to redistribute any Tribal Priority Allocation funds, including tribal base funds, to alleviate tribal funding inequities by transferring funds to address identified, unmet needs, dual enrollment, overlapping service areas or inaccurate distribution methodologies. No tribe shall receive a reduction in Tribal Priority Allocation funds of more than 10 percent in fiscal year 2011. Under circumstances of dual enrollment, overlapping service areas or inaccurate distribution methodologies, the 10 percent limitation does not apply.

TWIN CITIES RESEARCH CENTER

SEC. 106. Notwithstanding any other provision of law, in conveying the Twin Cities Research Center under the authority provided by Public Law 104–134, as amended by Public Law 104–208, the Secretary may accept and retain land and other forms of reimbursement: *Provided*, That the Secretary may retain and use any such reimbursement until expended and without further appropriation: (1) for the benefit of the National Wildlife Refuge System within the State of Minnesota; and (2) for all activities authorized by 16 U.S.C. 460zz.

PAYMENT OF FEES

SEC. 107. The Secretary of the Interior may use discretionary funds to pay private attorney fees and costs for employees and former employees of the Department of the Interior

reasonably incurred in connection with *Cobell* v. *Salazar* to the extent that such fees and costs are not paid by the Department of Justice or by private insurance. In no case shall the Secretary make payments under this section that would result in payment of hourly fees in excess of the highest hourly rate approved by the District Court for the District of Columbia for counsel in *Cobell* v. *Salazar*.

MASS MARKING OF SALMONIDS

SEC. 108. The United States Fish and Wildlife Service shall, in carrying out its responsibilities to protect threatened and endangered species of salmon, implement a system of mass marking of salmonid stocks, intended for harvest, that are released from federally operated or federally financed hatcheries including but not limited to fish releases of coho, chinook, and steelhead species. Marked fish must have a visible mark that can be readily identified by commercial and recreational fishers.

ELLIS, GOVERNORS, AND LIBERTY ISLANDS

SEC. 109. Notwithstanding any other provision of law, the Secretary of the Interior is authorized to acquire lands, waters, or interests therein including the use of all or part of any pier, dock, or landing within the State of New York and the State of New Jersey, for the purpose of operating and maintaining facilities in the support of transportation and accommodation of visitors to Ellis, Governors, and Liberty Islands, and of other program and administrative activities, by donation or with appropriated funds, including franchise fees (and other monetary consideration), or by exchange; and the Secretary is authorized to negotiate and enter into leases, subleases, concession contracts or other agreements for the use of such facilities on such terms and conditions as the Secretary may determine reasonable.

PROHIBITION ON USE OF FUNDS, MOJAVE NATIONAL PRESERVE

SEC. 110. (a) Any proposed new use of the Arizona & California Railroad Company's Right of Way for conveyance of water shall not proceed unless the Secretary of the Interior certifies that the proposed new use is within the scope of the Right of Way.

(b) No funds appropriated or otherwise made available to the Department of the Interior may be used, in relation to any proposal to store water underground for the purpose of export, for approval of any right-of-way or similar authorization on the Mojave National Preserve or lands managed by the Needles Field Office of the Bureau of Land Management, or for carrying out any activities associated with such right-of-way or similar approval.

ICE AGE NATIONAL SCENIC TRAIL

SEC. 111. Funds provided in this Act for Federal land acquisition by the National Park Service for Ice Age National Scenic Trail may be used for a grant to a State, a local government, or any other land management entity for the acquisition of lands without regard to any restriction on the use of Federal land acquisition funds provided through the Land and Water Conservation Fund Act of 1965 as amended.

OUTER CONTINENTAL SHELF INSPECTION FEES

SEC. 112. (a) In fiscal year 2011, the Bureau of Ocean Energy Management, Regulation, and Enforcement (BOEMRE) shall collect a nonrefundable inspection fee, which shall be deposited in the ''Royalty and Offshore Minerals Management'' account, from the designated operator for facilities subject to inspection by BOEMRE under 43 U.S.C. 1348(c) that are above the waterline, except mobile offshore drilling units, and are in place at the start of fiscal year 2011.

(b) Fees for 2011 shall be:

(1) $12,000 for facilities with no wells, but with processing equipment or gathering lines;

(2) $19,500 for facilities with one to ten wells, with any combination of active or inactive wells; and

(3) $36,000 for facilities with more than ten wells, with any combination of active or inactive wells.

(c) BOEMRE will bill designated operators within 60 days of enactment of this Act, with payment required within 30 days of billing.

PROHIBITION ON USE OF FUNDS, POINT REYES NATIONAL SEASHORE

SEC. 113. None of the funds in this Act may be used to further reduce the number of Axis or Fallow deer at Point Reyes National Seashore below the number as of the date of enactment of this Act.

PEARL HARBOR NAVAL COMPLEX, JOINT TICKETING, AMENDMENT

SEC. 114. Section 121(b)(1) of Public Law 111–88 is amended by inserting the word ''hereafter'' between the words ''may'' and ''enter''.

ONSHORE OIL AND GAS INSPECTION FEES

SEC. 115. (a) In fiscal year 2011, the Bureau of Land Management (BLM) shall collect a non-refundable inspection fee, which shall be deposited in the ''Management of Lands and Resources'' account, from the designated operator of each Federal and Indian lease or agreement subject to inspection by BLM under 30 U.S.C. 1718(b) that is in place at the start of fiscal year 2011.

(b) Fees for 2011 shall be:

(1) $300 for each lease or agreement with no active or inactive wells, but with surface use, disturbance or reclamation;

(2) $600 for each lease or agreement with one to ten wells, with any combination of active or inactive wells;

(3) $1,500 for each lease or agreement with 11 to 50 wells, with any combination of active or inactive wells; and

(4) $3,000 for each lease or agreement with more than 50 wells, with any combination of active or inactive wells.

(c) BLM will bill designated operators within 60 days of enactment of this Act, with payment required within 30 days of billing.

OIL AND GAS LEASING INTERNET PROGRAM

SEC. 116. Notwithstanding section 17(b)(1)(A) of the Mineral Leasing Act (30 U.S.C. 226(b)(1)(A)), the Secretary of the Interior shall have the authority to establish an oil and gas leasing Internet program, under which the Secretary may conduct lease sales through methods other than oral bidding.

INDIAN PROBATE JUDGES

SEC. 117. Section 108 of Public Law 109–54 (the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2006) is amended by striking ''for fiscal years 2006 through 2010, for the purpose of reducing the backlog of'' and inserting ''for fiscal year 2006 and each fiscal year thereafter, for the purpose of adjudicating''.

AUTHORIZED USE OF INDIAN EDUCATION FUNDS

SEC. 118. Beginning July 1, 2008, any funds (including investments and interest earned, except for construction funds) held by a Public Law 100–297 grant or a Public Law 93–638 contract school shall, upon retrocession to or re-assumption by the Bureau of Indian Education, remain available to BIE for a period of 5 years from the date of retrocession or re-assumption for the benefit of the programs approved for the school on October 1, 1995.

BUREAU OF INDIAN AFFAIRS OPERATED SCHOOLS

SEC. 119. (a)(1) Notwithstanding section 586(c) of title 40, United States Code, the Director of the BIE, or the Director's designee, is authorized to enter into agreements with public and private persons and entities that provide for such persons and entities to rent or lease the land or facilities of a Bureau-operated school for such periods of time as the school is Bureau operated, in exchange for a consideration (in the form of funds) that benefits the school, as determined by the head of the school.

(2) Funds received under paragraph (1) shall be retained by the school and used for school purposes otherwise authorized by law. Any funds received under paragraph (1) are hereby made available until expended for such purposes, notwithstanding section 3302 of title 31, United States Code.

(3) Nothing in this section shall be construed to allow for the diminishment of, or otherwise affect, the appropriation of funds to the budget accounts for the operation and maintenance of Bureau-operated schools. No funds shall be withheld from the distribution to the budget of any Bureau-operated school due to the receipt by the school of a benefit in accordance with this section.

(b) The Secretary of the Interior shall promulgate regulations to carry out this section not later than 16 months after the date of the enactment of this Act. Such regulations shall include—

(1) provisions for the establishment and administration of mechanisms for the acceptance of consideration for the use and benefit of a school in accordance with this section (including, in appropriate cases, the establishment and administration of trust funds);

(2) accountability standards to ensure ethical conduct; and

(3) provisions for monitoring the amount and terms of consideration received, the manner in which the consideration is used, and any results achieved by such use.

(c) Provisions of this section shall apply to fiscal years 2011 through 2013.

TERMINATION OF HYDROPOWER RESERVATIONS

SEC. 120. In the Bureau of Land Management patent numbered 04–83–0065 (CA 6313) and dated May 13, 1983, the reservation under section 24 of the Federal Power Act (16 U.S.C. 818) that is encumbering approximately 103.26 acres of private land owned by Donald L. Smith within sections 25, 26, 35, and 36, T. 4 S., R. 24 E., Mount Diablo Meridian, Madera County, California, is terminated; and to the extent that any reservation of use for hydropower could be deemed to have been omitted under section 24 of the Federal Power Act (16 U.S.C. 818) from the patent numbered CA 6312 and dated September 25, 1987 to the approximately 41.323 acres of private land owned by Lindsay Smith, Peggy L. Birchim, Donald L. Smith, and Keith Smith and more particularly described as embracing a portion of Secs. 25 and 36, Unsurveyed T. 4 S., R 24 E., Mount Diablo Meridian, Jackass Mining District, Madera County, California, such reservation is terminated.

OUTER CONTINENTAL SHELF LEASING REVIEW PERIOD

SEC. 121. Section 11 of the Outer Continental Shelf Lands Act (43 U.S.C. 1340) is amended in subsection (c)(1) in the fourth sentence by deleting ''within 30 days of its submission'' and inserting in lieu thereof ''within 90 days of its submission''.

PROTECTION OF PUBLIC LANDS, MOJAVE DESERT

SEC. 122. No funds in this Act shall be used to process or grant a right of way, lease, or other property interest for the purpose of commercial energy production on public lands managed by the Bureau of Land Management previously acquired at least in part through donations for conservation purposes, within the boundaries of the area described

as ''potential conservation lands'' and depicted on the map entitled ''Mojave Desert Area'' dated November 8, 2010 and on file at the Bureau of Land Management Director's office.

DISTRIBUTION OF GEOTHERMAL RECEIPTS

SEC. 123. Section 3003(a) of Public Law 111–212 (124 Stat. 2338) is amended by striking ''fiscal year 2010 only'' and inserting ''fiscal year 2010 and 2011''.

BUREAU OF LAND MANAGEMENT, LAND RECONFIGURATION

SEC. 124. Patent No. 27–2005–0081 and its associated land reconfiguration issued by the Bureau of Land Management on February 18, 2005, is hereby affirmed and validated as having been issued pursuant to and in compliance with the provisions of the Nevada-Florida Land Exchange Authorization Act of 1988 (Public Law 100–275), the National Environmental Policy Act of 1969, and the Federal Land Policy Management Act of 1976 for the benefit of the desert tortoise and other species and their habitat to increase the likelihood of their recovery. The process utilized by the United States Fish and Wildlife Service and the Bureau of Land Management in reconfiguring the lands as shown on Exhibit 1–4 of the Final Environmental Impact Statement for the Planned Development Project MSHCP, Lincoln County, NV (FWS–R8–ES–2008–N0136) and the reconfiguration provided for in Special Condition 10 of Army Corps of Engineers Permit No. 000005042 are hereby ratified.

NATIVE HAWAIIAN RECOGNITION STUDY AUTHORIZATION

SEC. 125. The Secretary of the Interior shall, with funds appropriated for fiscal year 2011, and in coordination with the State of Hawaii and those offices designated under the Hawaii State Constitution as representative of the Native Hawaiian community, including the Office of Hawaiian Affairs and the Department of Hawaiian Home Lands, and the Attorney General of the United States, examine and make recommendations to Congress no later than September 30, 2011, on developing a mechanism for the reorganization of a Native Hawaiian governing entity and recognition by the United States of the Native Hawaiian governing entity as an Indian tribe within the meaning of Articles I and II of the Constitution.

## TITLE II

## ENVIRONMENTAL PROTECTION AGENCY

SCIENCE AND TECHNOLOGY

For science and technology, including research and development activities, which shall include research and development activities under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended; necessary expenses for personnel and related costs and travel expenses; procurement of laboratory equipment and supplies; and other operating expenses in support of research and development, $852,197,000, to remain available until September 30, 2012.

ENVIRONMENTAL PROGRAMS AND MANAGEMENT

For environmental programs and management, including necessary expenses, not otherwise provided for, for personnel and related costs and travel expenses; hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase of reprints; library memberships in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members; administrative costs of the brownfields program under the Small Business Liability Relief and Brownfields Revitalization Act of 2002; and not to exceed $9,000 for official reception and representation expenses, $2,926,881,000, to remain available until September 30, 2012: *Provided*, That of the funds included under this heading, not less than $454,350,000 shall be for the Geographic Programs specified in the explanatory statement accompanying this Act.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $45,646,000, to remain available until September 30, 2012.

BUILDINGS AND FACILITIES

For construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of, or for use by, the Environmental Protection Agency, $38,001,000, to remain available until expended.

HAZARDOUS SUBSTANCE SUPERFUND

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended, including sections 111(c)(3), (c)(5), (c)(6), and (e)(4) (42 U.S.C. 9611) $1,293,060,000, to remain available until expended, consisting of such sums as are available in the Trust Fund on September 30, 2010, as authorized by section 517(a) of the Superfund Amendments and Reauthorization Act of 1986 (SARA) and up to $1,293,060,000 as a payment from general revenues to the Hazardous Substance Superfund for purposes as authorized by section 517(b) of SARA, as amended: *Provided*, That funds appropriated under this heading may be allocated to other Federal agencies in accordance with section 111(a) of CERCLA: *Provided further*, That of the funds appropriated under this heading, $10,156,000 shall be paid to the ''Office of Inspector General'' appropriation to remain available until September 30, 2012, and $24,527,000 shall be paid to the ''Science and Technology'' appropriation to remain available until September 30, 2012.

LEAKING UNDERGROUND STORAGE TANK TRUST FUND PROGRAM

For necessary expenses to carry out leaking underground storage tank cleanup activities authorized by subtitle I of the Solid Waste Disposal Act, as amended, $113,219,000, to remain available until expended, of which $78,789,000 shall be for carrying out leaking underground storage tank cleanup activities authorized by section 9003(h) of the Solid Waste Disposal Act, as amended; $34,430,000 shall be for carrying out the other provisions of the Solid Waste Disposal Act specified in section 9508(c) of the Internal Revenue Code, as amended: *Provided*, That the Administrator is authorized to use appropriations made available under this heading to implement section 9013 of the Solid Waste Disposal Act to provide financial assistance to federally recognized Indian tribes for the development and implementation of programs to manage underground storage tanks.

OIL SPILL RESPONSE

For expenses necessary to carry out the Environmental Protection Agency's responsibilities under the Oil Pollution Act of 1990, $18,468,000, to be derived from the Oil Spill Liability trust fund, to remain available until expended.

STATE AND TRIBAL ASSISTANCE GRANTS

For environmental programs and infrastructure assistance, including capitalization grants for State revolving funds and performance partnership grants, $4,768,929,000, to remain available until expended, of which $1,898,000,000 shall be for making capitalization grants for the Clean Water State Revolving Funds under title VI of the Federal Water Pollution Control Act, as amended (the ''Act''); of which $1,206,000,000 shall be for making capitalization grants for the Drinking Water State Revolving Funds under section 1452 of the Safe Drinking Water Act, as amended: *Provided*, That for fiscal year 2011, to the extent there are sufficient eligible project applications, not less than 20 percent of the funds made available under this title to each State for Clean Water State Revolving Fund capitalization grants and not less than 20 percent of the funds made available under this title to each State for Drinking Water State Revolving Fund capitalization grants shall be used by the State for projects to address green infrastructure, water or energy efficiency improvements, or other environmentally innovative activities; $17,000,000 shall be for architectural, engineering, planning, design, construction and related activities in connection with the construction of high priority water and wastewater facilities in the area of the United States-Mexico Border, after consultation with the appropriate border commission; $13,000,000 shall be for grants to the State of Alaska to address drinking water and wastewater infrastructure needs of rural and Alaska Native Villages: *Provided further*, That, of these funds: (1) the State of Alaska shall provide a match of 25 percent; (2) no more than 5 percent of the funds may be used for administrative and overhead expenses; and (3) the State of Alaska shall make awards consistent with the State-wide priority list established in conjunction with the Agency and the U.S. Department of Agriculture for all water, sewer, waste disposal, and similar projects carried out by the State of Alaska that are funded under section 221 of the Federal Water Pollution Control Act (33 U.S.C. 1301) or the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) which shall allocate not less than 25 percent of the funds provided for projects in regional hub communities; $145,056,000 shall be for making special project grants and technical corrections to prior-year grants for the construction of drinking water, wastewater and storm water infrastructure and for water quality protection in accordance with the terms and conditions specified for such grants in the explanatory statement accompanying this Act, and, for purposes of these grants, each grantee shall contribute not less than 45 percent of the cost of the project unless the grantee is approved for a waiver by the Agency; $128,254,000 shall be to carry out section 104(k) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended, including grants, interagency agreements, and associated program support costs; $60,000,000 shall be for grants under title VII, subtitle G of the Energy Policy Act of 2005, as amended; $15,000,000 shall be for emission reduction grants in accordance with the terms and conditions of the explanatory statement accompanying this Act; and $1,286,619,000 shall be for grants, including associated program support costs, to States, federally recognized tribes, interstate agencies, tribal consortia, and air pollution control agencies for multimedia or single media pollution prevention, control and abatement and related activities, including activities pursuant to the provisions set forth under this heading in Public Law 104–134, and for making grants under section 103 of the Clean Air Act for particulate matter monitoring and data collection activities subject to terms and conditions specified by the Administrator, of which $49,495,000 shall be for carrying out section 128 of CERCLA, as amended, $10,200,000 shall be for Environmental Information Exchange Network grants, including associated program support costs, $10,000,000 shall be for

competitive grants to communities to develop plans and demonstrate and implement projects which reduce greenhouse gas emissions, $30,000,000 shall be for grants to federally recognized Indian tribes for implementation of environmental programs and projects as defined by the Administrator that complement existing tribal environmental program grants, including interagency agreements, $23,500,000 of the funds available for grants under section 106 of the Act shall be for State participation in national- and State-level statistical surveys of water resources and enhancements to State monitoring programs, and, in addition to funds appropriated under the heading ''Leaking Underground Storage Tank Trust Fund Program'' to carry out the provisions of the Solid Waste Disposal Act specified in section 9508(c) of the Internal Revenue Code other than section 9003(h) of the Solid Waste Disposal Act, as amended, $2,550,000 shall be for grants to States under section 2007(f)(2) of the Solid Waste Disposal Act, as amended: *Provided further*, That notwithstanding section 603(d)(7) of the Federal Water Pollution Control Act, the limitation on the amounts in a State water pollution control revolving fund that may be used by a State to administer the fund shall not apply to amounts included as principal in loans made by such fund in fiscal year 2011 and prior years where such amounts represent costs of administering the fund to the extent that such amounts are or were deemed reasonable by the Administrator, accounted for separately from other assets in the fund, and used for eligible purposes of the fund, including administration: *Provided further*, That for fiscal year 2011, and notwithstanding section 518(f) of the Act, the Administrator is authorized to use the amounts appropriated for any fiscal year under section 319 of that Act to make grants to federally recognized Indian tribes pursuant to sections 319(h) and 518(e) of that Act: *Provided further*, That for fiscal year 2011, notwithstanding the limitation on amounts in section 518(c) of the Federal Water Pollution Control Act and section 1452(i) of the Safe Drinking Water Act, up to a total of 2 percent of the funds appropriated for State Revolving Funds under such Acts may be reserved by the Administrator for grants under section 518(c) and section 1452(i) of such Acts: *Provided further*, That for fiscal year 2011, notwithstanding the amounts specified in section 205(c) of the Federal Water Pollution Control Act, up to 1.5 percent of the aggregate funds appropriated for the Clean Water State Revolving Fund program under the Act less any sums reserved under section 518(c) of the Act may be reserved by the Administrator for grants made under title II of the Clean Water Act for American Samoa, Guam, the Commonwealth of the Northern Marianas, and United States Virgin Islands: *Provided further*, That for fiscal year 2011, notwithstanding the limitations on amounts specified in section 1452(j) of the Safe Drinking Water Act, up to 1.5 percent of the funds appropriated for the Drinking Water State Revolving Fund programs under the Safe Drinking Water Act may be reserved by the Administrator for grants made under section 1452(j) of the Safe Drinking Water Act: *Provided further*, That not less than 30 percent of the funds made available under this title to each State for Clean Water State Revolving Fund capitalization grants and not less than 30 percent of the funds made available under this title to each State for Drinking Water State Revolving Fund capitalization grants shall be used by the State to provide additional subsidy to eligible recipients in the form of forgiveness of principal, negative interest loans, or grants (or any combination of these), and shall be so used by the State only where such funds are provided as initial financing for an eligible recipient to buy, refinance, or restructure the debt obligations of eligible recipients only where such debt was incurred on or after the date of enactment of this Act, except that for the Clean Water State Revolving Fund capitalization grant appropriation this section shall only apply to the portion that exceeds $1,000,000,000: *Provided further*, That no funds provided by this appropriations Act to address the water, wastewater and other critical infrastructure needs of the colonias in the United States along the United States-Mexico border shall be made available to a county or municipal government unless that government has established an enforceable local ordinance, or other zoning rule, which prevents in that jurisdiction the development or construction of any additional colonia areas, or the development within an existing colonia the construction of any new home, business, or other structure which lacks water, wastewater, or other necessary infrastructure: *Provided further*, That for fiscal year 2011 and hereafter, the Administrator may transfer funds provided for tribal set-asides through Clean Water State Revolving Funds and Drinking Water State Revolving Funds accounts between those accounts in the same manner as provided to States under section 302(a) of Public Law 104–182, as amended.

ADMINISTRATIVE PROVISIONS, ENVIRONMENTAL PROTECTION AGENCY

(INCLUDING TRANSFER AND RESCISSION OF FUNDS)

For fiscal year 2011, notwithstanding 31 U.S.C. 6303(1) and 6305(1), the Administrator of the Environmental Protection Agency, in carrying out the Agency's function to implement directly Federal environmental programs required or authorized by law in the absence of an acceptable tribal program, may award cooperative agreements to federally recognized Indian tribes or Intertribal consortia, if authorized by their member Tribes, to assist the Administrator in implementing Federal environmental programs for Indian tribes required or authorized by law, except that no such cooperative agreements may be awarded from funds designated for State financial assistance agreements.

The Administrator of the Environmental Protection Agency is authorized to collect and obligate pesticide registration service fees in accordance with section 33 of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended by Public Law 110–94, the Pesticide Registration Improvement Renewal Act.

The Administrator is authorized to transfer up to $300,000,000 of the funds appropriated for the Great Lakes Restoration Initiative under the heading ''Environmental Programs and Management'' to the head of any Federal department or agency, with the concurrence of such head, to carry out activities that would support the Great Lakes Restoration Initiative and Great Lakes Water Quality Agreement programs, projects, or activities; to enter into an interagency agreement with the head of such Federal department or agency to carry out these activities; and to make grants to governmental entities, nonprofit organizations, institutions, and individuals for planning, research, monitoring, outreach, and implementation in furtherance of the Great Lakes Restoration Initiative and the Great Lakes Water Quality Agreement.

From unobligated balances to carry out projects and activities funded through the ''State and Tribal Assistance Grants'' account, $10,000,000 are permanently rescinded: *Provided*, That no amounts may be rescinded from amounts that were designated by Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

For fiscal year 2011, the requirements of section 513 of the Federal Water Pollution Control Act (33 U.S.C. 1372) shall apply to the construction of treatment works carried out in whole or in part with assistance made available by a State water pollution control revolving fund as authorized by title VI of that Act (33 U.S.C. 1381 et seq.), or with assistance made available under section 205(m) of that Act (33 U.S.C. 1285(m)), or both.

For fiscal year 2011, the requirements of section 1450(e) of the Safe Drinking Water Act (42 U.S.C. 300j–9(e)) shall apply to any construction project carried out in whole or in part with assistance made available by a drinking water treatment revolving loan fund as authorized by section 1452 of that Act (42 U.S.C. 300j–12).

Under terms established by the Administrator, and in addition to funds otherwise available in other appropriations accounts for grant programs, the Agency may expend up to $2,448,000 appropriated in the ''Environmental Programs and Management'' account for competitive grants to communities to implement Community Action for a Renewed Environment projects.

TITLE III

RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST AND RANGELAND RESEARCH

For necessary expenses of forest and rangeland research as authorized by law, $314,254,000, to remain available until expended: *Provided*, That of the funds provided, $66,939,000 is for the forest inventory and analysis program.

STATE AND PRIVATE FORESTRY

For necessary expenses of cooperating with and providing technical and financial assistance to States, territories, possessions, and others, and for forest health management, including treatments of pests, pathogens, and invasive or noxious plants and for restoring and rehabilitating forests damaged by pests or invasive plants, cooperative forestry, and education and land conservation activities and conducting an international program as authorized, $323,142,000, to remain available until expended, as authorized by law; of which $87,285,000 is to be derived from the Land and Water Conservation Fund; and of which $2,000,000 may be made available to the Pest and Disease Revolving Loan Fund established by section 10205(b) of the Food, Conservation, and Energy Act of 2008 (16 U.S.C. 2104a(b)).

NATIONAL FOREST SYSTEM

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Forest Service, not otherwise provided for, for management, protection, improvement, and utilization of the National Forest System, $1,618,743,000, to remain available until expended, which shall include 50 percent of all moneys received during prior fiscal years as fees collected under the Land and Water Conservation Fund Act of 1965, as amended, in accordance with section 4 of the Act (16 U.S.C. 460l–6a(i)): *Provided*, That, of the funds provided, $40,000,000 shall be deposited in the Collaborative Forest Landscape Restoration Fund for ecological restoration treatments as authorized by 16 U.S.C. 7303(f).

CAPITAL IMPROVEMENT AND MAINTENANCE

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Forest Service, not otherwise provided for, $544,547,000, to remain available until expended, for construction, capital improvement, maintenance and acquisition of buildings and other

facilities and infrastructure; and for construction, capital improvement, decommissioning, and maintenance of forest roads and trails by the Forest Service as authorized by 16 U.S.C. 532–538 and 23 U.S.C. 101 and 205: *Provided*, That $90,000,000 shall be designated for the Legacy Road and Trail Remediation Program as described under Administrative Provisions, Forest Service: *Provided further*, That no funds shall be expended to decommission any system road until notice and an opportunity for public comment has been provided on each decommissioning project: *Provided further*, That the decommissioning of unauthorized roads not part of the official transportation system shall be expedited in response to threats to public safety, water quality, or natural resources: *Provided further*, That funds becoming available in fiscal year 2011 under the Act of March 4, 1913 (16 U.S.C. 501) shall be transferred to the General Fund of the Treasury and shall not be available for transfer or obligation for any other purpose unless the funds are appropriated.

LAND ACQUISITION

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601–4 through 11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the Forest Service, $73,489,000, to be derived from the Land and Water Conservation Fund and to remain available until expended.

ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL ACTS

For acquisition of lands within the exterior boundaries of the Cache, Uinta, and Wasatch National Forests, Utah; the Toiyabe National Forest, Nevada; and the Angeles, San Bernardino, Sequoia, and Cleveland National Forests, California, as authorized by law, $1,050,000, to be derived from forest receipts.

ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

For acquisition of lands, such sums, to be derived from funds deposited by State, county, or municipal governments, public school districts, or other public school authorities, and for authorized expenditures from funds deposited by non-Federal parties pursuant to Land Sale and Exchange Acts, pursuant to the Act of December 4, 1967, as amended (16 U.S.C. 484a), to remain available until expended (16 U.S.C. 4601–516–617a, 555a; Public Law 96–586; Public Law 76–589, 76–591; and Public Law 78–310).

RANGE BETTERMENT FUND

For necessary expenses of range rehabilitation, protection, and improvement, 50 percent of all moneys received during the prior fiscal year, as fees for grazing domestic livestock on lands in National Forests in the 16 Western States, pursuant to section 401(b)(1) of Public Law 94–579, as amended, to remain available until expended, of which not to exceed 6 percent shall be available for administrative expenses associated with on-the-ground range rehabilitation, protection, and improvements.

GIFTS, DONATIONS AND BEQUESTS FOR FOREST AND RANGELAND RESEARCH

For expenses authorized by 16 U.S.C. 1643(b), $50,000, to remain available until expended, to be derived from the fund established pursuant to the above Act.

MANAGEMENT OF NATIONAL FOREST LANDS FOR SUBSISTENCE USES

For necessary expenses of the Forest Service to manage Federal lands in Alaska for subsistence uses under title VIII of the Alaska National Interest Lands Conservation Act (Public Law 96–487), $2,606,000, to remain available until expended.

WILDLAND FIRE MANAGEMENT

(INCLUDING TRANSFERS AND RESCISSION OF FUNDS)

For necessary expenses for forest fire presuppression activities on National Forest System lands, for emergency fire suppression on or adjacent to such lands or other lands under fire protection agreement, hazardous fuels reduction on or adjacent to such lands, and for emergency rehabilitation of burned-over National Forest System lands and water, $2,127,922,000, to remain available until expended: *Provided*, That such funds including unobligated balances under this heading, are available for repayment of advances from other appropriations accounts previously transferred for such purposes: *Provided further*, That such funds shall be available to reimburse State and other cooperating entities for services provided in response to wildfire and other emergencies or disasters to the extent such reimbursements by the Forest Service for non-fire emergencies are fully repaid by the responsible emergency management agency: *Provided further*, That, notwithstanding any other provision of law, $9,009,000 of funds appropriated under this appropriation shall be available for the Forest Service in support of fire science research authorized by the Joint Fire Science Program, including all Forest Service authorities for the use of funds, such as contracts, grants, research joint venture agreements, and cooperative agreements: *Provided further*, That all authorities for the use of funds, including the use of contracts, grants, and cooperative agreements, available to execute the Forest and Rangeland Research appropriation, are also available in the utilization of these funds for Fire Science Research: *Provided further*, That funds provided shall be available for emergency rehabilitation and restoration, hazardous fuels reduction activities in the urban-wildland interface, support to Federal emergency response, and wildfire suppression activities of the Forest Service: *Provided further*, That of the funds provided, $369,447,000 is for hazardous fuels reduction activities, $11,000,000 is for rehabilitation and restoration, $24,060,000 is for research activities and to make competitive research grants pursuant to the Forest and Rangeland Renewable Resources Research Act, as amended (16 U.S.C. 1641 et seq.), $70,000,000 is for State fire assistance, $9,000,000 is for volunteer fire assistance, $20,752,000 is for forest health activities on Federal lands and $11,428,000 is for forest health activities on State and private lands: *Provided further*, That amounts in this paragraph may be transferred to the ''State and Private Forestry'', ''National Forest System'', and ''Forest and Rangeland Research'' accounts to fund State fire assistance, volunteer fire assistance, forest health management, forest and rangeland research, the Joint Fire Science Program, vegetation and watershed management, heritage site rehabilitation, and wildlife and fish habitat management and restoration: *Provided further*, That up to $10,000,000 of the funds provided under this heading for hazardous fuels treatments may be transferred to and made a part of the ''National Forest System'' account to facilitate integrated projects 30 days after notifying the House and the Senate Committees on Appropriations: *Provided further*, That the costs of implementing any cooperative agreement between the Federal Government and any non-Federal entity may be shared, as mutually agreed on by the affected parties: *Provided further*, That up to $15,000,000 of the funds provided herein may be used by the Secretary of Agriculture to enter into procurement contracts or cooperative agreements or to issue grants for hazardous fuels reduction and for training or monitoring associated with such hazardous fuels reduction activities on Federal land or on non-Federal land if the Secretary determines such activities implement a community wildfire protection plan (or equivalent) and benefit resources on Federal land: *Provided further*, That funds made available to implement the Community Forest Restoration Act, Public Law 106–393, title VI, shall be available for use on non-Federal lands in accordance with authorities made available to the Forest Service under the ''State and Private Forestry'' appropriation: *Provided further*, That the Secretary of the Interior and the Secretary of Agriculture may authorize the transfer of funds appropriated for wildland fire management, in an aggregate amount not to exceed $50,000,000, between the Departments when such transfers would facilitate and expedite jointly funded wildland fire management programs and projects: *Provided further*, That of the funds provided for hazardous fuels reduction, not to exceed $5,000,000 may be used to make grants, using any authorities available to the Forest Service under the ''State and Private Forestry'' appropriation, for the purpose of creating incentives for increased use of biomass from National Forest System lands; not to exceed $5,000,000 may be transferred to the ''State and Private Forestry'' account as authorized under Public Law 110–246, section 9013, to fund the Community Wood Energy Program; and not to exceed $5,000,000 may be transferred to the ''Forest and Rangeland Research'' account as authorized under Public Law 110–246, section 9012, to fund the Forest Biomass for Energy Program: *Provided further*, That funds designated for wildfire suppression, including funds transferred from the FLAME Wildfire Suppression Reserve Fund, shall be assessed for cost pools on the same basis as such assessments are calculated against other agency programs: *Provided further*, That $155,000,000 in unobligated fire suppression balances under this heading from Public Law 111–88 are hereby permanently rescinded.

FLAME WILDFIRE SUPPRESSION RESERVE FUND

(INCLUDING TRANSFERS OF FUNDS)

For deposit in the FLAME Wildfire Suppression Reserve Fund, as authorized in the FLAME Act of 2009 (title V of division A of Public Law 111–88), $291,000,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS, FOREST SERVICE

(INCLUDING TRANSFERS OF FUNDS)

Appropriations to the Forest Service for the current fiscal year shall be available for: (1) purchase of passenger motor vehicles; acquisition of passenger motor vehicles from excess sources, and hire of such vehicles; purchase, lease, operation, maintenance, and acquisition of aircraft from excess sources to maintain the operable fleet for use in Forest Service wildland fire programs and other Forest Service programs; notwithstanding other provisions of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft; (2) services pursuant to 7 U.S.C. 2225, and not to exceed $100,000 for employment under 5 U.S.C. 3109; (3) purchase, erection, and alteration of buildings and other public improvements (7 U.S.C. 2250); (4) acquisition of land, waters, and interests therein pursuant to 7 U.S.C. 428a; (5) for expenses pursuant to the Volunteers in the National Forest Act of 1972 (16 U.S.C. 558a, 558d, and 558a note); (6) the cost of uniforms as authorized by 5 U.S.C. 5901–5902; and (7) for debt collection contracts in accordance with 31 U.S.C. 3718(c).

Any appropriations or funds available to the Forest Service may be transferred to the ''Wildland Fire Management'' appropriation for forest firefighting, emergency rehabilitation of burned-over or damaged lands or waters under its jurisdiction, and fire preparedness due to severe burning conditions five days after the Secretary notifies the House and Senate Committees on Appropriations that all fire suppression funds appropriated under the headings ''Wildland Fire Management'' and ''FLAME Wildfire Suppression Reserve Fund'' shall be fully obligated within 30 days: *Provided*, That all funds used pursuant to this paragraph must be replenished by a supplemental appropriation which must be requested as promptly as possible.

Funds appropriated to the Forest Service shall be available for assistance to or through the Agency for International Development in connection with forest and rangeland research, technical information, and assistance in foreign countries, and shall be available to support forestry and related natural resource activities outside the United States and its territories and possessions, including technical assistance, education and training, and cooperation with United States and international organizations. The Forest Service, acting for the International Program, may sign direct funding agreements with foreign governments and institutions as well as other domestic agencies (including the U.S. Agency for International Development, the Department of State, and the Millennium Challenge Corporation), U.S. private sector firms, institutions and organizations to provide technical assistance and training programs overseas on forestry and rangeland management.

None of the funds made available to the Forest Service in this Act or any other Act with respect to any fiscal year shall be subject to transfer under the provisions of section 702(b) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2257), section 442 of Public Law 106–224 (7 U.S.C. 7772), or section 10417(b) of Public Law 107–107 (7 U.S.C. 8316(b)).

None of the funds available to the Forest Service may be reprogrammed without the advance approval of the House and Senate Committees on Appropriations in accordance with the reprogramming procedures contained in the explanatory statement accompanying this Act.

Not more than $1,057,000,000 of funds made available to the Forest Service shall be assessed for cost pools 1 through 5.

Not more than $75,310,000 of funds available to the Forest Service shall be transferred to the Working Capital Fund of the Department of Agriculture and not more than $16,726,000 of funds available to the Forest Service shall be transferred to the Department of Agriculture for Department Reimbursable Programs, commonly referred to as Greenbook charges. Nothing in this paragraph shall prohibit or limit the use of reimbursable agreements requested by the Forest Service in order to obtain services from the Department of Agriculture's National Information Technology Center.

Funds available to the Forest Service shall be available for priority projects within the scope of the approved budget, which shall be carried out by the Youth Conservation Corps and shall be carried out under the authority of the Public Lands Corps Act of 1993, Public Law 103–82, as amended by the Public Lands Corps Healthy Forests Restoration Act of 2005, Public Law 109–154.

Of the funds available to the Forest Service, $4,000 is available to the Chief of the Forest Service for official reception and representation expenses.

Pursuant to sections 405(b) and 410(b) of Public Law 101–593, of the funds available to the Forest Service, $3,000,000 may be advanced in a lump sum to the National Forest Foundation to aid conservation partnership projects in support of the Forest Service mission, without regard to when the Foundation incurs expenses, for projects on or benefitting National Forest System lands or related to Forest Service programs: *Provided*, That of the Federal funds made available to the Foundation, no more than $50,000 shall be available for administrative expenses: *Provided further*, That the Foundation shall obtain, by the end of the period of Federal financial assistance, private contributions to match, on at least a one-for-one basis, funds made available by the Forest Service: *Provided further*, That the Foundation may transfer Federal funds to a Federal or a non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds: *Provided further*, That authorized investments of Federal funds held by the Foundation may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States.

Pursuant to section 2(b)(2) of Public Law 98–244, $3,000,000 of the funds available to the Forest Service shall be advanced to the National Fish and Wildlife Foundation in a lump sum to aid cost-share conservation projects, without regard to when expenses are incurred, on or benefitting National Forest System lands or related to Forest Service programs: *Provided*, That such funds shall be matched on at least a one-for-one basis by the Foundation or its sub-recipients: *Provided further*, That the Foundation may transfer Federal funds to a Federal or non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds.

Funds appropriated to the Forest Service shall be available for interactions with and providing technical assistance to rural communities and natural resource-based businesses for sustainable rural development purposes.

During fiscal year 2011 and subsequent fiscal years, the Secretary of Agriculture, acting through the Forest Service, may carry out a program, to be known as the ''Legacy Road and Trail Remediation program'', to conduct urgently needed decommissioning of Forest Service roads, forest road and trail repair and maintenance and associated activities, and removal of fish passage barriers on National Forest System lands, especially in areas where Forest Service roads may be contributing to water quality problems in streams and water bodies supporting threatened, endangered or sensitive species or community water sources.

In such amounts as may be provided in appropriation Acts, the Secretary of Agriculture, acting through the Forest Service, may provide for the decommissioning of Forest Service roads, including unauthorized roads not part of the Forest Service transportation system, which the Secretary determines are no longer needed.

Funds appropriated to the Forest Service shall be available for payments to counties within the Columbia River Gorge National Scenic Area, pursuant to section 14(c)(1) and (2), and section 16(a)(2) of Public Law 99-663.

Any funds appropriated to the Forest Service may be used to meet the non-Federal share requirement in section 502(c) of the Older American Act of 1965 (42 U.S.C. 3056(c)(2)).

Funds available to the Forest Service, not to exceed $55,000,000, shall be assessed for the purpose of performing fire, administrative and other facilities maintenance and decommissioning. Such assessments shall occur using a square foot rate charged on the same basis the agency uses to assess programs for payment of rent, utilities, and other support services.

Notwithstanding any other provision of law, any appropriations or funds available to the Forest Service not to exceed $500,000 may be used to reimburse the Office of the General Counsel (OGC), Department of Agriculture, for travel and related expenses incurred as a result of OGC assistance or participation requested by the Forest Service at meetings, training sessions, management reviews, land purchase negotiations and similar nonlitigation-related matters. Future budget justifications for both the Forest Service and the Department of Agriculture should clearly display the sums previously transferred and the requested funding transfers.

An eligible individual who is employed in any project funded under title V of the Older American Act of 1965 (42 U.S.C. 3056 et seq.) and administered by the Forest Service shall be considered to be a Federal employee for purposes of chapter 171 of title 28, United States Code.

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### INDIAN HEALTH SERVICE

#### INDIAN HEALTH SERVICES

For expenses necessary to carry out the Act of August 5, 1954 (68 Stat. 674), the Indian Self-Determination Act, the Indian Health Care Improvement Act, and titles II and III of the Public Health Service Act with respect to the Indian Health Service, $3,961,187,000, together with payments received during the fiscal year pursuant to 42 U.S.C. 238(b) and 238b for services furnished by the Indian Health Service: *Provided*, That funds made available to tribes and tribal organizations through contracts, grant agreements, or any other agreements or compacts authorized by the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), shall be deemed to be obligated at the time of the grant or contract award and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation: *Provided further*, That $862,765,000 for contract medical care, including $53,000,000 for the Indian Catastrophic Health Emergency Fund, shall remain available until expended: *Provided further*, That of the funding provided for information technology activities and, notwithstanding any other provision of law, $4,000,000 shall be allocated at the discretion of the Director of the Indian Health Service: *Provided further*, That of the funds provided, up to $36,000,000 shall remain available until expended for implementation of the loan repayment program under section 108 of the Indian Health Care Improvement Act: *Provided further*, That the amounts collected by the Federal Government as authorized by sections 104 and 108 of the Indian Health Care Improvement Act (25 U.S.C. 1613a and 1616a) during the preceding fiscal year for breach of contracts shall be deposited to the Fund authorized by section 108A of the Act (25 U.S.C. 1616a–1) and shall remain available until expended and, notwithstanding section 108A(c) of the Act (25 U.S.C. 1616a–1(c)), funds shall be available to make new awards under the loan repayment and scholarship programs under sections 104 and 108 of the Act (25 U.S.C. 1613a and 1616a): *Provided further*, That $16,391,000 is provided for the methamphetamine and suicide prevention and treatment initiative and $10,000,000 is provided for the domestic violence prevention initiative and, notwithstanding any other provision of law, the amounts available under this proviso shall be allocated at the discretion of the Director

of the Indian Health Service and shall remain available until expended: *Provided further*, That $4,000,000 is provided for a substance abuse treatment grant program and, notwithstanding any other provision of law, the amounts available under this proviso shall be allocated at the discretion of the Director of the Indian Health Service and shall remain available until September 30, 2012: *Provided further*, That funds provided in this Act may be used for annual contracts and grants that fall within 2 fiscal years, provided the total obligation is recorded in the year the funds are appropriated: *Provided further*, That the amounts collected by the Secretary of Health and Human Services under the authority of title IV of the Indian Health Care Improvement Act shall remain available until expended for the purpose of achieving compliance with the applicable conditions and requirements of titles XVIII and XIX of the Social Security Act, except for those related to the planning, design, or construction of new facilities: *Provided further*, That funding contained herein for scholarship programs under the Indian Health Care Improvement Act (25 U.S.C. 1613) shall remain available until expended: *Provided further*, That amounts received by tribes and tribal organizations under title IV of the Indian Health Care Improvement Act shall be reported and accounted for and available to the receiving tribes and tribal organizations until expended: *Provided further*, That, notwithstanding any other provision of law, of the amounts provided herein, not to exceed $444,332,000 shall be for payments to tribes and tribal organizations for contract or grant support costs associated with contracts, grants, self-governance compacts, or annual funding agreements between the Indian Health Service and a tribe or tribal organization pursuant to the Indian Self-Determination Act of 1975, as amended, prior to or during fiscal year 2011, of which not to exceed $10,000,000 may be used for contract support costs associated with new or expanded self-determination contracts, grants, self-governance compacts, or annual funding agreements: *Provided further*, That the Bureau of Indian Affairs may collect from the Indian Health Service, tribes and tribal organizations operating health facilities pursuant to Public Law 93–638, such individually identifiable health information relating to disabled children as may be necessary for the purpose of carrying out its functions under the Individuals with Disabilities Education Act (20 U.S.C. 1400, et seq.): *Provided further*, That the Indian Health Care Improvement Fund may be used, as needed, to carry out activities typically funded under the Indian Health Facilities account.

INDIAN HEALTH FACILITIES

For construction, repair, maintenance, improvement, and equipment of health and related auxiliary facilities, including quarters for personnel; preparation of plans, specifications, and drawings; acquisition of sites, purchase and erection of modular buildings, and purchases of trailers; and for provision of domestic and community sanitation facilities for Indians, as authorized by section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian Self-Determination Act, and the Indian Health Care Improvement Act, and for expenses necessary to carry out such Acts and titles II and III of the Public Health Service Act with respect to environmental health and facilities support activities of the Indian Health Service, $445,242,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, funds appropriated for the planning, design, construction, renovation or expansion of health facilities for the benefit of an Indian tribe or tribes may be used to purchase land on which such facilities will be located: *Provided further*, That not to exceed $500,000 shall be used by the Indian Health Service to purchase TRANSAM equipment from the Department of Defense for distribution to the Indian Health Service and tribal facilities: *Provided further*, That none of the funds appropriated to the Indian Health Service may be used for sanitation facilities construction for new homes funded with grants by the housing programs of the United States Department of Housing and Urban Development: *Provided further*, That not to exceed $2,700,000 from this account and the ''Indian Health Services'' account shall be used by the Indian Health Service to obtain ambulances for the Indian Health Service and tribal facilities in conjunction with an existing interagency agreement between the Indian Health Service and the General Services Administration: *Provided further*, That not to exceed $500,000 shall be placed in a Demolition Fund, to remain available until expended, and be used by the Indian Health Service for the demolition of Federal buildings.

ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE

Appropriations provided in this Act to the Indian Health Service shall be available for services as authorized by 5 U.S.C. 3109 at rates not to exceed the per diem rate equivalent to the maximum rate payable for senior-level positions under 5 U.S.C. 5376; hire of passenger motor vehicles and aircraft; purchase of medical equipment; purchase of reprints; purchase, renovation and erection of modular buildings and renovation of existing facilities; payments for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; uniforms or allowances therefor as authorized by 5 U.S.C. 5901–5902; and for expenses of attendance at meetings that relate to the functions or activities of the Indian Health Service.

In accordance with the provisions of the Indian Health Care Improvement Act, non-Indian patients may be extended health care at all tribally administered or Indian Health Service facilities, subject to charges, and the proceeds along with funds recovered under the Federal Medical Care Recovery Act (42 U.S.C. 2651–2653) shall be credited to the account of the facility providing the service and shall be available without fiscal year limitation. Notwithstanding any other law or regulation, funds transferred from the Department of Housing and Urban Development to the Indian Health Service shall be administered under Public Law 86–121, the Indian Sanitation Facilities Act and Public Law 93–638, as amended.

Funds appropriated to the Indian Health Service in this Act, except those used for administrative and program direction purposes, shall not be subject to limitations directed at curtailing Federal travel and transportation.

None of the funds made available to the Indian Health Service in this Act shall be used for any assessments or charges by the Department of Health and Human Services unless identified in the budget justification and provided in this Act, or approved by the House and Senate Committees on Appropriations through the reprogramming process.

Notwithstanding any other provision of law, funds previously or herein made available to a tribe or tribal organization through a contract, grant, or agreement authorized by title I or title V of the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), may be deobligated and reobligated to a self-determination contract under title I, or a self-governance agreement under title V of such Act and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation.

None of the funds made available to the Indian Health Service in this Act shall be used to implement the final rule published in the Federal Register on September 16, 1987, by the Department of Health and Human Services, relating to the eligibility for the health care services of the Indian Health Service until the Indian Health Service has submitted a budget request reflecting the increased costs associated with the proposed final rule, and such request has been included in an appropriations Act and enacted into law.

With respect to functions transferred by the Indian Health Service to tribes or tribal organizations, the Indian Health Service is authorized to provide goods and services to those entities on a reimbursable basis, including payments in advance with subsequent adjustment. The reimbursements received therefrom, along with the funds received from those entities pursuant to the Indian Self-Determination Act, may be credited to the same or subsequent appropriation account from which the funds were originally derived, with such amounts to remain available until expended.

Reimbursements for training, technical assistance, or services provided by the Indian Health Service will contain total costs, including direct, administrative, and overhead associated with the provision of goods, services, or technical assistance.

The appropriation structure for the Indian Health Service may not be altered without advance notification to the House and Senate Committees on Appropriations.

NATIONAL INSTITUTES OF HEALTH

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For necessary expenses for the National Institute of Environmental Health Sciences in carrying out activities set forth in section 311(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, and section 126(g) of the Superfund Amendments and Reauthorization Act of 1986, $81,763,000.

AGENCY FOR TOXIC SUBSTANCES AND DISEASE REGISTRY

TOXIC SUBSTANCES AND ENVIRONMENTAL PUBLIC HEALTH

For necessary expenses for the Agency for Toxic Substances and Disease Registry (ATSDR) in carrying out activities set forth in sections 104(i) and 111(c)(4) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended; section 118(f) of the Superfund Amendments and Reauthorization Act of 1986 (SARA), as amended; and section 3019 of the Solid Waste Disposal Act, as amended, $76,337,000, of which up to $1,000 per eligible employee of the Agency for Toxic Substances and Disease Registry shall remain available until expended for Individual Learning Accounts: *Provided*, That notwithstanding any other provision of law, in lieu of performing a health assessment under section 104(i)(6) of CERCLA, the Administrator of ATSDR may conduct other appropriate health studies, evaluations, or activities, including, without limitation, biomedical testing, clinical evaluations, medical monitoring, and referral to accredited health care providers: *Provided further*, That in performing any such health assessment or health study, evaluation, or activity, the Administrator of ATSDR shall not be bound by the deadlines in section 104(I)(6)(A) of CERCLA: *Provided further*, That none of the funds appropriated under this heading shall be available for ATSDR to issue in excess of 40 toxicological profiles pursuant to section

104(I) of CERCLA during fiscal year 2011, and existing profiles may be updated as necessary.

OTHER RELATED AGENCIES

EXECUTIVE OFFICE OF THE PRESIDENT

COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF ENVIRONMENTAL QUALITY

For necessary expenses to continue functions assigned to the Council on Environmental Quality and Office of Environmental Quality pursuant to the National Environmental Policy Act of 1969, the Environmental Quality Improvement Act of 1970, and Reorganization Plan No. 1 of 1977, and not to exceed $750 for official reception and representation expenses, $3,448,000: *Provided*, That notwithstanding section 202 of the National Environmental Policy Act of 1970, the Council shall consist of one member, appointed by the President, by and with the advice and consent of the Senate, serving as chairman and exercising all powers, functions, and duties of the Council.

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

SALARIES AND EXPENSES

For necessary expenses in carrying out activities pursuant to section 112(r)(6) of the Clean Air Act, as amended, including hire of passenger vehicles, uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902, and for services authorized by 5 U.S.C. 3109 but at rates for individuals not to exceed the per diem equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376, $13,147,000: *Provided*, That the Chemical Safety and Hazard Investigation Board (Board) shall have not more than three career Senior Executive Service positions: *Provided further*, That notwithstanding any other provision of law, the individual appointed to the position of Inspector General of the Environmental Protection Agency (EPA) shall, by virtue of such appointment, also hold the position of Inspector General of the Board: *Provided further*, That notwithstanding any other provision of law, the Inspector General of the Board shall utilize personnel of the Office of Inspector General of EPA in performing the duties of the Inspector General of the Board, and shall not appoint any individuals to positions within the Board.

OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Navajo and Hopi Indian Relocation as authorized by Public Law 93–531, $8,000,000, to remain available until expended: *Provided*, That funds provided in this or any other appropriations Act are to be used to relocate eligible individuals and groups including evictees from District 6, Hopi-partitioned lands residents, those in significantly substandard housing, and all others certified as eligible and not included in the preceding categories: *Provided further*, That none of the funds contained in this or any other Act may be used by the Office of Navajo and Hopi Indian Relocation to evict any single Navajo or Navajo family who, as of November 30, 1985, was physically domiciled on the lands partitioned to the Hopi Tribe unless a new or replacement home is provided for such household: *Provided further*, That no relocatee will be provided with more than one new or replacement home: *Provided further*, That the Office shall relocate any certified eligible relocatees who have selected and received an approved homesite on the Navajo reservation or selected a replacement residence off the Navajo reservation or on the land acquired pursuant to 25 U.S.C. 640d–10.

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

PAYMENT TO THE INSTITUTE

For payment to the Institute of American Indian and Alaska Native Culture and Arts Development, as authorized by title XV of Public Law 99–498, as amended (20 U.S.C. 56 part A), $8,750,000.

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

For necessary expenses of the Smithsonian Institution, as authorized by law, including research in the fields of art, science, and history; development, preservation, and documentation of the National Collections; presentation of public exhibits and performances; collection, preparation, dissemination, and exchange of information and publications; conduct of education, training, and museum assistance programs; maintenance, alteration, operation, lease agreements of no more than 30 years, and protection of buildings, facilities, and approaches; not to exceed $100,000 for services as authorized by 5 U.S.C. 3109; and purchase, rental, repair, and cleaning of uniforms for employees, $660,850,000, to remain available until September 30, 2012, except as otherwise provided herein; of which not to exceed $20,556,000 for the instrumentation program, collections acquisition, exhibition reinstallation, the National Museum of African American History and Culture, and the repatriation of skeletal remains program shall remain available until expended; and including such funds as may be necessary to support American overseas research centers: *Provided*, That funds appropriated herein are available for advance payments to independent contractors performing research services or participating in official Smithsonian presentations.

FACILITIES CAPITAL

For necessary expenses of repair, revitalization, and alteration of facilities owned or occupied by the Smithsonian Institution, by contract or otherwise, as authorized by section 2 of the Act of August 22, 1949 (63 Stat. 623), and for construction, including necessary personnel, $136,750,000, to remain available until expended, of which not to exceed $10,000 is for services as authorized by 5 U.S.C. 3109.

NATIONAL GALLERY OF ART

SALARIES AND EXPENSES

For the upkeep and operations of the National Gallery of Art, the protection and care of the works of art therein, and administrative expenses incident thereto, as authorized by the Act of March 24, 1937 (50 Stat. 51), as amended by the public resolution of April 13, 1939 (Public Resolution 9, Seventy-sixth Congress), including services as authorized by 5 U.S.C. 3109; payment in advance when authorized by the treasurer of the Gallery for membership in library, museum, and art associations or societies whose publications or services are available to members only, or to members at a price lower than to the general public; purchase, repair, and cleaning of uniforms for guards, and uniforms, or allowances therefor, for other employees as authorized by law (5 U.S.C. 5901–5902); purchase or rental of devices and services for protecting buildings and contents thereof, and maintenance, alteration, improvement, and repair of buildings, approaches, and grounds; and purchase of services for restoration and repair of works of art for the National Gallery of Art by contracts made, without advertising, with individuals, firms, or organizations at such rates or prices and under such terms and conditions as the Gallery may deem proper, $116,324,000, of which not to exceed $3,445,000 for the special exhibition program shall remain available until expended.

REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

For necessary expenses of repair, restoration and renovation of buildings, grounds and facilities owned or occupied by the National Gallery of Art, by contract or otherwise, as authorized, $48,221,000, to remain available until expended: *Provided*, That of this amount, $42,250,000 shall be available for repair of the National Gallery's East Building façade: *Provided further*, That contracts awarded for environmental systems, protection systems, and exterior repair or renovation of buildings of the National Gallery of Art may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

OPERATIONS AND MAINTENANCE

For necessary expenses for the operation, maintenance and security of the John F. Kennedy Center for the Performing Arts, $23,500,000: *Provided*, That the proviso under this heading in division A of Public Law 111–88 is amended by striking ''until expended'' and all that follows and inserting ''until September 30, 2011.''.

CAPITAL REPAIR AND RESTORATION

For necessary expenses for capital repair and restoration of the existing features of the building and site of the John F. Kennedy Center for the Performing Arts, $13,920,000, to remain available until expended.

WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

SALARIES AND EXPENSES

For expenses necessary in carrying out the provisions of the Woodrow Wilson Memorial Act of 1968 (82 Stat. 1356) including hire of passenger vehicles and services as authorized by 5 U.S.C. 3109, $12,225,000, to remain available until September 30, 2012.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $170,000,000 shall be available to the National Endowment for the Arts for the support of projects and productions in the arts, including arts education and public outreach activities, through assistance to organizations and individuals pursuant to section 5 of the Act, for program support, and for administering the functions of the Act, to remain available until expended: *Provided*, That funds appropriated herein shall be expended in accordance with sections 309 and 311 of Public Law 108–447, as amended by Public Law 110–161.

NATIONAL ENDOWMENT FOR THE HUMANITIES

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $170,000,000, to remain available until expended, of which $154,600,000 shall be available for support of activities in the humanities, pursuant to section 7(c) of the Act and for administering the functions of the Act; and $15,400,000 shall be available to carry out the matching grants program pursuant to section 10(a)(2) of the Act including $10,175,000 for the purposes of section 7(h): *Provided*, That appropriations for carrying out section 10(a)(2) shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the chairman or by grantees of the Endowment under the provisions of subsections 11(a)(2)(B) and 11(a)(3)(B) during the current

and preceding fiscal years for which equal amounts have not previously been appropriated.

ADMINISTRATIVE PROVISIONS

None of the funds appropriated to the National Foundation on the Arts and the Humanities may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: *Provided*, That none of the funds appropriated to the National Foundation on the Arts and the Humanities may be used for official reception and representation expenses: *Provided further*, That funds from nonappropriated sources may be used as necessary for official reception and representation expenses: *Provided further*, That the Chairperson of the National Endowment for the Arts may approve grants of up to $10,000, if in the aggregate this amount does not exceed 5 percent of the sums appropriated for grant-making purposes per year: *Provided further*, That such small grant actions are taken pursuant to the terms of an expressed and direct delegation of authority from the National Council on the Arts to the Chairperson.

COMMISSION OF FINE ARTS

SALARIES AND EXPENSES

For expenses made necessary by the Act establishing a Commission of Fine Arts (40 U.S.C. 104), $2,349,000: *Provided*, That the Commission is authorized to charge fees to cover the full costs of its publications, and such fees shall be credited to this account as an offsetting collection, to remain available until expended without further appropriation: *Provided further*, That the Commission is authorized to accept gifts, including objects, papers, artwork, drawings and artifacts, that pertain to the history and design of the Nation's Capital or the history and activities of the Commission of Fine Arts, for the purpose of artistic display, study or education.

NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

For necessary expenses as authorized by Public Law 99–190 (20 U.S.C. 956a), as amended, $12,000,000.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

SALARIES AND EXPENSES

For necessary expenses of the Advisory Council on Historic Preservation (Public Law 89–665, as amended), $5,908,000.

NATIONAL CAPITAL PLANNING COMMISSION

SALARIES AND EXPENSES

For necessary expenses, as authorized by the National Capital Planning Act of 1952 (40 U.S.C. 71–71i), including services as authorized by 5 U.S.C. 3109, $9,100,000, of which $300,000 shall be used for coordination of a regional innovation cluster initiative for the National Capital region: *Provided*, That one-quarter of 1 percent of the funds provided under this heading may be used for official reception and representational expenses associated with hosting international visitors engaged in the planning and physical development of world capitals.

UNITED STATES HOLOCAUST MEMORIAL MUSEUM

HOLOCAUST MEMORIAL MUSEUM

For expenses of the Holocaust Memorial Museum, as authorized by Public Law 106–292 (36 U.S.C. 2301–2310), $50,521,000, of which $515,000 for the Museum's equipment replacement program, $1,900,000 for the Museum's repair and rehabilitation program, and $1,243,000 for the Museum's outreach initiatives program shall remain available until expended.

PRESIDIO TRUST

PRESIDIO TRUST FUND

For necessary expenses to carry out title I of the Omnibus Parks and Public Lands Management Act of 1996, $21,600,000 shall be available to the Presidio Trust, to remain available until expended.

TITLE IV

GENERAL PROVISIONS

(INCLUDING TRANSFERS OF FUNDS)

LIMITATION ON CONSULTING SERVICES

SEC. 401. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive Order issued pursuant to existing law.

RESTRICTION ON USE OF FUNDS

SEC. 402. No part of any appropriation contained in this Act shall be available for any activity or the publication or distribution of literature that in any way tends to promote public support or opposition to any legislative proposal on which Congressional action is not complete other than to communicate to Members of Congress as described in 18 U.S.C. 1913.

OBLIGATION OF APPROPRIATIONS

SEC. 403. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

PROHIBITION ON USE OF FUNDS FOR PERSONAL SERVICES

SEC. 404. None of the funds provided in this Act to any department or agency shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of such department or agency except as otherwise provided by law.

DISCLOSURE OF ADMINISTRATIVE EXPENSES

SEC. 405. Estimated overhead charges, deductions, reserves or holdbacks from programs, projects, activities and subactivities to support government-wide, departmental, agency or bureau administrative functions or headquarters, regional or central operations shall be presented in annual budget justifications and subject to approval by the Committees on Appropriations. Changes to such estimates shall be presented to the Committees on Appropriations for approval.

GIANT SEQUOIA

SEC. 406. None of the funds in this Act may be used to plan, prepare, or offer for sale timber from trees classified as giant sequoia (Sequoiadendron giganteum) which are located on National Forest System or Bureau of Land Management lands in a manner different than such sales were conducted in fiscal year 2010.

TRANSFER OF FUNDS AUTHORITY

SEC. 407. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government except pursuant to a transfer made by, or transfer provided in, this Act or any other Act.

MINING APPLICATIONS

SEC. 408. (a) LIMITATION OF FUNDS.—None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to accept or process applications for a patent for any mining or mill site claim located under the general mining laws.

(b) EXCEPTIONS.—The provisions of subsection (a) shall not apply if the Secretary of the Interior determines that, for the claim concerned: (1) a patent application was filed with the Secretary on or before September 30, 1994; and (2) all requirements established under sections 2325 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30) for vein or lode claims and sections 2329, 2330, 2331, and 2333 of the Revised Statutes (30 U.S.C. 35, 36, and 37) for placer claims, and section 2337 of the Revised Statutes (30 U.S.C. 42) for mill site claims, as the case may be, were fully complied with by the applicant by that date.

(c) REPORT.—On September 30, 2011, the Secretary of the Interior shall file with the House and Senate Committees on Appropriations and the Committee on Natural Resources of the House and the Committee on Energy and Natural Resources of the Senate a report on actions taken by the Department under the plan submitted pursuant to section 314(c) of the Department of the Interior and Related Agencies Appropriations Act, 1997 (Public Law 104–208).

(d) MINERAL EXAMINATIONS.—In order to process patent applications in a timely and responsible manner, upon the request of a patent applicant, the Secretary of the Interior shall allow the applicant to fund a qualified third-party contractor to be selected by the Bureau of Land Management to conduct a mineral examination of the mining claims or mill sites contained in a patent application as set forth in subsection (b). The Bureau of Land Management shall have the sole responsibility to choose and pay the third-party contractor in accordance with the standard procedures employed by the Bureau of Land Management in the retention of third-party contractors.

CONTRACT SUPPORT COSTS

SEC. 409. Notwithstanding any other provision of law, amounts appropriated to or otherwise designated in committee reports for the Bureau of Indian Affairs and the Indian Health Service by Public Laws 103–138, 103–332, 104–134, 104–208, 105–83, 105–277, 106–113, 106–291, 107–63, 108–7, 108–108, 108–447, 109–54, 109–289, division B and Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Laws 110–5 and 110–28), Public Laws 110–92, 110–116, 110–137, 110–149, 110–161, 110–329, 111–6, 111–8 and 111–88 for payments for contract support costs associated with self-determination or self-governance contracts, grants, compacts, or annual funding agreements with the Bureau of Indian Affairs or the Indian Health Service as funded by such Acts, are the total amounts available for fiscal years 1994 through 2010 for such purposes, except that the Bureau of Indian Affairs, tribes and tribal organizations may use their tribal priority allocations for unmet contract support costs of ongoing contracts, grants, self-governance compacts, or annual funding agreements.

FOREST MANAGEMENT PLANS

SEC. 410. The Secretary of Agriculture shall not be considered to be in violation of subparagraph 6(f)(5)(A) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604(f)(5)(A)) solely because more than 15 years have passed without revision of the plan for a unit of the National Forest System. Nothing in this section exempts the Secretary from any other requirement of the Forest and Rangeland Renewable Resources Planning Act (16 U.S.C. 1600 et seq.) or any other law: *Provided*, That if the Secretary is not acting expeditiously and in good faith, within the funding available, to revise a plan for a unit of the National Forest System, this section shall be void with respect to such plan and a court of proper jurisdiction may order completion of the plan on an accelerated basis.

PROHIBITION WITHIN NATIONAL MONUMENTS

SEC. 411. No funds provided in this Act may be expended to conduct preleasing, leasing and related activities under either the Mineral Leasing Act (30 U.S.C. 181 et seq.) or the

Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) within the boundaries of a National Monument established pursuant to the Act of June 8, 1906 (16 U.S.C. 431 et seq.) as such boundary existed on January 20, 2001, except where such activities are allowed under the Presidential proclamation establishing such monument.

INTERNATIONAL FIREFIGHTER COOPERATIVE AGREEMENTS

SEC. 412. In entering into agreements with foreign fire organizations pursuant to the Temporary Emergency Wildfire Suppression Act (42 U.S.C. 1856m–1856o), the Secretary of Agriculture and the Secretary of the Interior are authorized to enter into reciprocal agreements in which the individuals furnished under said agreements to provide wildfire services are considered, for purposes of tort liability, employees of the fire organization receiving said services when the individuals are engaged in fire suppression or presuppression: *Provided*, That the Secretary of Agriculture or the Secretary of the Interior shall not enter into any agreement under this provision unless the foreign fire organization agrees to assume any and all liability for the acts or omissions of American firefighters engaged in fire suppression or presuppression in a foreign country: *Provided further*, That when an agreement is reached for furnishing fire suppression or presuppression services, the only remedies for acts or omissions committed while engaged in fire suppression or presuppression shall be those provided under the laws applicable to the fire organization receiving the fire suppression or presuppression services, and those remedies shall be the exclusive remedies for any claim arising out of fire suppression or presuppression activities in a foreign country: *Provided further*, That neither the sending country nor any legal organization associated with the firefighter shall be subject to any legal action, consistent with the applicable laws governing sovereign immunity, pertaining to or arising out of the firefighter's role in fire suppression or presuppression, except that if the foreign fire organization is unable to provide immunity under laws applicable to it, it shall assume any and all liability for the United States or for any legal organization associated with the American firefighter, and for any and all costs incurred or assessed, including legal fees, for any act or omission pertaining to or arising out of the firefighter's role in fire suppression or presuppression.

CONTRACTING AUTHORITIES

SEC. 413. In awarding a Federal contract with funds made available by this Act, notwithstanding Federal Government procurement and contracting laws, the Secretary of Agriculture and the Secretary of the Interior (the ''Secretaries'') may, in evaluating bids and proposals, give consideration to local contractors who are from, and who provide employment and training for, dislocated and displaced workers in an economically disadvantaged rural community, including those historically timber-dependent areas that have been affected by reduced timber harvesting on Federal lands and other forest-dependent rural communities isolated from significant alternative employment opportunities: *Provided*, That notwithstanding Federal Government procurement and contracting laws the Secretaries may award contracts, grants or cooperative agreements to local non-profit entities, Youth Conservation Corps or related partnerships with State, local or non-profit youth groups, or small or micro-business or disadvantaged business: *Provided further*, That the contract, grant, or cooperative agreement is for forest hazardous fuels reduction, watershed or water quality monitoring or restoration, wildlife or fish population monitoring, road decommissioning, trail maintenance or improvement, or habitat restoration or management: *Provided further*, That the terms ''rural community'' and ''economically disadvantaged'' shall have the same meanings as in section 2374 of Public Law 101–624: *Provided further*, That the Secretaries shall develop guidance to implement this section: *Provided further*, That nothing in this section shall be construed as relieving the Secretaries of any duty under applicable procurement laws, except as provided in this section.

LIMITATION ON TAKINGS

SEC. 414. Unless otherwise provided herein, no funds appropriated in this Act for the acquisition of lands or interests in lands may be expended for the filing of declarations of taking or complaints in condemnation without the approval of the House and Senate Committees on Appropriations: *Provided*, That this provision shall not apply to funds appropriated to implement the Everglades National Park Protection and Expansion Act of 1989, or to funds appropriated for Federal assistance to the State of Florida to acquire lands for Everglades restoration purposes.

HUNTERS POINT ENVIRONMENTAL CLEANUP

SEC. 415. In addition to the amounts otherwise provided to the Environmental Protection Agency in this Act, $8,000,000, to remain available until expended, is provided to EPA to be transferred to the Department of the Navy for clean-up activities at the Treasure Island Naval Station—Hunters Point Annex.

TIMBER SALE REQUIREMENTS

SEC. 416. The Forest Service shall use the residual value approach to appraising all timber sales in Alaska's Region 10 that contain a component of Western red cedar and shall only offer sales that contain a component of Western red cedar that are not deficit. Western red cedar shall be appraised using lower 48 State domestic values if the timber might be eligible for shipment to the lower 48 States. All of the Western red cedar timber from those sales which is surplus to the needs of domestic processors in Alaska shall be made available to domestic processors in the contiguous 48 United States at prevailing domestic prices in the contiguous 48 United States. Western red cedar shall be deemed ''surplus to the needs of domestic processors in Alaska'' if the Forest Service determines it is surplus or if the timber sale holder has presented to the Forest Service documentation that the Forest Service determines is valid of the inability to sell Western red cedar logs from a given sale to domestic Alaska processors at a price equal to or greater than the log selling value stated in the contract. All additional Western red cedar volume not sold to Alaska or to contiguous 48 United States domestic processors may be exported to foreign markets if the Forest Service determines it is surplus to the needs of the 50 States. All Alaska yellow cedar may be sold at prevailing export prices if the Forest Service determines it is surplus to the needs of the 50 States.

CABIN USER FEES

SEC. 417. Notwithstanding any other provision of law, none of the funds made available by this or any other Act may be used by the Secretary of Agriculture to increase a recreation residence user fee for calendar year 2011 by more than 25 percent of the recreation residence user fee applicable to the recreation residence for calendar year 2010.

REPORT ON USE OF CLIMATE CHANGE FUNDS

SEC. 418. Not later than 120 days after the date on which the President's fiscal year 2012 budget request is submitted to Congress, the President shall submit a comprehensive report to the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate describing in detail all Federal agency funding, domestic and international, for climate change programs, projects and activities in fiscal year 2010 and fiscal year 2011, including an accounting of funding by agency with each agency identifying climate change programs, projects and activities and associated costs by line item as presented in the President's Budget Appendix, and including citations and linkages where practicable to each strategic plan that is driving funding within each climate change program, project and activity listed in the report.

NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS AUTHORIZATION

SEC. 419. The item relating to ''National Capital Arts and Cultural Affairs'' in the Department of the Interior and Related Agencies Appropriations Act, 1986, as enacted into law by section 101(d) of Public Law 99–190 and as amended by section 418 of the Department of the Interior, Environment and Related Agencies Appropriations Act, 2010 (20 U.S.C. 956a), is amended in the second sentence of the first paragraph by striking ''$10,000,000'' and inserting ''$12,000,000''.

PROHIBITION ON NO-BID CONTRACTS

SEC. 420. None of the funds appropriated or otherwise made available by this Act to executive branch agencies may be used to enter into any Federal contract unless such contract is entered into in accordance with the requirements of the Federal Property and Administrative Service Act of 1949 (41 U.S.C. 253) or chapter 137 of title 10, United States Code, and the Federal Acquisition Regulations, unless:

(1) Federal law specifically authorizes a contract to be entered into without regard for these requirements, including formula grants for States, or federally recognized Indian tribes; or

(2) such contract is authorized by the Indian Self-Determination and Education and Assistance Act (Public Law 93–638, 25 U.S.C. 450 et seq., as amended) or by any other Federal laws that specifically authorize a contract within an Indian tribe as defined in section 4(e) of that Act (25 U.S.C. 450b(e)); or

(3) such contract was awarded prior to the date of enactment of this Act.

POSTING OF REPORTS

SEC. 421. (a) Any agency receiving funds made available in this Act, shall, subject to subsections (b) and (c), post on the public website of that agency any report required to be submitted by the Congress in this or any other Act, upon the determination by the head of the agency that it shall serve the national interest.

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

(1) the public posting of the report compromises national security; or

(2) the report contains proprietary information.

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

SAN FRANCISCO BAY RESTORATION GRANT PROGRAM

SEC. 422. Title I of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) is amended by adding at the end the following:

**''SEC. 123. SAN FRANCISCO BAY RESTORATION GRANT PROGRAM.**

''(a) DEFINITIONS.—In this section:

''(1) ANNUAL PRIORITY LIST.—The term 'annual priority list' means the annual priority list compiled under subsection (b).

''(2) COMPREHENSIVE PLAN.—The term 'comprehensive plan' means—

''(A) the comprehensive conservation and management plan approved under section 320 for the San Francisco Bay estuary; and

''(B) any amendments to that plan.

''(3) ESTUARY PARTNERSHIP.—The term 'Estuary Partnership' means the San Francisco Estuary Partnership, the entity that is designated as the management conference under section 320.

''(b) ANNUAL PRIORITY LIST.—

''(1) IN GENERAL.—After providing public notice, the Administrator shall annually compile a priority list identifying and prioritizing the activities, projects, and studies intended to be funded with the amounts made available under subsection (c).

''(2) INCLUSIONS.—The annual priority list compiled under paragraph (1) shall include—

''(A) activities, projects, or studies, including restoration projects and habitat improvement for fish, waterfowl, and wildlife, that advance the goals and objectives of the approved comprehensive plan;

''(B) information on the activities, projects, programs, or studies specified under subparagraph (A), including a description of—

''(i) the identities of the financial assistance recipients; and

''(ii) the communities to be served; and

''(C) the criteria and methods established by the Administrator for selection of activities, projects, and studies.

''(3) CONSULTATION.—In developing the priority list under paragraph (1), the Administrator shall consult with and consider the recommendations of—

''(A) the Estuary Partnership;

''(B) the State of California and affected local governments in the San Francisco Bay estuary watershed; and

''(C) any other relevant stakeholder involved with the protection and restoration of the San Francisco Bay estuary that the Administrator determines to be appropriate.

''(c) GRANT PROGRAM.—

''(1) IN GENERAL.—Pursuant to section 320, the Administrator may provide funding through cooperative agreements, grants, or other means to State and local agencies, and public or nonprofit agencies, institutions, and organizations, including the Estuary Partnership, for activities, studies, or projects identified on the annual priority list.

''(2) MAXIMUM AMOUNT OF GRANTS; NON-FEDERAL SHARE.—

''(A) MAXIMUM AMOUNT OF GRANTS.—Funding provided to any individual or entity under this section for a fiscal year shall not exceed an amount equal to 75 percent of the total cost of eligible activities that are to be carried out using such funds.

''(B) NON-FEDERAL SHARE.—The non-Federal share of the total cost of any eligible activities that are carried out using funds provided under this section shall be—

''(i) not less than 25 percent; and

''(ii) provided from non-Federal sources.

''(d) FUNDING.—

''(1) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Administrator to carry out this section $35,000,000 for each of fiscal years 2011 through 2020.

''(2) ADMINISTRATIVE EXPENSES.—Of the amount made available to carry out this section for a fiscal year, the Administrator shall use not more than 5 percent to pay administrative expenses incurred in carrying out this section.

''(3) RELATIONSHIP TO OTHER FUNDING.—Nothing in this section shall limit the eligibility of the Estuary Partnership to receive funding under section 320(g).

''(4) PROHIBITION.—No funding made available under subsection (c) may be used for the administration of a management conference under section 320.''.

EXTENSION OF GRAZING PERMITS

SEC. 423. The terms and conditions of section 325 of Public Law 108–108, regarding grazing permits at the Department of the Interior and the Forest Service shall remain in effect for fiscal year 2011.

CONTROL OF BORDER

SEC. 424. None of the funds made available by this Act may be used to impede, prohibit, or restrict activities of the Secretary of Homeland Security on public lands to achieve operational control (as defined in section 2(b) of the Secure Fence Act of 2006 (8 U.S.C. 1701 note; Public Law 109–367)) over the international land and maritime borders of the United States with respect to section 102(b) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103 note).

INCORPORATION OF CONGRESSIONALLY REQUESTED PROJECTS

SEC. 425. Within the amounts appropriated in this Act, funding shall be allocated in the amounts specified for those projects and purposes delineated in the table titled ''Incorporation of Congressionally Requested Projects'' included in the explanatory statement accompanying this Act: *Provided*, That subject to the approval of the House and Senate Committees on Appropriations funds appropriated in this Act for land acquisition, construction, and capital improvement and maintenance may be reallocated among projects funded by the same appropriation account: *Provided further*, That funds appropriated in this Act under the heading ''National Park Service—Historic Preservation Fund'' for Save America's Treasures grants may be reallocated to be used for competitive grants under the Save America's Treasures program if such reallocation has been approved by the House and Senate Committees on Appropriations: *Provided further*, That subject to the approval of the House and Senate Committees on Appropriations the Bureau of Land Management, Fish and Wildlife Service, National Park Service, and Forest Service may allocate either greater or lesser amounts than those specified under the heading ''Congressionally Directed Spending'' accompanying Public Law 111–8 and in the table entitled ''Incorporation of Congressionally Requested Projects'' in the joint explanatory statement of managers accompanying Public Law 111–88 within the construction, land acquisition, or capital improvement and maintenance accounts when necessary to complete projects based on the original project scope or to utilize excess funds available after completion of a project on other projects within the same account.

RESCISSION OF PRIOR-YEAR BALANCES, DEPARTMENT OF THE INTERIOR

SEC. 426. Of the funds made available to the Department of the Interior for emergency wildland fire suppression under the headings ''Bureau of Land Management—Wildland Fire Management'' in chapter 6 of title I of division B of Public Law 110–329 and ''Department-Wide Programs—Wildland Fire Management'' in title VII of Public Law 111–32, $160,000,000 are rescinded.

RESCISSION OF PRIOR-YEAR BALANCES, FOREST SERVICE

SEC. 427. Of the funds made available to the Forest Service for emergency wildland fire suppression under the headings ''Forest Service—Wildland Fire Management'' in chapter 6 of title I of division B of Public Law 110–329 and title VII of Public Law 111–32, $140,000,000 are rescinded.

## TITLE V—SACRAMENTO-SAN JOAQUIN DELTA NATIONAL HERITAGE AREA

**SECTION 501. SHORT TITLE.**

This Act may be cited as the ''Sacramento-San Joaquin Delta National Heritage Area Establishment Act''.

**SEC. 502. SACRAMENTO-SAN JOAQUIN DELTA NATIONAL HERITAGE AREA.**

(a) DEFINITIONS.—In this section:

(1) HERITAGE AREA.—The term ''Heritage Area'' means the Sacramento-San Joaquin Delta Heritage Area established by this section.

(2) HERITAGE AREA MANAGEMENT PLAN.—The term ''Heritage Area management plan'' means the plan developed and adopted by the management entity under this section.

(3) MANAGEMENT ENTITY.—The term ''management entity'' means the management entity for the Heritage Area designated by subsection (b)(4).

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(b) SACRAMENTO-SAN JOAQUIN DELTA HERITAGE AREA.—

(1) ESTABLISHMENT.—There is established the ''Sacramento-San Joaquin Delta Heritage Area'' in the State of California.

(2) BOUNDARIES.—The boundaries of the Heritage Area shall be in the counties of Contra Costa, Sacramento, San Joaquin, Solano, and Yolo in the State of California, as generally depicted on the map entitled ''Sacramento-San Joaquin Delta National Heritage Area Proposed Boundary'', numbered T27/105,030, and dated September 2010.

(3) AVAILABILITY OF MAP.—The map described in paragraph (2) shall be on file and available for public inspection in the appropriate offices of the National Park Service and the Delta Protection Commission.

(4) MANAGEMENT ENTITY.—The management entity for the Heritage Area shall be the Delta Protection Commission established by section 29735 of the California Public Resources Code.

(5) ADMINISTRATION; MANAGEMENT PLAN.—

(A) ADMINISTRATION.—For purposes of carrying out the Heritage Area management plan, the Secretary, acting through the management entity, may use amounts made available under this section in accordance with section 8001(c) of the Omnibus Public Land Management Act of 2009 (Public Law 111–11; 123 Stat. 991).

(B) MANAGEMENT PLAN.—

(i) IN GENERAL.—Subject to clause (ii), the management entity shall submit to the Secretary for approval a proposed management plan for the Heritage Area in accordance with section 8001(d) of the Omnibus Public Land Management Act of 2009 (Public Law 111–11; 123 Stat. 991) that—

(I) incorporates an integrated and cooperative approach to agricultural resources and activities, flood protection facilities, and other public infrastructure; and

(II) emphasizes the importance of those resources.

(ii) RESTRICTIONS.—The Heritage Area management plan submitted under this paragraph shall—

(I) ensure participation by appropriate Federal, State, tribal, and local agencies, including the Delta Stewardship Council, special districts, natural and historical resource protection and agricultural organizations, educational institutions, businesses, recreational organizations, community residents, and private property owners; and

(II) not be approved until the Secretary has received certification from the Delta Protection Commission that the Delta Stewardship Council has reviewed the Heritage Area management plan for consistency with the plan adopted by the Delta Stewardship Council pursuant to State law.

(6) RELATIONSHIP TO OTHER FEDERAL AGENCIES; PRIVATE PROPERTY.—

(A) RELATIONSHIP TO OTHER FEDERAL AGENCIES.—The provisions of section 8001(e) of the Omnibus Public Land Management Act of 2009 (Public Law 111–11; 123 Stat. 991) shall apply to the Heritage Area.

(B) PRIVATE PROPERTY.—

(i) IN GENERAL.—Subject to clause (ii), the provisions of section 8001(f) of the Omnibus Public Land Management Act of 2009 (Public Law 111–11; 123 Stat. 991) shall apply to the Heritage Area.

(ii) OPT OUT.—An owner of private property within the Heritage Area may opt out of participating in any plan, project, program, or activity carried out within the Heritage Area under this section, if the property owner provides written notice to the management entity.

(7) EVALUATION; REPORT.—The provisions of section 8001(g) of the Omnibus Public Land Management Act of 2009 (Public Law 111–11; 123 Stat. 991) shall apply to the Heritage Area.

(8) EFFECT OF DESIGNATION.—Nothing in this section—

(A) precludes the management entity from using Federal funds made available under other laws for the purposes for which those funds were authorized; or

(B) affects any water rights or contracts.

(9) AUTHORIZATION OF APPROPRIATIONS.—

(A) IN GENERAL.—There is authorized to be appropriated to carry out this section $10,000,000, of which not more than $1,000,000 may be made available for any fiscal year.

(B) COST-SHARING REQUIREMENT.—The Federal share of the total cost of any activity under this section shall be determined by the Secretary, but shall be not more than 50 percent.

(C) NON-FEDERAL SHARE.—The non-Federal share of the total cost of any activity under this section may be in the form of in-kind contributions of goods or services.

(10) TERMINATION OF AUTHORITY.—

(A) IN GENERAL.—If a proposed management plan has not been submitted to the Secretary by the date that is 5 years after the date of enactment of this title, the Heritage Area designation shall be rescinded.

(B) FUNDING AUTHORITY.—The authority of the Secretary to provide assistance under this section terminates on the date that is 15 years after the date of enactment of this Act.

## TITLE VI—NATIONAL WOMEN'S HISTORY MUSEUM ACT OF 2009

**SEC. 601. SHORT TITLE.**

This Act may be cited as the ''National Women's History Museum Act of 2009''.

**SEC. 602. DEFINITIONS.**

In this Act, the following definitions apply:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of General Services.

(2) CERCLA.—The term ''CERCLA'' means the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

(3) COMMITTEES.—The term ''Committees'' means the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate.

(4) MUSEUM.—The term ''Museum'' means the National Women's History Museum, Inc., a District of Columbia nonprofit corporation exempt from taxation pursuant to section 501(c)(3) of the Internal Revenue Code of 1986.

(5) PROPERTY.—The term ''Property'' means the property located in the District of Columbia, subject to survey and as determined by the Administrator, generally consisting of Squares 325 and 326. The Property is generally bounded by 12th Street, Independence Avenue, C Street, and the James Forrestal Building, all in Southwest Washington, District of Columbia, and shall include all associated air rights, improvements thereon, and appurtenances thereto.

**SEC. 603. CONVEYANCE OF PROPERTY.**

(a) AUTHORITY TO CONVEY.—

(1) IN GENERAL.—Subject to the requirements of this Act, the Administrator shall convey the Property to the Museum, on such terms and conditions as the Administrator considers reasonable and appropriate to protect the interests of the United States and further the purposes of this Act.

(2) AGREEMENT.—As soon as practicable, but not later than 180 days after the date of enactment of this Act, the Administrator shall enter into an agreement with the Museum for the conveyance.

(3) TERMS AND CONDITIONS.—The terms and conditions of the agreement shall address, among other things, mitigation of developmental impacts to existing Federal buildings and structures, security concerns, and operational protocols for development and use of the property.

(b) PURCHASE PRICE.—

(1) IN GENERAL.—The purchase price for the Property shall be its fair market value based on its highest and best use as determined by an independent appraisal commissioned by the Administrator and paid for by the Museum.

(2) SELECTION OF APPRAISER.—The appraisal shall be performed by an appraiser mutually acceptable to the Administrator and the Museum.

(3) TERMS AND CONDITIONS FOR APPRAISAL.—

(A) IN GENERAL.—Except as provided by subparagraph (B), the assumptions, scope of work, and other terms and conditions related to the appraisal assignment shall be mutually acceptable to the Administrator and the Museum.

(B) REQUIRED TERMS.—The appraisal shall assume that the Property does not contain hazardous substances (as defined in section 101 of CERCLA (42 U.S.C. 9601)) which require response action (as defined in such section).

(c) APPLICATION OF PROCEEDS.—The purchase price shall be paid into the Federal Buildings Fund established under section 592 of title 40, United States Code. Upon deposit, the Administrator may expend, in amounts specified in appropriations Acts, the proceeds from the conveyance for any lawful purpose consistent with existing authorities granted to the Administrator.

(d) QUIT CLAIM DEED.—The Property shall be conveyed pursuant to a quit claim deed.

(e) USE RESTRICTION.—The Property shall be dedicated for use as a site for a national women's history museum for the 99-year period beginning on the date of conveyance to the Museum.

(f) FUNDING RESTRICTION.—No Federal funds shall be made available to the Museum for the purchase or clean-up of the Property or the design and construction of any facility thereon.

(g) REVERSION.—

(1) BASES FOR REVERSION.—The Property shall revert to the United States, at the option of the United States, without any obligation for repayment by the United States of any amount of the purchase price for the property, if—

(A) the Property is not used as a site for a national women's history museum at any time during the 99-year period referred to in subsection (e); or

(B) the Museum has not commenced construction of a museum facility on the Property in the 5-year period beginning on the date of enactment of this Act, other than for reasons beyond the control of the Museum as reasonably determined by the Administrator.

(2) ENFORCEMENT.—The Administrator may perform any acts necessary to enforce the reversionary rights provided in this section.

(3) CUSTODY OF PROPERTY UPON REVERSION.—If the Property reverts to the United States pursuant to this section, such property shall be under the custody and control of the Administrator.

(h) CLOSING.—The conveyance pursuant to this Act shall occur not later than 3 years after the date of enactment of this Act. The Administrator may extend that period for such time as is reasonably necessary for the Museum to perform its obligations under section 604(a).

**SEC. 604. ENVIRONMENTAL MATTERS.**

(a) AUTHORIZATION TO CONTRACT FOR ENVIRONMENTAL RESPONSE ACTIONS.—The Administrator is authorized to contract with the Museum or an affiliate thereof for the performance (on behalf of the Administrator) of response actions on the Property.

(b) CREDITING OF RESPONSE COSTS.—Any costs incurred by the Museum or an affiliate thereof pursuant to subsection (a) shall be credited to the purchase price for the Property.

(c) NO EFFECT ON COMPLIANCE WITH ENVIRONMENTAL LAWS.—Nothing in this Act, or any amendment made by this Act, affects or limits the application of or obligation to comply with any environmental law, including section 120(h) of CERCLA (42 U.S.C. 9620(h)).

**SEC. 605. INCIDENTAL COSTS.**

Subject to section 604, the Museum shall bear any and all costs associated with complying with the provisions of this Act, including studies and reports, surveys, relocating tenants, and mitigating impacts to existing Federal buildings and structures resulting directly from the development of the property by the Museum.

**SEC. 606. LAND USE APPROVALS.**

(a) EXISTING AUTHORITIES.—Nothing in this Act shall be construed as limiting or affecting the authority or responsibilities of the National Capital Planning Commission or the Commission of Fine Arts.

(b) COOPERATION.—

(1) ZONING AND LAND USE.—Subject to paragraph (2), the Administrator shall reasonably cooperate with the Museum with respect to any zoning or other land use matter relating to development of the Property in accordance with this Act. Such cooperation shall include consenting to applications by the Museum for applicable zoning and permitting with respect to the property.

(2) LIMITATIONS.—The Administrator shall not be required to incur any costs with respect to cooperation under this subsection and any consent provided under this subsection shall be premised on the property being developed and operated in accordance with this Act.

**SEC. 607. REPORTS.**

Not later than 1 year after the date of enactment of this Act, and annually thereafter until the end of the 5-year period following conveyance of the Property or until substantial completion of the museum facility (whichever is later), the Museum shall submit annual reports to the Administrator and the Committees detailing the development and construction activities of the Museum with respect to this Act.

## TITLE VII—MONTANA FORESTS

### Subtitle A—Montana Forest Jobs and Restoration Initiative

**SEC. 701. PURPOSE.**

The purpose of this subtitle is to establish an initiative—

(1) to preserve and create local jobs in rural communities that are located in or near National Forest System land;

(2) to create an immediate, predictable, and increased flow of wood fiber with commercial value to support and maintain locally-based infrastructure and economies that are necessary for the appropriate management and restoration of National Forest System land;

(3) to promote cooperation and collaboration in the management of National Forest System land;

(4) to restore and improve the ecological structure, composition, and function and the natural processes of priority watersheds within the National Forest System;

(5) to carry out collaborative projects to reduce the risk of disturbances from fire, insects, and disease to communities, watersheds, and natural resources through a collaborative process of planning, prioritizing, and implementing ecological restoration and hazardous fuel reduction projects; and

(6) to collect information from the projects carried out under this subtitle in an effort to better understand the manner in which to improve forest restoration and management activities.

**SEC. 702. DEFINITIONS.**

In this subtitle:

(1) AUTHORIZED FOREST AND WATERSHED RESTORATION PROJECT.—The term ''authorized forest and watershed restoration project'' means a collection of activities within a watershed area that are carried out—

(A) on eligible land; and

(B) to achieve the purposes of this subtitle.

(2) DECOMMISSION.—The term ''decommission'' means—

(A) to reestablish vegetation on a road or trail; and

(B) to restore any natural drainage, watershed function, or other ecological processes that are disrupted or adversely impacted by the road or trail by removing or hydrologically disconnecting the road prism.

(3) ELIGIBLE LAND.—The term ''eligible land'' means—

(A) land within the approximately 1,900,000 acres of land in the Beaverhead-Deerlodge National Forest designated as ''Suitable for Timber Production'' and ''Timber Harvest Is Allowed'' as generally depicted on the map entitled ''Beaverhead-Deerlodge National Forest, Revised Forest Plan, Modeled Timber Harvest Classification'' and dated December 10, 2008; and

(B)(i) land within the Three Rivers Ranger District of the Kootenai National Forest; and

(ii) any land within the adjacent ranger districts of the Kootenai National Forest that is necessary to achieve the requirements of section 703(b).

(4) INFISH.—The term ''INFISH'' means the land and resource management plan amendments made before the date of enactment of this Act arising from the document—

(A) entitled ''Inland Native Fish Strategy'';

(B) published by the Department of Agriculture; and

(C) dated July 28, 1995.

(5) INITIATIVE.—The term ''Initiative'' means the Montana Forest Jobs and Restoration Pilot Initiative established by section 703(a).

(6) MECHANICAL TREATMENT.—

(A) IN GENERAL.—The term ''mechanical treatment'' means an activity that uses a tool to remove fiber that has commercial value to local markets in the vicinity of the area treated.

(B) INCLUSIONS.—The term ''mechanical treatment'' includes leaving fiber on the forest floor after treatment with a tool, if an option for removal of the fiber is provided.

(C) EXCLUSIONS.—The term ''mechanical treatment'' excludes prescribed burning.

(7) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture, acting through the Chief of the Forest Service.

(8) STEWARDSHIP CONTRACT.—The term ''stewardship contract'' means a contract authorized under section 347 of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (16 U.S.C. 2104 note; Public Law 105–277) to carry out land management goals that meet local and rural community needs through a source that is selected on a best-value basis.

(9) WATERSHED AREA.—The term ''watershed area'' means 1 or more subwatersheds (also known as 6th code hydrologic units).

**SEC. 703. MONTANA FOREST JOBS AND RESTORATION PILOT INITIATIVE.**

(a) ESTABLISHMENT.—There is established the Montana Forest Jobs and Restoration Pilot Initiative under which the Secretary shall implement authorized forest and watershed restoration projects and other land management projects on eligible land to achieve—

(1) the performance requirements under subsection (b); and

(2) the purposes of this subtitle.

(b) PERFORMANCE REQUIREMENTS.—Subject to subsection (g), on the eligible land, the Secretary shall place under contract for the mechanical treatment of vegetation—

(1) on the Beaverhead-Deerlodge National Forest, a minimum of 5,000 acres annually until the date on which a total of 70,000 acres in the National Forest have been placed under contract.; and

(2) on the Kootenai National Forest—

(A) 2,000 acres during the first year after the date of enactment of this Act;

(B) 2,500 acres during the second year after the date of enactment of this Act; and

(C) 3,000 acres during each subsequent year until the date on which a total of 30,000 acres in the National Forest have been placed under contract.

(c) COLLABORATION.—

(1) IN GENERAL.—For each National Forest within the Initiative, the Secretary shall identify 1 or more collaborative groups or resource advisory committees that support the achievement of the purposes of this subtitle.

(2) COMPOSITION.—A collaborative group or resource advisory committee identified under paragraph (1) shall include multiple interested persons representing diverse interests in forest and watershed management.

(3) CONSULTATION.—The Secretary shall consult with a collaborative group or resource advisory committee identified under paragraph (1) in the development and implementation of each authorized forest and watershed restoration project carried out under the Initiative.

(4) EXPANSION.—The Secretary shall seek to expand the public participation and diversity of interests involved in the implementation of the Initiative in each National Forest participating in the Initiative.

(d) ADMINISTRATIVE REVIEW.—

(1) IN GENERAL.—The administrative review provisions of section 105 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6515) shall apply to any administrative review of authorized forest and watershed restoration projects carried out under this subtitle.

(2) PROPOSED DECISION.—The Secretary shall provide notice of, and distribute, a proposed administrative decision with the environmental assessment or final environmental impact statement for any project subject to review under paragraph (1).

(3) INDEPENDENT MEDIATOR.—If 1 or more of the parties to a special administrative review process under paragraph (1) requests a mediator to help facilitate the process, an independent mediator may be used for the administrative review process.

(e) JUDICIAL REVIEW.—Any judicial proceeding arising from an authorized forest and watershed restoration project shall be conducted in accordance with section 106 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6516).

(f) REPORTS.—

(1) ANNUAL SUMMARY.—The Secretary shall provide to the appropriate committees of Congress an annual summary of the progress of the Initiative toward accomplishing the purposes of this subtitle, including the performance requirements established under subsection (b).

(2) PROGRESS REPORT.—

(A) IN GENERAL.—Not later than 5 years after the date of enactment of this Act and every 5 years thereafter, the Secretary shall submit to the appropriate committees of Congress a report that assesses the progress of the Initiative toward accomplishing the purposes of this subtitle.

(B) INCLUSIONS.—The report under subparagraph (A) shall include an analysis, with respect to the Initiative, of—

(i) fire and fuel dynamics, including changes in—

(I) condition and class; and

(II) fuel levels and distribution;

(ii) biodiversity, including the selection of plant, terrestrial animals, and aquatic organisms;

(iii) soil and water, including soil movement, water quality, stream flows, and soil productivity;

(iv) economic effects, including job creation, labor income, and energy; and

(v) social implications, including land management practices, aesthetics, and attitudes towards land use.

(C) DATA ANALYSIS.—In preparing the report under this paragraph, the Secretary may consult with regional institutions of higher education and institutions with the capacity to coordinate, analyze, and archive the data collected as a result of monitoring under the Initiative.

(g) EFFECT ON OTHER FUNDS.—Amounts expended under the Initiative shall not reduce the allocations of appropriated funds to the Secretary for use in other regions of the Forest Service or other States.

(h) EXPANSION OF INITIATIVE.—

(1) IN GENERAL.—The Secretary may elect to include the Seeley Ranger District of the Lolo National Forest in the Initiative, if—

(A) the Seeley Ranger District no longer receives funding under section 4003(b)(1)(B) of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 7303(b)(1)(B)); and

(B) a local collaborative group for the District requests inclusion in the Initiative.

(2) REQUIREMENTS.—On the election by the Secretary to include the Seeley Ranger District in the Initiative, the requirements of the Initiative under this subtitle shall apply to the District.

(i) TERMINATION DATE.—

(1) IN GENERAL.—The Initiative shall terminate on the later of—

(A) the date that is 15 years after the date of enactment of this Act; or

(B) the date on which the Secretary determines that the performance requirements under subsection (b) have been achieved.

(2) EFFECT.—Nothing in this subsection affects a valid contract in effect on the termination date under paragraph (1).

**SEC. 704. AUTHORIZED FOREST AND WATERSHED RESTORATION PROJECTS.**

(a) IMPLEMENTATION.—

(1) IN GENERAL.—The Secretary shall annually implement 1 or more authorized forest and watershed restoration projects on the eligible land.

(2) LANDSCAPE-SCALE PROJECTS.—The Secretary shall implement in 1 or more watershed areas authorized forest and watershed restoration projects that provide landscape-scale work with the goal of minimizing entries into the watershed.

(3) STEWARDSHIP CONTRACTS.—

(A) IN GENERAL.—To the maximum extent practicable, the Secretary shall enter into stewardship contracts or agreements to carry out authorized forest and watershed restoration projects.

(B) STEWARDSHIP CONTRACT PRIORITIES.—In developing a stewardship contract under subparagraph (A), the Secretary shall, after consultation with the relevant collaborative groups or resource advisory committees identified under section 703(c)(1), prioritize areas consistent with the priorities described in paragraph (4).

(4) PRIORITY.—Consistent with the purposes of this subtitle, the Secretary shall give priority to carrying out authorized forest and watershed restoration projects in areas—

(A) in which the road density exceeds 1.5 miles per square mile;

(B) in the wildland-urban interface (as defined in section 101 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6511)) that are at risk of wildfire that threatens public infrastructure or private property;

(C) in which fish and wildlife habitat connectivity is compromised as a result of past management practices; and

(D) that contain forests that are at risk from insect epidemics or high-severity wildfires.

(5) ENVIRONMENTAL REVIEW.—An environmental review of authorized forest and watershed restoration projects shall be carried out in accordance with section 104 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6515), except that—

(A) the review shall also address—

(i) the activities necessary to meet the purposes and requirements of this subtitle; and

(ii) the site-specific impacts of an authorized forest and watershed restoration project;

(B) on signing of a record of decision or finding of no significant impact for the authorized forest and watershed restoration project, the Secretary shall implement the authorized forest and watershed restoration project; and

(C) if the Secretary or a court determines that additional review is warranted due to significant new circumstances after implementation of an authorized forest and watershed restoration project has begun, the additional analysis shall not interrupt the implementation of the activities that are not subject to the additional review, in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(b) PROJECT REQUIREMENTS.—

(1) RIPARIAN HABITAT PROTECTION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary shall comply with INFISH in carrying out each authorized forest and watershed restoration project.

(B) MODIFICATIONS.—The Secretary may modify INFISH if the Secretary determines, after taking into consideration the best available science, that the modifications would meet or exceed the intent and goals of INFISH.

(2) ROADS.—In carrying out any authorized forest and watershed restoration project under this subtitle, the Secretary shall—

(A) not construct any permanent road, unless—

(i) the Secretary determines that the road is a justifiable realignment of a permanent road to restore or improve the ecological structure, composition, and function and the natural processes of the affected forest or watershed; and

(ii) the replaced road bed is decommissioned by removing the road prism; and

(B) decommission any temporary road constructed to carry out the land management project by the conclusion of the contract.

(3) ROAD DENSITY.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary, at the conclusion of an authorized forest and watershed restoration project, shall achieve a road density maximum of 1.5 linear miles per square mile, averaged over the watershed area.

(B) EXCEPTIONS.—Notwithstanding subparagraph (A), the maximum road density provided in an applicable land management plan shall apply if—

(i) the applicable land management plan requires a road density maximum that is less than that required under subparagraph (A); or

(ii) the authorized forest and watershed restoration project is carried out in an area governed by an interagency grizzly bear conservation plan.

(C) METHOD.—The road density established under subparagraph (A) may be accomplished through a combination of decommissioning and year-round permanent closure, except that the Secretary shall prioritize for decommissioning any roads adversely affecting water quality or fish habitat.

(4) VEGETATION MANAGEMENT.—The Secretary shall design authorized forest and watershed restoration projects to produce commercial and noncommercial wood products, consistent with the purposes of this subtitle.

**SEC. 705. MISCELLANEOUS.**

(a) IN GENERAL.—Except as otherwise provided in this subtitle, the Secretary shall administer the National Forests subject to the Initiative in accordance with applicable law.

(b) AGENCY PARTICIPATION.—The Secretary may, in accordance with applicable law, permit the Seeley Lake District Ranger of the Lolo National Forest and the Lincoln District Ranger of the Helena National Forest to serve in the official capacities of the districts on the Board of Directors of the Blackfoot Challenge.

(c) BIOMASS.—To help improve forest restoration activities by using and creating markets for small-diameter material and low-valued trees removed from forest restoration activities in the State, the Secretary may provide grants through the Woody Biomass Utilization Grant Program or any other biomass program in accordance with applicable law.

## Subtitle B—Designation of Wilderness and Special Management Areas in Montana

**SEC. 711. PURPOSES.**

The purposes of this subtitle are—

(1) to protect and enhance motorized recreational opportunities in the Beaverhead-Deerlodge National Forest, the Lolo National Forest, and the Kootenai National Forest; and

(2) to protect and enhance the wild heritage and backcountry traditions of the State through—

(A) the addition of certain land to the National Wilderness Preservation System; and

(B) the management of other land in a manner that preserves existing primitive and semi-primitive recreational activities.

**SEC. 712. DEFINITIONS.**

In this subtitle:

(1) BEAVERHEAD-DEERLODGE NATIONAL FOREST.—The term ''Beaverhead-Deerlodge National Forest'' means the National Forest that is—

(A) comprised of—

(i) the Beaverhead National Forest; and

(ii) the Deerlodge National Forest; and

(B) managed by the Secretary concerned as a single administrative unit.

(2) FOREST PLAN.—The term ''forest plan'' means a land and resource management plan prepared in accordance with section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604).

(3) SECRETARY CONCERNED.—The term ''Secretary concerned'' means—

(A) the Secretary of Agriculture, acting through the Chief of the Forest Service, with respect to National Forest System land; and

(B) the Secretary of the Interior, with respect to land managed by the Bureau of Land Management (including land held for the benefit of an Indian tribe).

(4) STATE.—The term ''State'' means the State of Montana.

**SEC. 713. DESIGNATION OF WILDERNESS AREAS.**

(a) LAND ADMINISTERED BY THE FOREST SERVICE.—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State are designated as wilderness areas and as components of the National Wilderness Preservation System:

(1) ANACONDA PINTLAR WILDERNESS ADDITIONS.—Certain land in the Beaverhead-Deerlodge National Forest, comprising approximately 65,407 acres, as generally depicted on the map entitled ''Anaconda-Pintlar Wilderness Additions'' and dated September 13, 2010, is incorporated in, and shall be considered to be a part of, the Anaconda-Pintlar Wilderness.

(2) BOB MARSHALL WILDERNESS ADDITIONS.—Certain land in the Lolo National Forest, comprising approximately 40,072 acres generally depicted as the ''North Fork Blackfoot-Monture Creek Wilderness Addition (Bob Marshall Addition)'' and approximately 7,792 acres generally depicted as the ''Grizzly Basin of the Swan Range Wilderness Addition'' on the map entitled ''Bob Marshall, Mission Mountains and Scapegoat Wilderness Additions and Otatsy Recreation Management Area'' and dated September 13, 2010, is incorporated in, and shall be considered to be a part of, the Bob Marshall Wilderness designated by Public Law 92–395 (86 Stat. 578).

(3) DOLUS LAKES WILDERNESS.—Certain land in the Beaverhead-Deerlodge National Forest, comprising approximately 9,407 acres, as generally depicted on the map entitled ''Dolus Lakes Wilderness'' and dated September 13, 2010, which shall be known as the ''Dolus Lakes Wilderness''.

(4) EAST PIONEERS WILDERNESS.—Certain land in the Beaverhead-Deerlodge National Forest, comprising approximately 77,438 acres, as generally depicted on the map entitled ''East Pioneers Wilderness'' and dated September 13, 2010, which shall be known as the ''East Pioneers Wilderness''.

(5) ELECTRIC PEAK WILDERNESS.—Certain land in the Beaverhead-Deerlodge National Forest, comprising approximately 5,670 acres, as generally depicted on the map entitled ''Electric Peak Wilderness and Thunderbolt Creek Recreation Management Area'' and dated September 13, 2010, which shall be known as the ''Electric Peak Wilderness''.

(6) HIGHLANDS WILDERNESS.—Certain land in the Beaverhead-Deerlodge National Forest, comprising approximately 15,659 acres, as generally depicted on the map entitled ''Highlands Wilderness Area and Special Management Area'' and dated September 13, 2010, which shall be known as the ''Highlands Wilderness''.

(7) ITALIAN PEAKS WILDERNESS.—Certain land in the Beaverhead-Deerlodge National Forest, comprising approximately 29,677 acres, as generally depicted on the map entitled ''Italian Peaks Wilderness'' and dated

September 13, 2010, which shall be known as the ''Italian Peaks Wilderness''.

(8) LEE METCALF WILDERNESS ADDITIONS.—Certain land in the Beaverhead-Deerlodge National Forest, comprising approximately 17,201 acres, as generally depicted on the map entitled ''Lee Metcalf Wilderness Additions'' and dated September 13, 2010, is incorporated in, and shall be considered to be a part of, the Lee Metcalf Wilderness.

(9) LIMA PEAKS WILDERNESS.—Certain land in the Beaverhead-Deerlodge National Forest, comprising approximately 35,012 acres, as generally depicted on the map entitled ''Lima Peaks Wilderness'' and dated September 13, 2010, which shall be known as the ''Lima Peaks Wilderness''.

(10) MISSION MOUNTAINS WILDERNESS ADDITION.—Certain land in the Lolo National Forest, which comprises approximately 4,460 acres, as generally depicted as the ''West Fork Clearwater Wilderness Addition'' on the map entitled ''Bob Marshall, Mission Mountains and Scapegoat Wilderness Additions and Otatsy Recreation Management Area'' and dated September 13, 2010, is incorporated in, and shall be considered to be a part of, the Mission Mountains Wilderness designated by Public Law 93–632 (88 Stat. 2153).

(11) MOUNT JEFFERSON WILDERNESS.—Certain land in the Beaverhead-Deerlodge National Forest, comprising approximately 4,465 acres, as generally depicted on the map entitled ''Mount Jefferson Wilderness'' and dated September 13, 2010, which shall be known as the ''Mount Jefferson Wilderness''.

(12) QUIGG PEAK WILDERNESS.—Certain land in the Beaverhead-Deerlodge National Forest, comprising approximately 8,275 acres, as generally depicted on the map entitled ''Quigg Peak Wilderness'' and dated September 13, 2010, which shall be known as the ''Quigg Peak Wilderness''.

(13) RODERICK WILDERNESS.—Certain land in the Kootenai National Forest, which comprises approximately 29,467 acres, as generally depicted as the ''Roderick Wilderness Area'' on the map entitled ''Roderick Wilderness and Special Management Area and Three Rivers Special Management Area'' and dated September 13, 2010, which shall be known as the ''Roderick Wilderness''.

(14) SAPPHIRES WILDERNESS.—Certain land in the Beaverhead-Deerlodge National Forest, comprising approximately 43,101 acres, as generally depicted on the map entitled ''Sapphires Wilderness'' and dated September 13, 2010, which shall be known as the ''Sapphires Wilderness''.

(15) SCAPEGOAT WILDERNESS ADDITIONS.—Certain land in the Lolo National Forest, which comprises approximately 30,967 acres, as generally depicted as the ''North Fork Blackfoot-Monture Creek Wilderness Addition (Scapegoat Addition)'' on the map entitled ''Bob Marshall, Mission Mountains and Scapegoat Wilderness Additions and Otatsy Recreation Management Area'' and dated September 13, 2010, is incorporated in, and shall be considered to be a part of, the Bob Marshall Wilderness designated by Public Law 92–395 (86 Stat. 578).

(16) SNOWCREST WILDERNESS.—Certain land in the Beaverhead-Deerlodge National Forest, comprising approximately 91,561 acres, as generally depicted on the map entitled ''Snowcrest Wilderness'' and dated September 13, 2010, which shall be known as the ''Snowcrest Wilderness''.

(17) STONY MOUNTAIN WILDERNESS.—Certain land in the Beaverhead-Deerlodge National Forest, comprising approximately 14,213 acres, as generally depicted on the map entitled ''Stony Mountain Wilderness'' and dated September 13, 2010, which shall be known as the ''Stony Mountain Wilderness''.

(18) WEST BIG HOLE WILDERNESS.—Certain land in the Beaverhead-Deerlodge National Forest, comprising approximately 44,156 acres, as generally depicted on the map entitled ''West Big Hole Wilderness and Recreation Management Area'' and dated September 13, 2010, which shall be known as the ''West Big Hole Wilderness''.

(19) WEST PIONEERS WILDERNESS.—Certain land in the Beaverhead-Deerlodge National Forest, comprising approximately 26,560 acres, as generally depicted on the map entitled ''West Pioneers Wilderness and Recreation Management Area'' and dated September 13, 2010, which shall be known as the ''West Pioneers Wilderness''.

(b) LAND ADMINISTERED BY THE BUREAU OF LAND MANAGEMENT.—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State are designated as wilderness areas and as components of the National Wilderness Preservation System:

(1) BLACKTAIL MOUNTAINS WILDERNESS.—Certain public land administered by the Bureau of Land Management, comprising approximately 10,675 acres, as generally depicted on the map entitled ''Blacktail Mountains Wilderness'' and dated July 27, 2010, which shall be known as the ''Blacktail Mountains Wilderness''.

(2) CENTENNIAL MOUNTAINS WILDERNESS.—Certain public land administered by the Bureau of Land Management, comprising approximately 23,700 acres, as generally depicted on the map entitled ''Centennial Mountains Wilderness'' and dated July 27, 2010, which shall be known as the ''Centennial Mountains Wilderness''.

(3) RUBY MOUNTAINS WILDERNESS.—Certain public land administered by the Bureau of Land Management, comprising approximately 16,300 acres, as generally depicted on the map entitled ''Ruby Mountains Wilderness'' and dated July 27, 2010, which shall be known as the ''Ruby Mountains Wilderness''.

(4) EAST FORK BLACKTAIL WILDERNESS.—Certain public land administered by the Bureau of Land Management, comprising approximately 6,125 acres, as generally depicted on the map entitled ''East Fork Blacktail Wilderness'' and dated July 27, 2010, which shall be known as the ''East Fork Blacktail Wilderness''.

(5) HUMBUG SPIRES WILDERNESS.—Certain public land administered by the Bureau of Land Management, comprising approximately 8,900 acres, as generally depicted on the map entitled ''Humbug Spires Wilderness'' and dated July 27, 2010, which shall be known as the ''Humbug Spires Wilderness''.

(c) TRANSFER OF ADMINISTRATIVE JURISDICTION.—Administrative jurisdiction over certain public land administered by the Bureau of Land Management, comprising approximately 663 acres, as generally known as ''Farlin Creek Administrative Transfer'' depicted on the map entitled ''East Pioneers Wilderness'' and dated September 13, 2010, is transferred to the Secretary of Agriculture, and is incorporated in, and shall be considered to be a part of, the East Pioneers Wilderness designated by subsection (a)(3).

**SEC. 714. ADMINISTRATION OF WILDERNESS AREAS.**

(a) MANAGEMENT.—Subject to valid existing rights, each area designated as wilderness by section 713 shall be administered by the Secretary concerned in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

(1) any reference in that Act to the effective date shall be considered to be a reference to the date of enactment of this Act; and

(2) with respect to public land administered by the Bureau of Land Management, any reference in that Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary of the Interior.

(b) MAPS AND LEGAL DESCRIPTIONS.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary concerned shall file a map and a legal description of each wilderness area and potential wilderness area designated by this section, with—

(A) the Committee on Energy and Natural Resources of the Senate; and

(B) the Committee on Natural Resources of the House of Representatives.

(2) FORCE OF LAW.—The maps and legal descriptions filed under paragraph (1) shall have the same force and effect as if included in this subtitle, except that the Secretary concerned may correct typographical errors in the maps and legal descriptions.

(3) PUBLIC AVAILABILITY.—Each map and legal description filed under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Forest Service and the Bureau of Land Management.

(c) INCORPORATION OF ACQUIRED LAND AND INTERESTS.—Any land within the boundary of a wilderness area designated by section 713 that is acquired by the United States shall—

(1) become part of the wilderness area in which the land is located; and

(2) be managed in accordance with this section, the Wilderness Act (16 U.S.C. 1131 et seq.), and any other applicable law.

(d) WITHDRAWAL.—Subject to valid existing rights, the Federal land designated as wilderness by section 713 is withdrawn from all forms of—

(1) entry, appropriation, or disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) disposition under all laws pertaining to mineral and geothermal leasing or mineral materials.

(e) FIRE, INSECTS, AND DISEASES.—In accordance with section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)), within the wilderness areas designated by section 713, the Secretary concerned may take such measures as are necessary to control fire, insects, and diseases, subject to such terms and conditions as the Secretary concerned determines to be appropriate.

(f) ACCESS TO PRIVATE PROPERTY.—In accordance with section 5(a) of the Wilderness Act (16 U.S.C. 1134(a)), the Secretary concerned shall provide any owner of private property within the boundary of a wilderness area designated by section 713 adequate access to the property.

(g) FISH AND WILDLIFE.—

(1) IN GENERAL.—Nothing in this subtitle affects the jurisdiction or responsibilities of the State with respect to fish and wildlife, including the regulation of hunting, fishing, and trapping.

(2) MANAGEMENT ACTIVITIES.—In furtherance of the purposes and principles of the Wilderness Act (16 U.S.C. 1131 et seq.), the Secretary concerned may carry out management activities to maintain or restore fish and wildlife populations (including activities to maintain and restore fish and wildlife habitats to support the populations) in a wilderness area designated by section 713 if the activities are—

(A) consistent with applicable wilderness management plans; and

(B) carried out in accordance with applicable guidelines and policies.

(h) SNOW SENSORS AND STREAM GAUGES.—Nothing in this subtitle prevents the installation or maintenance of hydrological, meteorological, or climatological instrumentation in a wilderness area designated by section 713 if the Secretary concerned determines that the installation or maintenance

of the instrumentation is necessary to further the scientific, educational, or conservation purposes of the wilderness area.

(i) LIVESTOCK.—Within the wilderness areas, the grazing of livestock in which grazing is established before the date of enactment of this Act shall be allowed to continue, subject to such reasonable regulations, policies, and practices as the Secretary concerned determines to be necessary, in accordance with—

(1) section 4(d)(4) of the Wilderness Act (16 U.S.C. 1131(d)(4));

(2) with respect to wilderness areas administered by the Secretary of Agriculture, the guidelines described in House Report 96–617 of the 96th Congress; and

(3) with respect to wilderness areas administered by the Secretary of the Interior, the guidelines described in Appendix A of House Report 101–405 of the 101st Congress.

(j) OUTFITTING AND GUIDE ACTIVITIES.—

(1) IN GENERAL.—In accordance with section 4(d)(5) of the Wilderness Act (16 U.S.C. 1133(d)(5)), commercial services (including authorized outfitting and guide activities) within the wilderness areas designated by section 713 are authorized to the extent necessary for activities that are proper for realizing the recreational or other wilderness purposes of the wilderness areas.

(2) EFFECT.—Nothing in this subtitle requires the Secretary concerned to modify permits in effect as of the date of enactment of this Act to provide outfitting and guide services within the areas designated as wilderness by section 713, if the Secretary concerned determines that the activities are consistent with administration of the areas as wilderness.

(k) ADJACENT MANAGEMENT.—

(1) IN GENERAL.—The designation of a wilderness area by section 713 shall not create any protective perimeter or buffer zone around the wilderness area.

(2) NONWILDERNESS ACTIVITIES.—The fact that nonwilderness activities or uses can be seen or heard from areas within a wilderness area designated by section 713 shall not preclude the conduct of the activities or uses outside the boundary of the wilderness area.

(l) WATER IMPOUNDMENT STRUCTURES.—

(1) IN GENERAL.—The Secretary concerned may issue a special use authorization to an owner of a water storage, transport, or diversion facility located within the areas designated as wilderness by section 713 for the continued operation, maintenance, and reconstruction of the facility if—

(A) the facility was in existence before the date of the designation of the wilderness area; and

(B) the Secretary concerned determines that—

(i) the facility has been in substantially continuous use to deliver water for the beneficial use on the non-Federal land of the owner since the date of the designation of the wilderness area;

(ii) the owner of the facility holds a valid water right for use of the water under State law, with a priority date that predates the date of the designation of the wilderness area; and

(iii) it is not practicable or feasible to relocate the facility to land outside the boundary of the wilderness and continue the beneficial use of water on the non-Federal land recognized under State law.

(2) USE OF MOTORIZED EQUIPMENT AND MECHANIZED TRANSPORT.—The special use authorization under paragraph (1) may allow for the use of motorized equipment and mechanized transport if the Secretary concerned determines, after conducting a minimum tool analysis, that the use of nonmotorized equipment and nonmechanized transport is impracticable or infeasible.

(3) TERMS AND CONDITIONS.—The Secretary concerned may include such terms and conditions in the special use authorization under paragraph (1) as the Secretary concerned determines appropriate to protect the wilderness values of the area.

(m) SNOWCREST WILDERNESS AREA.—With respect to the Snowcrest Wilderness Area—

(1) the continuation of reasonable motorized access to maintain water infrastructure for cattle that was constructed to protect fluvial Arctic Grayling and other aquatic species in the Ruby River may continue—

(A) subject to a permit; and

(B) in accordance with—

(i) section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)); and

(ii) the guidelines described in House Report 96-617 of the 96th Congress; and

(2) the trailing of sheep across the Snowcrest Wilderness area to reach existing grazing allotments in the Gravelly Mountains may be continued for the tenure of the allotments—

(A) subject to—

(i) a permit; and

(ii) a determination by the Secretary of Agriculture (acting through the Forest Supervisor) that the use of nonmechanized transport is impracticable or infeasible; and

(B) to the maximum extent practicable, in accordance with the guidelines described in House Report 96–617 of the 96th Congress.

**SEC. 715. RELEASE OF BUREAU OF LAND MANAGEMENT STUDY AREAS.**

(a) FINDING.—Congress finds that, for purposes of section 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782), any portion of a wilderness study area described in subsection (b) that is not designated as a wilderness area by section 713 or any other Act enacted before the date of enactment of this Act has been adequately studied for wilderness.

(b) DESCRIPTION OF STUDY AREAS.—The study areas referred to in subsection (a) are—

(1) the Axolotl Lakes Wilderness Study Area;

(2) the Bell and Limekiln Canyons Wilderness Study Area;

(3) the Blacktail Mountains Wilderness Study Area;

(4) the Centennial Mountains Wilderness Study Area;

(5) the Farlin Creek Wilderness Study Area;

(6) the Henneberry Ridge Wilderness Study Area;

(7) the Hidden Pasture Wilderness Study Area;

(8) the Humbug Spires Wilderness Study Area; and

(9) the Ruby Mountains Wilderness Study Area.

(c) RELEASE.—Any study area described in subsection (b) that is not designated as a wilderness area by section 713—

(1) is no longer subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)); and

(2) shall be managed in accordance with the applicable land management plans adopted under section 202 of that Act (43 U.S.C. 1712).

**SEC. 716. RELEASE OF SAPPHIRE AND WEST PIONEER WILDERNESS STUDY AREAS.**

(a) FINDINGS.—Congress finds that—

(1) the studies conducted under section 2 of the Montana Wilderness Study Act of 1977 (Public Law 95–150; 91 Stat. 1243) regarding each study area described in subsection (b) are adequate for the consideration of the suitability of each study area for inclusion as a component of the National Wilderness Preservation System; and

(2) the Secretary of Agriculture is not required—

(A) to review the wilderness option for each study area described in subsection (b) prior to the revision of the forest plan required for each land that comprises each study area in accordance with the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.); and

(B) to manage the portion of each study area described in subsection (b) that is not designated as wilderness by section 713 to ensure the suitability of the area for designation as a component of the National Wilderness Preservation System pending revision of the applicable forest plan.

(b) DESCRIPTION OF STUDY AREAS.—The study areas referred to in subsection (a) are those portions of the following wilderness study areas which are not designated as wilderness by section 713:

(1) The Sapphire Wilderness Study Area, as described in section 2(4) of the Montana Wilderness Study Act of 1977 (Public Law 95–150; 91 Stat. 1243).

(2) The West Pioneer Wilderness Study Area, as described in section 2(1) of the Montana Wilderness Study Act of 1977 (Public Law 95–150; 91 Stat. 1243).

**SEC. 717. SPECIAL MANAGEMENT AND RECREATION MANAGEMENT AREAS.**

(a) DESIGNATION.—To conserve, protect, and enhance the scenic, fish and wildlife, recreational, backcountry heritage, and other natural resource values of the areas, the following areas in the State are designated for special management by the Secretary concerned in accordance with this section:

(1) HIGHLANDS SPECIAL MANAGEMENT AREA.—Certain Federal land in the Beaverhead-Deerlodge National Forest, comprising approximately 5,011 acres, as generally depicted on the map entitled ''Highlands Wilderness Area and Special Management Area'' and dated September 13, 2010, which is designated as the ''Highlands Special Management Area''.

(2) LOST CREEK RECREATION MANAGEMENT AREA.—Certain Federal land in the Beaverhead-Deerlodge National Forest, comprising approximately 14,589 acres, as generally depicted on the map entitled ''Lost Creek Recreation Management Area'' and dated September 13, 2010, which is designated as the ''Lost Creek Recreation Management Area''.

(3) OTATSY RECREATION MANAGEMENT AREA.—Certain Federal land in the Lolo National Forest, comprising approximately 1,859 acres, as generally depicted on the map entitled ''Bob Marshall, Mission Mountains and Scapegoat Wilderness Additions and Otatsy Recreation Management Area'' and dated September 13, 2010, which is designated as the ''Otatsy Recreation Management Area''.

(4) RODERICK SPECIAL MANAGEMENT AREA.—Certain Federal land in the Kootenai National Forest, comprising approximately 3,715 acres, as generally depicted on the map entitled ''Roderick Wilderness and Special Management Area and Three Rivers Special Management Area'' and dated September 13, 2010, which is designated as the ''Roderick Special Management Area''.

(5) THREE RIVERS SPECIAL MANAGEMENT AREA.—Certain Federal land in the Kootenai National Forest, comprising approximately 71,994 acres, as generally depicted on the map entitled ''Roderick Wilderness and Special Management Area and Three Rivers Special Management Area'' and dated September 13, 2010, which is designated as the ''Three Rivers Special Management Area''.

(6) THUNDERBOLT CREEK RECREATION MANAGEMENT AREA.—Certain Federal land in the Beaverhead-Deerlodge National Forest, comprising approximately 19,641 acres, as generally depicted on the map entitled ''Electric

Peak Wilderness and Thunderbolt Creek Recreation Management Area'' and dated September 13, 2010, which is designated as the ''Thunderbolt Recreation Management Area''.

(7) TOBACCO ROOTS RECREATION MANAGEMENT AREA.—Certain Federal land in the Beaverhead-Deerlodge National Forest, comprising approximately 29,186 acres, as generally depicted on the map entitled ''Tobacco Roots Recreation Management Area'' and dated September 13, 2010, which is designated as the ''Tobacco Roots Recreation Management Area''.

(8) WEST BIG HOLE RECREATION MANAGEMENT AREA.—Certain Federal land in the Beaverhead-Deerlodge National Forest comprising approximately 95,144 acres, as generally depicted on the map entitled ''West Big Hole Wilderness and Recreation Management Area'' and dated September 13, 2010, which is designated as the ''West Big Hole Recreation Management Area''.

(9) WEST PIONEERS RECREATION MANAGEMENT AREA.—Certain Federal land in the Beaverhead-Deerlodge National Forest, comprising approximately 128,361 acres, as generally depicted on the map entitled ''West Pioneers Wilderness and Recreation Management Area'' and dated September 13, 2010, which is designated as the ''West Pioneers Recreation Management Area''.

(b) ADMINISTRATION.—

(1) APPLICABLE LAW.—

(A) IN GENERAL.—The Secretary concerned shall administer each area designated by subsection (a)—

(i) in furtherance of the purposes for which the area is established; and

(ii) in accordance with—

(I) this section; and

(II) any laws (including regulations) relating to the National Forest System.

(B) CLOSURE OF TRAILS.—Nothing in this subtitle precludes the Secretary concerned from closing any trail or area located in the areas designated by subsection (a)—

(i) to protect a natural resource; or

(ii) to help ensure public safety.

(2) WITHDRAWAL.—Subject to valid existing rights, any Federal land within an area designated by subsection (a) (including any Federal land acquired after the date of enactment of this Act for inclusion in an area designated by subsection (a)) is withdrawn from all forms of—

(A) entry, appropriation, or disposal under the public land laws;

(B) location, entry, and patent under the mining laws; and

(C) disposition under all laws pertaining to mineral and geothermal leasing or mineral materials.

(3) TIMBER HARVESTING.—

(A) IN GENERAL.—Except as provided in subparagraph (B) or as authorized under subsection (c), timber harvesting shall not be permitted within an area designated by subsection (a).

(B) FIRE, INSECTS, AND DISEASES.—Timber harvesting may be permitted in an area designated by subsection (a) to the extent allowed under section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)) for purposes relating to the necessary control of fire, insects, and diseases.

(4) USE OF MOTORIZED OR MECHANIZED VEHICLES.—

(A) IN GENERAL.—Nothing in this section affects the use of motorized or mechanized vehicles that the Secretary concerned determines is necessary for administrative use or to respond to an emergency.

(B) MECHANIZED VEHICLES, PEDESTRIANS, AND HORSE TRAVEL.—Except as authorized under subsection (c), nothing in this section prohibits—

(i) the use of mechanized vehicles, access by pedestrians, or horse travel within the areas designated by subsection (a); or

(ii) the construction of trails for use by mechanized vehicles, pedestrians, and horse travel within the areas designated by subsection (a).

(5) FIREWOOD.—The Secretary concerned may allow for the collection of firewood for noncommercial personal use within the areas designated by subsection (a)—

(A) in accordance with any applicable laws; and

(B) subject to such terms and conditions as the Secretary concerned determines to be appropriate.

(c) AREA SPECIFIC MANAGEMENT REQUIREMENTS.—

(1) HIGHLANDS SPECIAL MANAGEMENT AREA.—

(A) CAMPGROUND DEVELOPMENT.—No permanent campground may be constructed within the Highlands Special Management Area.

(B) MOTORIZED AND MECHANIZED RECREATION.—Except as provided in subparagraph (C), and as necessary for administrative use or to respond to an emergency, the use of motorized or mechanized vehicles within the Highlands Special Management Area shall be prohibited.

(C) TRANSMISSION TOWERS AND MUNICIPAL WATER PIPELINES.—Nothing in this section affects—

(i) the reasonable access of the government of the applicable county to operate and maintain the communication site located on Table Mountain under a special use permit issued by the Forest Service; and

(ii) the reasonable access of the city of Butte, Montana, to operate, maintain, and if necessary, upgrade the water supply pipeline within the Highlands Special Management Area in existence as of the date of enactment of this Act for the city of Butte (including the surrounding community of the city of Butte).

(D) HELICOPTER LANDINGS.—Nothing in this section precludes or restricts the authority of the Secretary concerned to enter into agreements with the Secretary of Defense or the Montana National Guard to authorize limited and scheduled landings of aircraft in the Highlands Special Management Area.

(2) LOST CREEK, THUNDERBOLT, AND WEST PIONEERS RECREATION MANAGEMENT AREAS.—

(A) MOTORIZED RECREATION.—Subject to any terms and conditions the Secretary concerned determines to be necessary, the use of motorized vehicles within the Lost Creek, Thunderbolt, and West Pioneers Recreation Management Areas shall be limited to—

(i) the routes and trails designated for such use as of the date of enactment of this Act; and

(ii) during periods of adequate snow cover, the areas designated for snowmobile use as of the date of enactment of this Act.

(B) CAMPGROUND DEVELOPMENT.—No permanent campground may be constructed within the Lost Creek Recreation Area.

(3) OTATSY RECREATION MANAGEMENT AREA.—

(A) MOTORIZED AND MECHANIZED RECREATION.—

(i) IN GENERAL.—The use of motorized and mechanized vehicles in the Otatsy Recreation Management Area shall be permitted only on the roads, trails, and areas designated for use by motorized and mechanized vehicles by the management plan required under subparagraph (B).

(ii) INTERIM MANAGEMENT.—Until the date on which the management plan required under subparagraph (B) is approved, and subject to any terms and conditions that the Secretary concerned determines to be necessary, the use of motorized or mechanized vehicles in the Otatsy Recreation Management Area shall be limited to the routes and trails designated for such use as of the date of enactment of this Act, except that during periods of adequate snow cover, the use of snowmobiles shall be allowed within the Otatsy Recreation Management Area.

(B) MANAGEMENT PLAN.—The Secretary concerned shall prepare a management plan for the Otatsy Recreation Management Area as part of the first revision of the applicable forest plan that is carried out after the date of enactment of this Act.

(4) THREE RIVERS AND RODERICK SPECIAL MANAGEMENT AREAS.—

(A) MOTORIZED AND MECHANIZED RECREATION.—Except as provided in subparagraphs (B) and (C), the use of motorized or mechanized vehicles within the Three Rivers Special Management Area and the Roderick Special Management Area shall be limited to the roads on which use by highway legal vehicles is permitted as of the date of enactment of this Act.

(B) SNOWMOBILE AREA.—Subject to any terms and conditions the Secretary concerned determines to be necessary, the use of snowmobiles shall be allowed in the areas designated as ''motorized'' in the map entitled ''Roderick Wilderness and Special Management Area and Three Rivers Special Management Area'' and dated September 13, 2010.

(C) GAME CARTS.—The Secretary concerned may authorize the use of nonmotorized game carts in the area identified as ''Roderick Special Management Area'' on the map described in subparagraph (B).

(D) CAMPGROUND DEVELOPMENT.—No permanent campground may be constructed in the Three Rivers Special Management Area or the Roderick Special Management Area.

(5) TOBACCO ROOTS RECREATION MANAGEMENT AREA.—Subject to any terms and conditions that the Secretary concerned determines to be necessary, the use of motorized vehicles shall be limited to the roads, routes, and trails in the Tobacco Roots Recreation Management Area designated for such use as of the date of enactment of this Act.

(6) WEST BIG HOLE RECREATION MANAGEMENT AREA.—

(A) MOTORIZED RECREATION.—Subject to any terms and conditions that the Secretary concerned determines to be necessary, motorized use shall be permitted on approved designated, routes, trails, and areas in the West Big Hole Recreation Management Area, including the use of snowmobiles during periods of adequate snow cover.

(B) TIMBER HARVEST.—The Secretary concerned may authorize post and pole, firewood, and fuel reduction timber projects in the West Big Hole Recreation Management Area, subject to such terms and conditions that the Secretary concerned determines to be appropriate.

**SEC. 718. ALL TERRAIN VEHICLE STUDY AND REPORT.**

Not later than 1 year after the date of enactment of this Act, the Secretary concerned shall study and report on—

(1) the opportunities for expanded all-terrain vehicles routes and trails across the Three Rivers District and adjacent areas on the Kootenai National Forest;

(2) the interconnectedness of routes on private or State land; and

(3) the opportunities for expanded access points to existing trails.

This division may be cited as the ''Department of the Interior, Environment, and Related Agencies Appropriations Act, 2011''.

**DIVISION H—DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2011**

TITLE I

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Workforce Investment Act of 1998 (''WIA''), the Second Chance Act of 2007, and the Women in Apprenticeship and Non-Traditional Occupations Act of 1992, including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by the WIA; $3,861,457,000, plus reimbursements, shall be available. Of the amounts provided:

(1) for grants to States for adult employment and training activities, youth activities, dislocated worker employment and training activities, and for workforce innovation activities, $3,110,380,000 as follows:

(A) $891,540,000 for adult employment and training activities, of which not more than $30,000,000, shall be available for workforce innovation activities to carry out projects authorized under section 171(b) of the WIA that demonstrate innovative strategies or replicate effective evidence-based strategies that align and strengthen the workforce investment system in order to improve program delivery and education and employment outcomes for program beneficiaries, and of which $179,540,000 shall be available for the period July 1, 2011, through June 30, 2012, and of which $712,000,000 shall be available for the period October 1, 2011 through June 30, 2012;

(B) $985,000,000 for youth activities, which shall be available for the period April 1, 2011 through June 30, 2012; and of which not more than $85,000,000 shall be for workforce innovation activities to carry out projects authorized under section 171(b) of the WIA that demonstrate innovative strategies or replicate effective evidence-based strategies that align and strengthen the workforce investment system in order to improve program delivery and education and employment outcomes for youth: *Provided*, That notwithstanding section 128(a)(1) of the WIA, the amount available to the Governor for statewide activities shall not exceed 10 percent of the amount allotted to the State from the appropriation under this subparagraph: *Provided further*, That of the funds reserved in this subparagraph for workforce innovation activities not less than 30 percent shall be for projects providing summer employment activities for youth; and

(C) $1,233,840,000 for dislocated worker employment and training activities, of which not more than $50,000,000 shall be for workforce innovation activities to carry out projects authorized under section 171(b) of the WIA that demonstrate innovative strategies or replicate effective evidence-based strategies that align and strengthen the workforce investment system in order to improve program delivery and education and employment outcomes for program beneficiaries, and of which $373,840,000 shall be available for the period July 1, 2011 through June 30, 2012, and of which $860,000,000 shall be available for the period October 1, 2011 through June 30, 2012:

*Provided*, That with respect to a local board's transfer authority, section 133(b)(4) of the WIA shall be applied by substituting ''30 percent'' for ''20 percent'' each place the term appears in such section: *Provided further*, That a local board may award a contract to an institution of higher education or other eligible training provider if the local board determines that it would facilitate the training of multiple individuals in high-demand occupations, if such contract does not limit customer choice: *Provided further*, That projects carried out with funds available for workforce innovation activities shall not be subject to the requirements of section 171(b)(2)(B) of the WIA and shall be administered by the Secretary of Labor in cooperation with the Secretary of Education and, as appropriate, other heads of departments and agencies: *Provided further*, That of the funds available for workforce innovation activities, not more than 5 percent shall be for technical assistance and evaluations related to the projects carried out with these funds;

(2) for federally administered programs, $480,038,000 as follows:

(A) $229,160,000 for the dislocated workers assistance national reserve, of which $29,160,000 shall be available for the period July 1, 2011 through June 30, 2012, and of which $200,000,000 shall be available for the period October 1, 2011 through June 30, 2012: *Provided*, That funds provided to carry out section 132(a)(2)(A) of the WIA may be used to provide assistance to a State for Statewide or local use in order to address cases where there have been worker dislocations across multiple sectors or across multiple local areas and such workers remain dislocated; coordinate the State workforce development plan with emerging economic development needs; and train such eligible dislocated workers: *Provided further*, That funds provided to carry out section 171(d) of the WIA may be used for demonstration projects that provide assistance to new entrants in the workforce and incumbent workers: *Provided further*, That none of the funds shall be obligated to carry out section 173(e) of the WIA;

(B) $55,000,000 for Native American programs, which shall be available for the period July 1, 2011 through June 30, 2012;

(C) $87,378,000 for migrant and seasonal farmworker programs under section 167 of the WIA, including $80,968,000 for formula grants (of which not less than 70 percent shall be for employment and training services), $5,900,000 for migrant and seasonal housing (of which not less than 70 percent shall be for permanent housing), and $510,000 for other discretionary purposes, which shall be available for the period July 1, 2011 through June 30, 2012: *Provided*, That notwithstanding any other provision of law or related regulation, the Department of Labor shall take no action limiting the number or proportion of eligible participants receiving related assistance services or discouraging grantees from providing such services;

(D) $1,000,000 for carrying out the Women in Apprenticeship and Nontraditional Occupations Act, which shall be available for the period July 1, 2011 through June 30, 2012; and

(E) $107,500,000 for YouthBuild activities as described in section 173A of the WIA, which shall be available for the period April 1, 2011 through June 30, 2012;

(3) for national activities, $271,039,000 as follows:

(A) $94,689,000 for Pilots, Demonstrations, and Research, which shall be available for the period April 1, 2011 through June 30, 2012, of which $40,000,000 shall be for Transitional Jobs activities, and shall not be subject to the requirements of section 171(b)(2)(B) or 171(c)(4)(D) of the WIA, and that up to 10 percent of the amount available for Transitional Jobs activities may be used for evaluation of such projects or transferred to the Department of Health and Human Services and/or the Department of Justice for support of Transitional Jobs activities; and of which $48,133,000 shall be used for the projects, and in the amounts, as specified in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided*, That funding provided to carry out such projects shall not be subject to the requirements of sections 171(b)(2)(B) and 171(c)(4)(D) of the WIA, the joint funding requirements of sections 171(b)(2)(A) and 171(c)(4)(A) of the WIA, or any time limit requirements of sections 171(b)(2)(C) and 171(c)(4)(B) of the WIA;

(B) $55,000,000 for activities that prepare workers for careers in energy efficiency and renewable energy as described in section 171(e)(1)(B) of the WIA, under the authority of section 171 of the WIA, which shall be available for the period July 1, 2011 through June 30, 2012, and which shall not be subject to the requirements of section 171(b)(2)(B) or 171(c)(4)(D);

(C) $98,000,000 for ex-offender activities, under the authority of section 171 of the WIA and section 212 of the Second Chance Act of 2007, which shall be available for the period April 1, 2011 through June 30, 2012, notwithstanding the requirements of section 171(b)(2)(B) or 171(c)(4)(D) of the WIA;

(D) $9,600,000 for Evaluation, which shall be available for the period July 1, 2011 through June 30, 2012; and

(E) $13,750,000 for the Workforce Data Quality Initiative, under the authority of section 171(c)(2) of the WIA, which shall be available for the period July 1, 2011 through June 30, 2012, and which shall not be subject to the requirements of section 171(c)(4)(D).

OFFICE OF JOB CORPS

(INCLUDING TRANSFER OF FUNDS)

To carry out subtitle C of title I of the Workforce Investment Act of 1998, including Federal administrative expenses, the purchase and hire of passenger motor vehicles, the construction, alteration and repairs of buildings and other facilities, and the purchase of real property for training centers as authorized by the Workforce Investment Act; $1,719,125,000, plus reimbursements, as follows:

(1) $1,584,015,000 for Job Corps Operations, of which $993,015,000 shall be available for obligation for the period July 1, 2011 through June 30, 2012 and of which $591,000,000 shall be available for obligation for the period October 1, 2011 through June 30, 2012;

(2) $104,250,000 for construction, rehabilitation and acquisition of Job Corps Centers, of which $4,250,000 shall be available for the period July 1, 2011 through June 30, 2014 and $100,000,000 shall be available for the period October 1, 2011 through June 30, 2014: *Provided*, That the Secretary of Labor may transfer up to 25 percent of such funds to meet the operational needs of such centers: *Provided further*, That any funds transferred pursuant to the preceding proviso shall not be available for obligation after June 30, 2012; and

(3) $30,860,000 for necessary expenses of the Office of Job Corps shall be available for obligation for the period October 1, 2010 through September 30, 2011:

*Provided*, That no funds from any other appropriation shall be used to provide meal services at or for Job Corps centers.

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

To carry out title V of the Older Americans Act of 1965 (''OAA''), $620,425,000, which shall be available for the period July 1, 2011 through June 30, 2012: *Provided*, That funds made available under this heading may, in accordance with section 517(c) of the OAA, be recaptured and reobligated.

FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

For payments during fiscal year 2011 of trade adjustment benefit payments and allowances under part I of subchapter B of chapter 2 of title II of the Trade Act of 1974, and section 246 of that Act; and for training, employment and case management services, allowances for job search and relocation, and related State administrative expenses under part II of subchapter B of chapter 2 of title II of the Trade Act of 1974, including benefit payments, allowances, training, and related State administration provided pursuant to paragraphs (1) and (2) of section 1891(b) of the Trade and Globalization Adjustment Assistance Act of 2009, $1,938,200,000, together with such amounts as may be necessary to be charged to the subsequent appropriation for payments for any period subsequent to September 15, 2011.

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

For authorized administrative expenses, $89,403,000, together with not to exceed $4,168,924,000 which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund (''the Trust Fund''), of which:

(1) $3,390,079,000 from the Trust Fund is for grants to States for the administration of State unemployment insurance laws as authorized under title III of the Social Security Act (including $65,000,000 to conduct in-person re-employment and eligibility assessments and unemployment insurance improper payment reviews), the administration of unemployment insurance for Federal employees and for ex-service members as authorized under 5 U.S.C. 8501–8523, and the administration of trade readjustment allowances, re-employment trade adjustment assistance, and alternative trade adjustment assistance under the Trade Act of 1974 and under section 1891(b) of the Trade and Globalization Adjustment Assistance Act of 2009, and shall be available for obligation by the States through December 31, 2011, except that funds used for automation acquisitions shall be available for obligation by the States through September 30, 2013, and funds used for unemployment insurance workloads experienced by the States through September 30, 2011, shall be available for Federal obligation through December 31, 2011: *Provided*, That funds awarded to States under the misclassification initiative or to conduct re-employment and eligibility assessment and improper payment reviews shall be available for obligation by the States through September 30, 2013;

(2) $11,310,000 from the Trust Fund is for national activities necessary to support the administration of the Federal-State unemployment insurance system;

(3) $680,893,000 from the Trust Fund, together with $22,683,000 from the General Fund of the Treasury, is for grants to States in accordance with section 6 of the Wagner-Peyser Act, and shall be available for Federal obligation for the period July 1, 2011 through June 30, 2012;

(4) $20,994,000 from the Trust Fund is for national activities of the Employment Service, including administration of the work opportunity tax credit under section 51 of the Internal Revenue Code of 1986, and the provision of technical assistance and staff training under the Wagner-Peyser Act, including not to exceed $1,228,000 that may be used for amortization payments to States which had independent retirement plans in their State employment service agencies prior to 1980;

(5) $65,648,000 from the Trust Fund is for the administration of foreign labor certifications and related activities under the Immigration and Nationality Act and related laws, of which $50,519,000 shall be available for the Federal administration of such activities, and $15,129,000 shall be available for grants to States for the administration of such activities; and

(6) $66,720,000 from the General Fund is to provide workforce information, national electronic tools, and one-stop system building under the Wagner-Peyser Act and section 171 (e)(2)(C) of the Workforce Investment Act of 1998 and shall be available for Federal obligation for the period July 1, 2011 through June 30, 2012:

*Provided*, That to the extent that the Average Weekly Insured Unemployment (''AWIU'') for fiscal year 2011 is projected by the Department of Labor to exceed 6,051,000, an additional $28,600,000 from the Trust Fund shall be available for obligation for every 100,000 increase in the AWIU level (including a pro rata amount for any increment less than 100,000) to carry out title III of the Social Security Act: *Provided further*, That funds appropriated in this Act that are allotted to a State to carry out activities under title III of the Social Security Act may be used by such State to assist other States in carrying out activities under such title III if the other States include areas that have suffered a major disaster declared by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act: *Provided further*, That the Secretary of Labor may use funds appropriated for grants to States under title III of the Social Security Act to make payments on behalf of States for the use of the National Directory of New Hires under section 453(j)(8) of such Act: *Provided further*, That funds appropriated in this Act which are used to establish a national one-stop career center system, or which are used to support the national activities of the Federal-State unemployment insurance or immigration programs, may be obligated in contracts, grants, or agreements with non-State entities: *Provided further*, That funds appropriated under this Act for activities authorized under title III of the Social Security Act and the Wagner-Peyser Act may be used by States to fund integrated Unemployment Insurance and Employment Service automation efforts, notwithstanding cost allocation principles prescribed under the Office of Management and Budget Circular A–87: *Provided further*, That the Secretary, at the request of a State participating in a consortium with other States, may reallot funds allotted to such State under title III of the Social Security Act to other States participating in the consortium in order to carry out activities that benefit the administration of the unemployment compensation law of the State making the request.

ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS

For repayable advances to the Unemployment Trust Fund as authorized by sections 905(d) and 1203 of the Social Security Act, and to the Black Lung Disability Trust Fund as authorized by section 9501(c)(1) of the Internal Revenue Code of 1986; and for non-repayable advances to the Unemployment Trust Fund as authorized by 5 U.S.C. 8509, and to the ''Federal Unemployment Benefits and Allowances'' account, such sums as may be necessary, which shall be available for obligation through September 30, 2012.

PROGRAM ADMINISTRATION

For expenses of administering employment and training programs, $103,451,000, together with not to exceed $55,472,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund.

EMPLOYEE BENEFITS SECURITY ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Employee Benefits Security Administration, $172,995,000.

PENSION BENEFIT GUARANTY CORPORATION

PENSION BENEFIT GUARANTY CORPORATION FUND

The Pension Benefit Guaranty Corporation (''Corporation'') is authorized to make such expenditures, including financial assistance authorized by subtitle E of title IV of the Employee Retirement Income Security Act of 1974, within limits of funds and borrowing authority available to the Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations, as provided by 31 U.S.C. 9104, as may be necessary in carrying out the program, including associated administrative expenses, through September 30, 2011, for the Corporation: *Provided*, That none of the funds available to the Corporation for fiscal year 2011 shall be available for obligations for administrative expenses in excess of $466,301,000: *Provided further*, That to the extent that the number of new plan participants in plans terminated by the Corporation exceeds 100,000 in fiscal year 2011, an amount not to exceed an additional $9,200,000 shall be available through September 30, 2012 for obligation for administrative expenses for every 20,000 additional terminated participants: *Provided further*, That an additional $50,000 shall be made available through September 30, 2012, for obligation for investment management fees for every $25,000,000 in assets received by the Corporation as a result of new plan terminations or asset growth, after approval by the Office of Management and Budget and notification of the Committees on Appropriations of the House of Representatives and the Senate: *Provided further*, That obligations in excess of the amounts provided in this paragraph may be incurred for unforeseen and extraordinary pretermination expenses after approval by the Office of Management and Budget and notification of the Committees on Appropriations of the House of Representatives and the Senate.

OFFICE OF WORKERS' COMPENSATION PROGRAMS

SALARIES AND EXPENSES

For necessary expenses for the Office of Workers' Compensation Programs, $123,765,000, together with $2,181,000 which may be expended from the Special Fund in accordance with sections 39(c), 44(d), and 44(j) of the Longshore and Harbor Workers' Compensation Act.

SPECIAL BENEFITS

(INCLUDING TRANSFER OF FUNDS)

For the payment of compensation, benefits, and expenses (except administrative expenses) accruing during the current or any prior fiscal year authorized by 5 U.S.C. 81; continuation of benefits as provided for under the heading ''Civilian War Benefits'' in the Federal Security Agency Appropriation Act, 1947; the Employees' Compensation Commission Appropriation Act, 1944; sections 4(c) and 5(f) of the War Claims Act of 1948; and 50 percent of the additional compensation and benefits required by section 10(h) of the Longshore and Harbor Workers' Compensation Act, $183,000,000, together with such amounts as may be necessary to be charged to the subsequent year appropriation for the payment of compensation and other benefits for any period subsequent to August 15 of the current year: *Provided*, That amounts appropriated may be used under 5 U.S.C. 8104, by the Secretary of Labor to reimburse an employer, who is not the employer at the time of injury, for portions of

the salary of a re-employed, disabled beneficiary: *Provided further*, That balances of reimbursements unobligated on September 30, 2010, shall remain available until expended for the payment of compensation, benefits, and expenses: *Provided further*, That in addition there shall be transferred to this appropriation from the Postal Service and from any other corporation or instrumentality required under 5 U.S.C. 8147(c) to pay an amount for its fair share of the cost of administration, such sums as the Secretary determines to be the cost of administration for employees of such fair share entities through September 30, 2011: *Provided further*, That of those funds transferred to this account from the fair share entities to pay the cost of administration of the Federal Employees' Compensation Act, $65,364,000 shall be made available to the Secretary as follows:

(1) For enhancement and maintenance of automated data processing systems and telecommunications systems, $17,318,000;

(2) For automated workload processing operations, including document imaging, centralized mail intake, and medical bill processing, $32,973,000;

(3) For periodic roll management and medical review, $15,073,000; and

(4) The remaining funds shall be paid into the Treasury as miscellaneous receipts:

*Provided further*, That the Secretary may require that any person filing a notice of injury or a claim for benefits under 5 U.S.C. 81, or the Longshore and Harbor Workers' Compensation Act, provide as part of such notice and claim, such identifying information (including Social Security account number) as such regulations may prescribe.

SPECIAL BENEFITS FOR DISABLED COAL MINERS

For carrying out title IV of the Federal Mine Safety and Health Act of 1977, as amended by Public Law 107–275, $158,220,000, to remain available until expended.

For making after July 31 of the current fiscal year, benefit payments to individuals under title IV of such Act, for costs incurred in the current fiscal year, such amounts as may be necessary.

For making benefit payments under title IV for the first quarter of fiscal year 2012, $41,000,000, to remain available until expended.

ADMINISTRATIVE EXPENSES, ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION FUND

For necessary expenses to administer the Energy Employees Occupational Illness Compensation Program Act, $53,778,000, to remain available until expended: *Provided*, That the Secretary of Labor may require that any person filing a claim for benefits under the Act provide as part of such claim, such identifying information (including Social Security account number) as may be prescribed.

BLACK LUNG DISABILITY TRUST FUND

(INCLUDING TRANSFER OF FUNDS)

In fiscal year 2011, such sums as may be necessary from the Black Lung Disability Trust Fund (''Fund''), to remain available until expended, for payment of all benefits authorized by section 9501(d)(1), (2), (6), and (7) of the Internal Revenue Code of 1986; and repayment of, and payment of interest on advances, as authorized by section 9501 (d)(4) of that Act. In addition, the following amounts may be expended from the Fund for fiscal year 2011 for expenses of operation and administration of the Black Lung Benefits program, as authorized by section 9501(d)(5): not to exceed $33,075,000 for transfer to the Office of Workers' Compensation Programs, ''Salaries and Expenses''; not to exceed $25,394,000 for transfer to Departmental Management, ''Salaries and Expenses''; not to exceed $327,000 for transfer to Departmental Management, ''Office of Inspector General''; and not to exceed $356,000 for payments into miscellaneous receipts for the expenses of the Department of the Treasury.

WAGE AND HOUR DIVISION

SALARIES AND EXPENSES

For necessary expenses for the Wage and Hour Division, including reimbursement to State, Federal, and local agencies and their employees for inspection services rendered, $242,640,000.

OFFICE OF FEDERAL CONTRACT COMPLIANCE PROGRAMS

SALARIES AND EXPENSES

For necessary expenses for the Office of Federal Contract Compliance Programs, $110,333,000.

OFFICE OF LABOR MANAGEMENT STANDARDS

SALARIES AND EXPENSES

For necessary expenses for the Office of Labor Management Standards, $45,181,000.

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Occupational Safety and Health Administration, $577,096,000, including not to exceed $105,893,000 which shall be the maximum amount available for grants to States under section 23(g) of the Occupational Safety and Health Act (''Act''), which grants shall be no less than 50 percent of the costs of State occupational safety and health programs required to be incurred under plans approved by the Secretary of Labor under section 18 of the Act; and, in addition, notwithstanding 31 U.S.C. 3302, the Occupational Safety and Health Administration may retain up to $200,000 per fiscal year of training institute course tuition fees, otherwise authorized by law to be collected, and may utilize such sums for occupational safety and health training and education: *Provided*, That notwithstanding 31 U.S.C. 3302, the Secretary is authorized, during the fiscal year ending September 30, 2011, to collect and retain fees for services provided to Nationally Recognized Testing Laboratories, and may utilize such sums, in accordance with the provisions of 29 U.S.C. 9a, to administer national and international laboratory recognition programs that ensure the safety of equipment and products used by workers in the workplace: *Provided further*, That none of the funds appropriated under this paragraph shall be obligated or expended to prescribe, issue, administer, or enforce any standard, rule, regulation, or order under the Act which is applicable to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees: *Provided further*, That no funds appropriated under this paragraph shall be obligated or expended to administer or enforce any standard, rule, regulation, or order under the Act with respect to any employer of 10 or fewer employees who is included within a category having a Days Away, Restricted, or Transferred (DART) occupational injury and illness rate, at the most precise industrial classification code for which such data are published, less than the national average rate as such rates are most recently published by the Secretary, acting through the Bureau of Labor Statistics, in accordance with section 24 of the Act, except—

(1) to provide, as authorized by the Act, consultation, technical assistance, educational and training services, and to conduct surveys and studies;

(2) to conduct an inspection or investigation in response to an employee complaint, to issue a citation for violations found during such inspection, and to assess a penalty for violations which are not corrected within a reasonable abatement period and for any willful violations found;

(3) to take any action authorized by the Act with respect to imminent dangers;

(4) to take any action authorized by the Act with respect to health hazards;

(5) to take any action authorized by the Act with respect to a report of an employment accident which is fatal to one or more employees or which results in hospitalization of two or more employees, and to take any action pursuant to such investigation authorized by the Act; and

(6) to take any action authorized by the Act with respect to complaints of discrimination against employees for exercising rights under the Act:

*Provided further*, That the foregoing proviso shall not apply to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees: *Provided further*, That $11,000,000 shall be available for Susan Harwood training grants.

MINE SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Mine Safety and Health Administration, $373,138,000, including purchase and bestowal of certificates and trophies in connection with mine rescue and first-aid work, and the hire of passenger motor vehicles, including up to $2,000,000 for mine rescue and recovery activities, and $1,500,000 to continue the project with the United Mine Workers of America, for classroom and simulated rescue training for mine rescue teams; in addition, not to exceed $750,000 may be collected by the National Mine Health and Safety Academy for room, board, tuition, and the sale of training materials, otherwise authorized by law to be collected, to be available for mine safety and health education and training activities, notwithstanding 31 U.S.C. 3302; and, in addition, the Mine Safety and Health Administration may retain up to $1,350,000 from fees collected for the approval and certification of equipment, materials, and explosives for use in mines, and may utilize such sums for such activities; the Secretary of Labor is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, or private; the Mine Safety and Health Administration is authorized to promote health and safety education and training in the mining community through cooperative programs with States, industry, and safety associations; the Secretary is authorized to recognize the Joseph A. Holmes Safety Association as a principal safety association and, notwithstanding any other provision of law, may provide funds and, with or without reimbursement, personnel, including service of Mine Safety and Health Administration officials as officers in local chapters or in the national organization; and any funds available to the Department of Labor may be used, with the approval of the Secretary, to provide for the costs of mine rescue and survival operations in the event of a major disaster.

BUREAU OF LABOR STATISTICS

SALARIES AND EXPENSES

For necessary expenses for the Bureau of Labor Statistics, including advances or reimbursements to State, Federal, and local agencies and their employees for services rendered, $565,050,000, together with not to exceed $67,438,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund, of which $1,500,000 may be used to fund

the mass layoff statistics program under section 15 of the Wagner-Peyser Act: *Provided*, That the Current Employment Survey shall maintain the content of the survey issued prior to June 2005 with respect to the collection of data for the women worker series.

OFFICE OF DISABILITY EMPLOYMENT POLICY

SALARIES AND EXPENSES

For necessary expenses for the Office of Disability Employment Policy to provide leadership, develop policy and initiatives, and award grants furthering the objective of eliminating barriers to the training and employment of people with disabilities, $42,138,000.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for Departmental Management, including the hire of three sedans, $416,297,000, together with not to exceed $327,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund: *Provided*, That the Secretary of Labor may transfer up to $4,300,000 of the funds available under this heading for legal services to ''Mine Safety and Health Administration—Salaries and Expenses'' for activities related to the Department of Labor's caseload before the Federal Mine Safety and Health Review Commission, which may include case management of civil penalties, assignment of Pattern of Violations (''POV'') status, and enhanced enforcement under the POV process: *Provided further*, That $87,000,000 for the Bureau of International Labor Affairs shall be available for obligation through December 31, 2011: *Provided further*, That funds available to the Bureau of International Labor Affairs may be used to administer or operate international labor activities, bilateral and multilateral technical assistance, and microfinance programs, by or through contracts, grants, subgrants and other arrangements: *Provided further*, That $40,000,000 shall be for the United States' contribution to the International Labour Organization's International Program on the Elimination of Child Labor: *Provided further*, That $26,500,000 shall be used to implement model programs that address worker rights issues through technical assistance or other programs in countries with which the United States has free trade agreements or trade preference programs: *Provided further*, That funds available for the acquisition of Departmental information technology, architecture, infrastructure, equipment, software and related needs, may be allocated to agencies of the Department by the Department's Chief Information Officer: *Provided further*, That $27,000,000 shall be used for program evaluation, of which $17,000,000 shall be available for obligation through September 30, 2012: *Provided further*, That funds available for program evaluation may be transferred to any other appropriate account in the Department for such purpose: *Provided further*, That the Women's Bureau shall have grant authority.

VETERANS EMPLOYMENT AND TRAINING

Not to exceed $211,523,000 may be derived from the Employment Security Administration Account in the Unemployment Trust Fund to carry out the provisions of 38 U.S.C. 4100–4113, 4211–4215, and 4321–4327, and Public Law 103–353, and which shall be available for obligation by the States through December 31, 2011, of which $2,449,000 is for the National Veterans' Employment and Training Services Institute.

In addition, to carry out Department of Labor programs under section 5(a)(1) of the Homeless Veterans Comprehensive Assistance Act of 2001 and the Veterans Workforce Investment Programs under section 168 of the Workforce Investment Act, $50,971,000, of which $9,641,000 shall be available for obligation for the period July 1, 2011 through June 30, 2012.

OFFICE OF INSPECTOR GENERAL

For salaries and expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, $79,090,000, together with not to exceed $5,992,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund.

WORKING CAPITAL FUND

(INCLUDING TRANSFER OF FUNDS)

For the Department of Labor's acquisition workforce capacity and capabilities, $4,537,000: *Provided*, That such funds may be transferred by the Secretary of Labor for that purpose to any other account in the Department (in addition to any other transfer authority provided in this Act): *Provided further*, That funds available under this heading shall be used only to supplement and not to supplant existing acquisition workforce activities and may be used for training, recruitment, retention, and hiring additional members of the acquisition workforce (as defined by the Office of Federal Procurement Policy Act), for information technology in support of acquisition workforce effectiveness, or for activities to improve acquisition management.

GENERAL PROVISIONS

SEC. 101. None of the funds appropriated in this Act for the Job Corps shall be used to pay the salary of an individual, either as direct costs or any proration as an indirect cost, at a rate in excess of Executive Level I.

(TRANSFER OF FUNDS)

SEC. 102. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985) which are appropriated for the current fiscal year for the Department of Labor in this Act may be transferred between a program, project, or activity, but no such program, project, or activity shall be increased by more than 3 percent by any such transfer: *Provided*, That the transfer authority granted by this section shall be available only to meet emergency needs and shall not be used to create any new program or to fund any project or activity for which no funds are provided in this Act: *Provided further*, That the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of any transfer, with such notification to include an explanation of the effects of the proposed transfer by program, project, and activity.

SEC. 103. In accordance with Executive Order No. 13126, none of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended for the procurement of goods mined, produced, manufactured, or harvested or services rendered, whole or in part, by forced or indentured child labor in industries and host countries already identified by the United States Department of Labor prior to enactment of this Act.

SEC. 104. None of the funds made available to the Department of Labor for grants under section 414(c) of the American Competitiveness and Workforce Improvement Act of 1998 may be used for any purpose other than training in the occupations and industries for which employers are using H–1B visas to hire foreign workers, and the related activities necessary to support such training.

SEC. 105. None of the funds available to the Secretary of Labor for grants authorized under section 414(c) of the American Competitiveness and Workforce Improvement Act of 1998 shall be obligated for a grant awarded on a non-competitive basis.

SEC. 106. None of the funds appropriated in this Act under the heading ''Employment and Training Administration'' shall be used by a recipient or subrecipient of such funds to pay the salary and bonuses of an individual, either as direct costs or indirect costs, at a rate in excess of Executive Level II. This limitation shall not apply to vendors providing goods and services as defined in Office of Management and Budget Circular A–133. Where States are recipients of such funds, States may establish a lower limit for salaries and bonuses of those receiving salaries and bonuses from subrecipients of such funds, taking into account factors including the relative cost-of-living in the State, the compensation levels for comparable State or local government employees, and the size of the organizations that administer Federal programs involved including Employment and Training Administration programs. Notwithstanding this section, the limitation on salaries for the Job Corps shall continue to be governed by Section 101 of this Act.

SEC. 107. The Secretary of Labor shall take no action to amend, through regulatory or administration action, the definition established in section 667.220 of title 20 of the Code of Federal Regulations for functions and activities under title I of the Workforce Investment Act of 1998, or to modify, through regulatory or administrative action, the procedure for redesignation of local areas as specified in subtitle B of title I of that Act (including applying the standards specified in section 116(a)(3)(B) of that Act, but notwithstanding the time limits specified in section 116(a)(3)(B) of that Act), until such time as legislation reauthorizing the Act is enacted. Nothing in the preceding sentence shall permit or require the Secretary to withdraw approval for such redesignation from a State that received the approval not later than October 12, 2005, or to revise action taken or modify the redesignation procedure being used by the Secretary in order to complete such redesignation for a State that initiated the process of such redesignation by submitting any request for such redesignation not later than October 26, 2005.

(INCLUDING RESCISSION OF FUNDS)

SEC. 108. (a) Of the unobligated balances available in ''Department of Labor—Working Capital Fund'', $3,900,000 are permanently rescinded, to be derived solely from amounts available for the Investment in Reinvention Fund (other than amounts that were designated by the Congress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985).

(b) Public Law 85–67 is amended by striking the third proviso under the heading ''Working Capital Fund'' (as added by Public Law 104–134 and relating to establishment of an Investment in Reinvestment Fund).

(INCLUDING TRANSFER OF FUNDS)

SEC. 109. Funds available to the Employment and Training Administration, either directly or through a set-aside, for technical assistance services to grantees may be transferred to ''Program Administration'' when it is determined that those services will be more efficiently performed by Federal staff.

This title may be cited as the ''Department of Labor Appropriations Act, 2011''.

TITLE II

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH RESOURCES AND SERVICES

(INCLUDING TRANSFER OF FUNDS)

For carrying out titles II, III, IV, VII, VIII, X, XI, XII, XIX, XX, XXVI, and XXVIII of the Public Health Service Act (''PHS Act''), section 427(a) of the Federal Coal Mine Health and Safety Act, title V and sections 711, 1128E, 1820, and 1886 of the Social Security Act, the Health Care Quality Improvement Act of 1986, the Native Hawaiian Health Care Act of 1988, the Cardiac Arrest Survival Act of 2000, section 712 of the American Jobs Creation Act of 2004, the Stem Cell Therapeutic and Research Act of 2005, the Medicare Prescription Drug Improvement and Modernization Act of 2003, and the Patient Protection and Affordable Care Act, $7,715,892,000, of which $41,200,000 from general revenues, notwithstanding section 1820(j) of the Social Security Act, shall be available for carrying out the Medicare rural hospital flexibility grants program under such section: *Provided*, That sections 340G–1(d)(1) and (d)(2), 747(c)(2), 751(j)(2), and the proportional funding amounts in paragraphs (1) through (4) of section 756(e) of the PHS Act shall not apply to funds made available in this paragraph: *Provided further*, That of the funds made available under this heading for Medicare rural hospital flexibility grants, $1,000,000 shall be to carry out section 1820(g)(6) of the Social Security Act, with funds provided for such grants available for the purchase and implementation of telehealth services, including pilots and demonstrations on the use of electronic health records to coordinate rural veterans care between rural providers and the Department of Veterans Affairs through the use of the VISTA-Electronic Health Record: *Provided further*, That of the funds made available under this heading, $129,000 shall be available until expended for facilities renovations at the Gillis W. Long Hansen's Disease Center: *Provided further*, That in addition to fees authorized by section 427(b) of the Health Care Quality Improvement Act of 1986, fees shall be collected for the full disclosure of information under the Act sufficient to recover the full costs of operating the National Practitioner Data Bank, and shall remain available until expended to carry out that Act: *Provided further*, That fees collected for the full disclosure of information under the ''Health Care Fraud and Abuse Data Collection Program'', authorized by section 1128E(d)(2) of the Social Security Act, shall be sufficient to recover the full costs of operating the program, and shall remain available until expended to carry out that Act: *Provided further*, That no more than $40,000 shall be available until expended for carrying out the provisions of section 224(o) of the PHS Act including associated administrative expenses and relevant evaluations: *Provided further*, That no more than $100,000,000 shall be available until expended for carrying out the provisions of Public Law 104–73 and for expenses incurred by the Department of Health and Human Services (''HHS'') pertaining to administrative claims made under such law: *Provided further*, That of the funds made available under this heading, $327,356,000 shall be for the program under title X of the PHS Act to provide for voluntary family planning projects: *Provided further*, That amounts provided to said projects under such title shall not be expended for abortions, that all pregnancy counseling shall be nondirective, and that such amounts shall not be expended for any activity (including the publication or distribution of literature) that in any way tends to promote public support or opposition to any legislative proposal or candidate for public office: *Provided further*, That of the funds available under this heading, $2,010,365,000 shall remain available to the Secretary of HHS through September 30, 2013, for parts A and B of title XXVI of the PHS Act, of which $900,000,000 shall be for State AIDS Drug Assistance Programs under the authority of section 2616 or 311(c) of the PHS Act: *Provided further*, That within the amounts provided for part A of title XXVI of the PHS Act, $4,919,000 shall be available to the Secretary through September 30, 2013, and shall be available to qualifying jurisdictions, within 30 days of enactment, for increasing supplemental grants for fiscal year 2011 to metropolitan and transitional areas that received grant funding in fiscal year 2010 under subparts I and II of part A of title XXVI of the PHS Act to ensure that an area's total funding under subparts I and II of part A for fiscal year 2010, together with the amount of this additional funding, is not less than 90.7 percent of the amount of such area's total funding under part A for fiscal year 2006: *Provided further*, That notwithstanding section 2603(c)(1) of the PHS Act, the additional funding to areas under the immediately preceding proviso, which may be used for costs incurred during fiscal year 2010, shall be available to the area for obligation from the date of the award through the end of the grant year for the award: *Provided further*, That in addition to amounts provided herein, $25,000,000 shall be available from amounts available under section 241 of the PHS Act to carry out parts A, B, C, and D of title XXVI of the PHS Act to fund section 2691 Special Projects of National Significance: *Provided further*, That notwithstanding sections 502(a)(1) and 502(b)(1) of the Social Security Act, not to exceed $93,999,263 shall be available for carrying out special projects of regional and national significance pursuant to section 501(a)(2) of such Act and $11,810,915 shall be available for projects described in paragraphs (A) through (F) of section 501(a)(3) of such Act: *Provided further*, That of the funds provided, $34,927,000 shall be provided for the Delta Health Initiative as authorized in section 219 of division G of Public Law 110–161 and associated administrative expenses: *Provided further*, That, for any program operating under section 751 of the PHS Act on or before January 1, 2009, the Secretary of HHS may waive any of the requirements contained in sections 751(d)(2)(A) and 751(d)(2)(B) of such Act: *Provided further*, That funds provided under section 846 and subpart 3 of part D of title III of the PHS Act may be used to make prior-year adjustments to awards made under these sections: *Provided further*, That of the amount appropriated in this paragraph, $257,375,000 shall be used for the projects financing the construction and renovation (including equipment) of healthcare and other facilities and for other health-related activities, and in the amounts, specified in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act), and of which up to 1 percent of the amount for each project may be used for related agency administrative expenses: *Provided further*, That notwithstanding section 338J(k) of the PHS Act, $10,075,000 shall be available for State Offices of Rural Health: *Provided further*, That of the funds provided, $15,000,000 shall be available for the Small Rural Hospital Improvement Grant Program: *Provided further*, That notwithstanding section 399BB(g) of the PHS Act, funds made available under this heading for section 399BB of the PHS Act are for carrying out the program as authorized under section 399BB(a)–(f) of such Act unless otherwise authorized subsequent to enactment of this Act: *Provided further*, That $65,000,000 shall be available for State Health Access Grants to expand access to affordable health care coverage for the uninsured populations in such States: *Provided further*, That of the funds provided under this paragraph, $90,000,000 shall be for grants to assist in the development of medical schools, including the construction and acquisition of property and facilities, in designated health professional shortage areas: *Provided further*, That funds made available in this paragraph may be used to continue operating the Council on Graduate Medical Education notwithstanding section 762(k) of the PHS Act.

For an additional amount to carry out the activities listed, and in the amounts specified, under the heading ''Prevention and Public Health Fund'' in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act), $20,000,000, to be derived by transfer from funds appropriated under section 4002 of the Patient Protection and Affordable Care Act: *Provided*, That such funds shall not be available for further transfer under authority granted in this or any other Act: *Provided further*, That the amounts shall be transferred within 45 days of enactment of this Act.

VACCINE INJURY COMPENSATION PROGRAM TRUST FUND

For payments from the Vaccine Injury Compensation Program Trust Fund (''Trust Fund''), such sums as may be necessary for claims associated with vaccine-related injury or death with respect to vaccines administered after September 30, 1988, pursuant to subtitle 2 of title XXI of the Public Health Service Act, to remain available until expended: *Provided*, That for necessary administrative expenses, not to exceed $6,502,000 shall be available from the Trust Fund to the Secretary of Health and Human Services.

CENTERS FOR DISEASE CONTROL AND PREVENTION

DISEASE CONTROL, RESEARCH, AND TRAINING

(INCLUDING TRANSFER OF FUNDS)

To carry out titles II, III, VII, XI, XV, XVII, XIX, XXI, and XXVI of the Public Health Service Act (''PHS Act''), sections 101, 102, 103, 201, 202, 203, 301, 501, and 514 of the Federal Mine Safety and Health Act of 1977, section 13 of the Mine Improvement and New Emergency Response Act of 2006, sections 20, 21, and 22 of the Occupational Safety and Health Act of 1970, titles II and IV of the Immigration and Nationality Act, section 501 of the Refugee Education Assistance Act of 1980, sections 4001, 4004, 4201, and 4301 of the Patient Protection and Affordable Care Act (''PPACA''), section 103(a)(4)(H) of the Afghanistan Freedom Support Act of 2002, and for expenses necessary to support activities related to countering potential biological, nuclear, radiological, and chemical threats to civilian populations; including purchase and insurance of official motor vehicles in foreign countries; and purchase, hire, maintenance, and operation of aircraft, $6,288,507,000, of which $12,000,000 shall remain available until expended for acquisition of real property, equipment, construction, and renovation of facilities, including necessary repairs and improvements to laboratories leased or operated by the Centers for Disease Control and Prevention; of which $523,305,000 shall remain available until expended for the Strategic National Stockpile under section 319F–2 of the PHS Act; of which $25,000,000 shall remain available through September 30, 2012 for chronic disease grants; of which $12,155,000 shall be used for the projects, and in the amounts, specified in the explanatory statement described

in section 4 (in the matter preceding division A of this consolidated Act); of which $118,023,000 for international HIV/AIDS shall remain available through September 30, 2012; of which $150,137,000 shall be available until expended to provide screening and treatment for first response emergency services personnel, residents, students, and others related to the September 11, 2001 terrorist attacks on the World Trade Center; and of which $5,540,000 shall remain available until expended for research on underground mine refuge chambers and alternatives: *Provided,* That paragraphs (1) through (3) of section 2821(b) of the PHS Act shall not apply to funds made available under this heading: *Provided further,* That in addition, such sums as may be derived from authorized user fees shall be credited to this account: *Provided further*, That with respect to the previous proviso, authorized user fees from the Vessel Sanitation Program shall be available through September 30, 2012: *Provided further*, That in addition to amounts provided herein, the following amounts shall be available from amounts available under section 241 of the PHS Act: (1) $12,864,000 to carry out the National Immunization Surveys; (2) $161,883,000 to carry out the National Center for Health Statistics surveys; (3) $61,916,000 for Scientific and Support Services; (4) $31,170,000 to carry out Public Health Research; and (5) $91,724,000 to carry out research activities within the National Occupational Research Agenda: *Provided further,* That none of the funds made available for injury prevention and control at the Centers for Disease Control and Prevention may be used, in whole or in part, to advocate or promote gun control: *Provided further*, That of the funds made available under this paragraph, up to $1,000 per eligible employee of the Centers for Disease Control and Prevention shall be made available until expended for Individual Learning Accounts: *Provided further*, That the Director may redirect the total amount made available under authority of Public Law 101–502, section 3, dated November 3, 1990, to activities the Director may so designate: *Provided further*, That the Committees on Appropriations of the House of Representatives and the Senate are to be notified promptly of any such redirection: *Provided further,* That not to exceed $22,787,000 may be available for making grants under section 1509 of the PHS Act to not less than 22 States, tribes, or tribal organizations: *Provided further*, That notwithstanding any other provision of law, the Centers for Disease Control and Prevention shall award a single contract or related contracts for development and construction that collectively include the full scope of the project: *Provided further*, That the solicitation and contract shall contain the clause ''availability of funds'' found at 48 CFR 52.232–18: *Provided further*, That of the funds appropriated, $10,000 shall be for official reception and representation expenses when specifically approved by the Director of the Centers for Disease Control and Prevention: *Provided further*, That employees of the Centers for Disease Control and Prevention or the Public Health Service, both civilian and Commissioned Officers, detailed to States, municipalities, or other organizations under authority of section 214 of the PHS Act, or in overseas assignments, shall be treated as non-Federal employees for reporting purposes only and shall not be included within any personnel ceiling applicable to the Agency, Service, or the Department of Health and Human Services during the period of detail or assignment: *Provided further,* That, notwithstanding section 516 of this Act, no activity funded under this heading or funded through transfers to ''Disease Control, Research, and Training'' that has a funding amount specifically identified in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act) may be eliminated, increased by more than 3 percent or reduced by more than 1 percent through any administrative action.

In addition, for necessary expenses to administer the Energy Employees Occupational Illness Compensation Program Act, $55,358,000, to remain available until expended, of which no less than $4,500,000 shall be for use by or in support of the Advisory Board on Radiation and Worker Health (''the Board'') to carry out its statutory responsibilities, including obtaining audits, technical assistance, and other support from the Board's audit contractor with regard to radiation dose estimation and reconstruction efforts, site profiles, procedures, and review of Special Exposure Cohort petitions and evaluation reports: *Provided*, That this amount shall be available consistent with the provision regarding administrative expenses in section 151(b) of division B, title I of Public Law 106–554.

For an additional amount to carry out the activities listed, and in the amounts specified, under the heading ''Prevention and Public Health Fund'' in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act), $630,000,000, to be derived by transfer from funds appropriated under section 4002 of the Patient Protection and Affordable Care Act: *Provided*, That such funds shall not be available for further transfer under authority granted in this or any other Act: *Provided further*, That the amounts shall be transferred within 45 days of enactment of this Act.

NATIONAL INSTITUTES OF HEALTH

NATIONAL CANCER INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to cancer, $5,221,908,000, of which up to $8,000,000 may be used for facilities repairs and improvements at the National Cancer Institute-Frederick Federally Funded Research and Development Center in Frederick, Maryland.

NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to cardiovascular, lung, and blood diseases, and blood and blood products, $3,168,353,000.

NATIONAL INSTITUTE OF DENTAL AND CRANIOFACIAL RESEARCH

For carrying out section 301 and title IV of the Public Health Service Act with respect to dental disease, $422,577,000.

NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND KIDNEY DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to diabetes and digestive and kidney disease, $1,849,285,000.

NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS AND STROKE

For carrying out section 301 and title IV of the Public Health Service Act with respect to neurological disorders and stroke, $1,673,342,000.

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

(INCLUDING TRANSFER OF FUNDS)

For carrying out section 301 and title IV of the Public Health Service Act with respect to allergy and infectious diseases, $4,929,920,000: *Provided*, That $300,000,000 may be made available to International Assistance Programs ''Global Fund to Fight HIV/AIDS, Malaria, and Tuberculosis'', to remain available until expended.

NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

For carrying out section 301 and title IV of the Public Health Service Act with respect to general medical sciences, $2,123,944,000.

EUNICE KENNEDY SHRIVER NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

For carrying out section 301 and title IV of the Public Health Service Act with respect to child health and human development, $1,359,515,000.

NATIONAL EYE INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to eye diseases and visual disorders, $723,020,000.

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For carrying out section 301 and title IV of the Public Health Service Act with respect to environmental health sciences, $705,733,000.

NATIONAL INSTITUTE ON AGING

For carrying out section 301 and title IV of the Public Health Service Act with respect to aging, $1,136,097,000.

NATIONAL INSTITUTE OF ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to arthritis and musculoskeletal and skin diseases, $553,186,000.

NATIONAL INSTITUTE ON DEAFNESS AND OTHER COMMUNICATION DISORDERS

For carrying out section 301 and title IV of the Public Health Service Act with respect to deafness and other communication disorders, $428,826,000.

NATIONAL INSTITUTE OF NURSING RESEARCH

For carrying out section 301 and title IV of the Public Health Service Act with respect to nursing research, $149,339,000.

NATIONAL INSTITUTE ON ALCOHOL ABUSE AND ALCOHOLISM

For carrying out section 301 and title IV of the Public Health Service Act with respect to alcohol abuse and alcoholism, $472,795,000.

NATIONAL INSTITUTE ON DRUG ABUSE

For carrying out section 301 and title IV of the Public Health Service Act with respect to drug abuse, $1,084,288,000.

NATIONAL INSTITUTE OF MENTAL HEALTH

For carrying out section 301 and title IV of the Public Health Service Act with respect to mental health, $1,524,787,000.

NATIONAL HUMAN GENOME RESEARCH INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to human genome research, $527,485,000.

NATIONAL INSTITUTE OF BIOMEDICAL IMAGING AND BIOENGINEERING

For carrying out section 301 and title IV of the Public Health Service Act with respect to biomedical imaging and bioengineering research, $324,149,000.

NATIONAL CENTER FOR RESEARCH RESOURCES

For carrying out section 301 and title IV of the Public Health Service Act with respect to research resources and general research support grants, $1,306,868,000.

NATIONAL CENTER FOR COMPLEMENTARY AND ALTERNATIVE MEDICINE

For carrying out section 301 and title IV of the Public Health Service Act with respect to complementary and alternative medicine, $131,693,000.

NATIONAL INSTITUTE ON MINORITY HEALTH AND HEALTH DISPARITIES

For carrying out section 301 and title IV of the Public Health Service Act with respect

to minority health and health disparities research, $217,430,000.

JOHN E. FOGARTY INTERNATIONAL CENTER

For carrying out the activities of the John E. Fogarty International Center (described in subpart 2 of part E of title IV of the Public Health Service Act), $71,967,000.

NATIONAL LIBRARY OF MEDICINE

For carrying out section 301 and title IV of the Public Health Service Act (''PHS Act'') with respect to health information communications, $361,826,000, of which $4,000,000 shall be available until expended for improvement of information systems: *Provided*, That in fiscal year 2011, the National Library of Medicine may enter into personal services contracts for the provision of services in facilities owned, operated, or constructed under the jurisdiction of the National Institutes of Health: *Provided further*, That in addition to amounts provided herein, $8,200,000 shall be available from amounts available under section 241 of the PHS Act to carry out the purposes of the National Information Center on Health Services Research and Health Care Technology established under section 478A of the PHS Act and related health services.

OFFICE OF THE DIRECTOR

(INCLUDING TRANSFER OF FUNDS)

For carrying out the responsibilities of the Office of the Director, National Institutes of Health (''NIH''), $1,252,514,000, of which up to $25,000,000 shall be used to carry out section 213 of this Act: *Provided*, That funding shall be available for the purchase of not to exceed 29 passenger motor vehicles for replacement only: *Provided further*, That the NIH is authorized to collect third party payments for the cost of clinical services that are incurred in NIH research facilities and that such payments shall be credited to the NIH Management Fund: *Provided further*, That all funds credited to such Fund shall remain available for one fiscal year after the fiscal year in which they are deposited: *Provided further*, That up to $194,400,000 shall be available for continuation of the National Children's Study: *Provided further*, That $557,224,000 shall be available for the Common Fund established under section 402A(c)(1) of the Public Health Service Act (''PHS Act''): *Provided further*, That of the funds provided $10,000 shall be for official reception and representation expenses when specifically approved by the Director of the NIH: *Provided further*, That the Office of AIDS Research within the Office of the Director of the NIH may spend up to $8,000,000 to make grants for construction or renovation of facilities as provided for in section 2354(a)(5)(B) of the PHS Act: *Provided further*, That $50,000,000 shall be available to implement section 402C of the PHS Act, relating to the Cures Acceleration Network: *Provided further*, That if the entirety of the $50,000,000 cannot be obligated for the Cures Acceleration Network in fiscal year 2011, the Director is authorized to transfer the remaining funds to the Institutes and Centers, in proportion to, and for the same purposes as, the appropriations otherwise made to such Institutes and Centers in this Act, in order to obligate the full amount available prior to October 1, 2011.

BUILDINGS AND FACILITIES

For the study of, construction of, renovation of, and acquisition of equipment for, facilities of or used by the National Institutes of Health, including the acquisition of real property, $36,390,000, to remain available until expended.

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

(INCLUDING TRANSFER OF FUNDS)

For carrying out titles III, V, and XIX of the Public Health Service Act (''PHS Act'') with respect to substance abuse and mental health services and the Protection and Advocacy for Individuals with Mental Illness Act, $3,461,456,000, of which $10,118,000 shall be used for the projects, and in the amounts, specified in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided*, That notwithstanding section 520A(f)(2) of the PHS Act, no funds appropriated for carrying out section 520A are available for carrying out section 1971 of the PHS Act: *Provided further*, That in addition to amounts provided herein, the following amounts shall be available under section 241 of the PHS Act: (1) $79,200,000 to carry out subpart II of part B of title XIX of the PHS Act to fund section 1935(b) technical assistance, national data, data collection and evaluation activities, and further that the total available under this Act for section 1935(b) activities shall not exceed 5 percent of the amounts appropriated for subpart II of part B of title XIX; (2) $21,039,000 to carry out subpart I of part B of title XIX of the PHS Act to fund section 1920(b) technical assistance, national data, data collection and evaluation activities, and further that the total available under this Act for section 1920(b) activities shall not exceed 5 percent of the amounts appropriated for subpart I of part B of title XIX; (3) $23,399,000 to carry out national surveys on drug abuse and mental health; and (4) $8,596,000 to collect and analyze data and evaluate substance abuse treatment programs: *Provided further*, That section 520E(b)(2) of the PHS Act shall not apply to funds appropriated under this Act for fiscal year 2011.

For an additional amount to carry out the activities listed, and in the amounts specified, under the heading ''Prevention and Public Health Fund'' in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act), $88,000,000, to be derived by transfer from funds appropriated under section 4002 of the Patient Protection and Affordable Care Act: *Provided*, That such funds shall not be available for further transfer under authority granted in this or any other Act: *Provided further*, That the amounts shall be transferred within 45 days of enactment of this Act.

AGENCY FOR HEALTHCARE RESEARCH AND QUALITY

HEALTHCARE RESEARCH AND QUALITY

(INCLUDING TRANSFER OF FUNDS)

For carrying out titles III and IX of the Public Health Service Act (''PHS Act''), part A of title XI of the Social Security Act, and section 1013 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, amounts received from Freedom of Information Act fees, reimbursable and interagency agreements, and the sale of data shall be credited to this appropriation and shall remain available until expended: *Provided*, That the amount made available pursuant to section 947(c) of the PHS Act shall not exceed $403,700,000.

For an additional amount to carry out the activities listed, and in the amounts specified, under the heading ''Prevention and Public Health Fund'' in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act), $12,000,000, to be derived by transfer from funds appropriated under section 4002 of the Patient Protection and Affordable Care Act: *Provided*, That such funds shall not be available for further transfer under authority granted in this or any other Act: *Provided further*, That the amounts shall be transferred within 45 days of enactment of this Act.

CENTERS FOR MEDICARE AND MEDICAID SERVICES

GRANTS TO STATES FOR MEDICAID

For carrying out, except as otherwise provided, titles XI and XIX of the Social Security Act, $173,143,799,000, to remain available until expended.

For making, after May 31, 2011, payments to States or in the case of section 1928 on behalf of States under title XIX of the Social Security Act for the last quarter of fiscal year 2011 for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

For making payments to States or in the case of section 1928 on behalf of States under title XIX of the Social Security Act for the first quarter of fiscal year 2012, $86,445,289,000, to remain available until expended.

Payment under title XIX may be made for any quarter with respect to a State plan or plan amendment in effect during such quarter, if submitted in or prior to such quarter and approved in that or any subsequent quarter.

PAYMENTS TO HEALTHCARE TRUST FUNDS

For payment to the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund, as provided under sections 217(g), 1844, and 1860D–16 of the Social Security Act, sections 103(c) and 111(d) of the Social Security Amendments of 1965, section 278(d) of Public Law 97–248, and for administrative expenses incurred pursuant to section 201(g) of the Social Security Act, $229,624,000,000.

In addition, for making matching payments under section 1844, and benefit payments under section 1860D–16 of the Social Security Act, not anticipated in budget estimates, such sums as may be necessary.

PROGRAM MANAGEMENT

For carrying out, except as otherwise provided, titles XI, XVIII, XIX, and XXI of the Social Security Act, titles XIII and XXVII of the Public Health Service Act (''PHS Act''), the Clinical Laboratory Improvement Amendments of 1988, the Patient Protection and Affordable Care Act, and the Health Care and Education Reconciliation Act of 2010, not to exceed $3,646,147,000, to be transferred from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund, as authorized by section 201(g) of the Social Security Act; together with all funds collected in accordance with section 353 of the PHS Act and section 1857(e)(2) of the Social Security Act, funds retained by the Secretary of Health and Human Services pursuant to section 302 of the Tax Relief and Health Care Act of 2006; and such sums as may be collected from authorized user fees and the sale of data, which shall be credited to this account and remain available until expended: *Provided*, That all funds derived in accordance with 31 U.S.C. 9701 from organizations established under title XIII of the PHS Act shall be credited to and available for carrying out the purposes of this appropriation: *Provided further*, That $37,687,000, to remain available through September 30, 2012, shall be for contract costs for the Healthcare Integrated General Ledger Accounting System: *Provided further*, That $9,120,000, to remain available through September 30, 2012, shall be for the Centers for Medicare and Medicaid Services (''CMS'') Medicare contracting reform activities: *Provided further*, That $50,000,000 shall be available for the State high risk health insurance

pool program as authorized by the State High Risk Pool Funding Extension Act of 2006: *Provided further,* That the Secretary is directed to collect fees in fiscal year 2011 from Medicare Advantage organizations pursuant to section 1857(e)(2) of the Social Security Act and from eligible organizations with risk-sharing contracts under section 1876 of that Act pursuant to section 1876(k)(4)(D) of that Act: *Provided further,* That $4,415,000 shall be used for the projects, and in the amounts, specified under the heading ''Program Management'' in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

HEALTH CARE FRAUD AND ABUSE CONTROL ACCOUNT

In addition to amounts otherwise available for program integrity and program management, $471,000,000, to remain available through September 30, 2012, to be transferred from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund, as authorized by section 201(g) of the Social Security Act, of which $280,640,000 shall be for the Medicare Integrity Program at the Centers for Medicare and Medicaid Services, including administrative costs, to conduct oversight activities for Medicare Advantage and the Medicare Prescription Drug Program authorized in title XVIII of the Social Security Act and for activities listed in section 1893 of such Act; of which $79,657,000 shall be for the Department of Health and Human Services Office of Inspector General to carry out fraud and abuse activities authorized by section 1817(k)(3) of such Act; of which $35,100,000 shall be for the Medicaid and Children's Health Insurance Program (''CHIP'') program integrity activities; and of which $75,603,000 shall be for the Department of Justice to carry out fraud and abuse activities authorized by section 1817(k)(3) of such Act: *Provided*, That the report required by section 1817(k)(5) of the Social Security Act for fiscal year 2011 shall include measures of the operational efficiency and impact on fraud, waste, and abuse in the Medicare, Medicaid, and CHIP programs for the funds provided by this appropriation.

ADMINISTRATION FOR CHILDREN AND FAMILIES

PAYMENTS TO STATES FOR CHILD SUPPORT ENFORCEMENT AND FAMILY SUPPORT PROGRAMS

For making payments to States or other non-Federal entities under titles I, IV–D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960, $2,482,814,000, to remain available until expended; and for such purposes for the first quarter of fiscal year 2012, $1,200,000,000, to remain available until expended.

For making payments to each State for carrying out the program of Aid to Families with Dependent Children under title IV–A of the Social Security Act before the effective date of the program of Temporary Assistance for Needy Families with respect to such State, such sums as may be necessary: *Provided*, That the sum of the amounts available to a State with respect to expenditures under such title IV–A in fiscal year 1997 under this appropriation and under such title IV–A as amended by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 shall not exceed the limitations under section 116(b) of such Act.

For making, after May 31 of the current fiscal year, payments to States or other non-Federal entities under titles I, IV–D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960, for the last 3 months of the current fiscal year for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

LOW INCOME HOME ENERGY ASSISTANCE

For making payments under subsections (b), (d), and (e) of section 2602 of the Low Income Home Energy Assistance Act of 1981, $5,000,000,000, of which $4,509,672,000 shall be for payments under subsections (b) and (d) of such section; and of which $490,328,000 shall be for payments under subsection (e) of such section, to be made notwithstanding the designation requirements of such subsection: *Provided*, That all but $839,792,000 of the amount provided in this Act for subsections (b) and (d) shall be allocated as though the total appropriation for such payments for fiscal year 2011 was less than $1,975,000,000: *Provided further*, That notwithstanding section 2605(b)(2)(B)(ii) of such Act, a State may use any amount of an allotment from prior appropriations Acts that is available to that State for providing assistance in fiscal year 2011, and any allotment from funds appropriated in this Act or any other appropriations Act for fiscal year 2011, to provide assistance to households whose income does not exceed 75 percent of the State median income: *Provided further*, That notwithstanding section 2609(A)(a), of the amounts appropriated under section 2602(b), not more than $5,000,000 of such amounts may be reserved by the Secretary of Health and Human Services for technical assistance, training, and monitoring of program activities for compliance with internal controls, policies, and procedures.

REFUGEE AND ENTRANT ASSISTANCE

For necessary expenses for refugee and entrant assistance activities authorized by section 414 of the Immigration and Nationality Act and section 501 of the Refugee Education Assistance Act of 1980, for carrying out section 462 of the Homeland Security Act of 2002, section 235 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, and the Trafficking Victims Protection Act of 2000, for costs associated with the care and placement of unaccompanied alien children, and for carrying out the Torture Victims Relief Act of 1998, $767,102,000, of which up to $10,814,000 shall be available to carry out the Trafficking Victims Protection Act of 2000: *Provided*, That funds appropriated under this heading pursuant to section 414(a) of the Immigration and Nationality Act, section 462 of the Homeland Security Act of 2002, section 235 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, and the Trafficking Victims Protection Act of 2000 for fiscal year 2011 shall be available for the costs of assistance provided and other activities to remain available through September 30, 2013: *Provided further,* That amounts available herein for refugee school impact grants under title IV of the Immigration and Nationality Act shall also be available for grants by the Secretary of Health and Human Services to States for the purpose of assisting school districts serving significant numbers of children who entered the United States from Haiti during the period January 12, 2010 through May 31, 2010 and who are United States citizens or Haitian nationals, to meet the educational and related needs of such children.

PAYMENTS TO STATES FOR THE CHILD CARE AND DEVELOPMENT BLOCK GRANT

For carrying out the Child Care and Development Block Grant Act of 1990, $2,808,080,000 shall be used to supplement, not supplant State general revenue funds for child care assistance for low-income families: *Provided*, That $23,224,000 shall be available for child care resource and referral and school-aged child care activities, of which $1,000,000 shall be for the Child Care Aware toll-free hotline: *Provided further*, That, in addition to the amounts required to be reserved by the States under section 658G, $358,292,000 shall be reserved by the States for activities authorized under section 658G, of which $131,400,000 shall be for activities that improve the quality of infant and toddler care: *Provided further*, That $9,910,000 shall be for use by the Secretary of Health and Human Services for child care research, demonstration, and evaluation activities.

SOCIAL SERVICES BLOCK GRANT

For making grants to States pursuant to section 2002 of the Social Security Act, $1,700,000,000: *Provided*, That notwithstanding subparagraph (B) of section 404(d)(2) of such Act, the applicable percent specified under such subparagraph for a State to carry out State programs pursuant to title XX of such Act shall be 10 percent.

CHILDREN AND FAMILIES SERVICES PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For carrying out, except as otherwise provided, the Runaway and Homeless Youth Act, the Developmental Disabilities Assistance and Bill of Rights Act, the Head Start Act, the Child Abuse Prevention and Treatment Act, sections 310 and 316 of the Family Violence Prevention and Services Act, the Native American Programs Act of 1974, title II of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (adoption opportunities), the Abandoned Infants Assistance Act of 1988, sections 261 and 291 of the Help America Vote Act of 2002, part B–1 of title IV and sections 413, 1110, and 1115 of the Social Security Act; for making payments under the Community Services Block Grant Act (''CSBG Act''), sections 439(i), 473B, and 477(i) of the Social Security Act, and the Assets for Independence Act; and for necessary administrative expenses to carry out such Acts and titles I, IV, V, X, XI, XIV, XVI, and XX of the Social Security Act, the Act of July 5, 1960, the Low Income Home Energy Assistance Act of 1981, title IV of the Immigration and Nationality Act, section 501 of the Refugee Education Assistance Act of 1980, and section 505 of the Family Support Act of 1988, $10,301,491,000, of which $42,000,000, to remain available through September 30, 2012, shall be for grants to States for adoption incentive payments, as authorized by section 473A of the Social Security Act and may be made for adoptions completed before September 30, 2011: *Provided*, That $8,074,783,000 shall be for making payments under the Head Start Act: *Provided further*, That for purposes of allocating funds described by the immediately preceding proviso, the following provisions shall apply: (1) the term ''base grant'' as used in section 640(a)(7)(A) of such Act with respect to funding provided to a Head Start agency (including Early Head Start) for fiscal year 2010 shall be deemed to include funds appropriated in the American Recovery and Reinvestment Act of 2009 (''ARRA'') and provided to such agency for carrying out expansion of Head Start programs, as that phrase is used in subsection (a)(4)(D) of such section 640, and provided to such agency as the ongoing funding level for operations in the 12 month budget period beginning in fiscal year 2010; (2) in subparagraph (C) of subsection (a)(2) of such section, the phrase ''not less than 2.5 percent'' shall be deemed to read ''not less than 2.661 percent''; (3) the amount reserved under subparagraph (C) of subsection (a)(2) of such section shall be less than the amount that would be reserved under such subparagraph absent this proviso by a sum of $5,131,935; (4) the amount reserved under subparagraph (E) of subsection (a)(2) of such section shall be more than the amount that would be reserved under such subparagraph absent this proviso by a sum of $15,000,000; (5)

of all amounts reserved under subparagraph (E) of subsection (a)(2) of such section, the Secretary of Health and Human Services shall use an amount of not less than $15,000,000 for the purpose of reducing fraud and abuse in the Head Start (including Early Head Start) program; (6) subsection (a)(3) of such section shall be deemed to read as follows: ''From any amount remaining for a fiscal year after the Secretary carries out paragraph (2), the Secretary shall provide $10,000,000 for Indian Head Start programs (including Early Head Start programs), and $10,000,000 for migrant and seasonal Head Start programs, to increase enrollment in the programs involved''; and (7) the text of paragraph (4)(B)(i) of such section shall be deemed to read as follows: ''Under the circumstances described in clause (ii), from the balance, the Secretary shall reserve remaining amounts, to be allotted to each Head Start agency (including Early Head Start) in an amount that bears the same ratio to such remaining amounts as the funds appropriated in ARRA and provided to such agency for carrying out quality improvement activities of Head Start programs, as that phrase is used in paragraph (5) of this subsection (which funds shall be referred to in this proviso as such agency's 'ARRA quality improvement funds') bear to the total of all such agencies' ARRA quality improvement funds, to carry out such quality improvement activities'': *Provided further*, That $850,000,000 shall be for making payments under the CSBG Act, of which $55,000,000 shall be for section 680(a)(2) of the CSBG Act: *Provided further*, That not less than $10,000,000 shall be for section 680(a)(3)(B) of the CSBG Act: *Provided further*, That in addition to amounts provided herein, $5,762,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out the provisions of section 1110 of the Social Security Act: *Provided further*, That to the extent Community Services Block Grant funds are distributed as grant funds by a State to an eligible entity as provided under the CSBG Act, and have not been expended by such entity, they shall remain with such entity for carryover into the next fiscal year for expenditure by such entity consistent with program purposes: *Provided further*, That the Secretary of Health and Human Services shall establish procedures regarding the disposition of intangible assets and program income that permit such assets acquired with, and program income derived from, grant funds authorized under section 680 of the CSBG Act to become the sole property of such grantees after a period of not more than 12 years after the end of the grant period for any activity consistent with section 680(a)(2)(A) of the CSBG Act: *Provided further*, That intangible assets in the form of loans, equity investments and other debt instruments, and program income may be used by grantees for any eligible purpose consistent with section 680(a)(2)(A) of the CSBG Act: *Provided further*, That these procedures shall apply to such grant funds made available after November 29, 1999: *Provided further*, That funds appropriated for section 680(a)(2) of the CSBG Act shall be available for financing construction and rehabilitation and loans or investments in private business enterprises owned by community development corporations: *Provided further*, That $17,410,000 shall be for activities authorized by the Help America Vote Act of 2002, of which $12,154,000 shall be for payments to States to promote access for voters with disabilities, and of which $5,256,000 shall be for payments to States for protection and advocacy systems for voters with disabilities: *Provided further*, That $2,000,000 shall be for a human services case management system for federally declared disasters, to include a comprehensive national case management contract and Federal costs of administering the system: *Provided further*, That up to $2,000,000 shall be for improving the Public Assistance Reporting Information System, including grants to States to support data collection for a study of the system's effectiveness: *Provided further*, That of the funds appropriated under this heading, $1,500,000 shall be transferred to the National Commission on Children and Disasters to carry out title VI of division G of Public Law 110–161, and notwithstanding section 611(d)(1) of such title, the National Commission on Children and Disasters shall terminate on October 1, 2011: *Provided further*, That $22,627,000 shall be used for the projects, and in the amounts, as specified in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

PROMOTING SAFE AND STABLE FAMILIES

For carrying out section 436 of the Social Security Act, $365,000,000 and section 437 of such Act, $63,311,000.

PAYMENTS FOR FOSTER CARE AND PERMANENCY

For making payments to States or other non-Federal entities under title IV–E of the Social Security Act, $5,366,000,000.

For making payments to States or other non-Federal entities under title IV–E of the Social Security Act, for the first quarter of fiscal year 2012, $1,850,000,000.

For making, after May 31 of the current fiscal year, payments to States or other non-Federal entities under section 474 of title IV–E of the Social Security Act, for the last 3 months of the current fiscal year for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

ADMINISTRATION ON AGING

AGING SERVICES PROGRAMS

For carrying out, to the extent not otherwise provided, the Older Americans Act of 1965 (''OAA''), section 398 and title XXIX of the Public Health Service Act (''PHS Act''), and section 119 of the Medicare Improvements for Patients and Providers Act of 2008 and for necessary administrative expenses to carry out title XVII of the PHS Act, $1,633,078,000: *Provided*, That $3,500,000 shall be used for the projects, and in the amounts, as specified in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided further*, That amounts under this heading shall be available for grants to States under section 361 of the OAA only for disease prevention and health promotion programs and activities which have been demonstrated to the satisfaction of the Secretary of Health and Human Services to be evidence-based and effective: *Provided further*, That the total amount available for fiscal year 2011 under this and any other Act, to carry out activities relating to Aging and Disability Resource Centers under subsections (a)(20)(B)(iii) and (b)(8) of section 202 of the OAA, shall not exceed the amount obligated for such purposes for fiscal year 2010 from funds available under Public Law 111–117.

OFFICE OF THE SECRETARY

GENERAL DEPARTMENTAL MANAGEMENT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses, not otherwise provided, for general departmental management, including hire of six sedans, and for carrying out titles III, IV, XVII, XX, XXI, and XXVII of the Public Health Service Act (''PHS Act''), the United States-Mexico Border Health Commission Act, and research studies under section 1110 of the Social Security Act, $574,149,000; of which $53,891,000 shall be for minority AIDS prevention and treatment activities: *Provided*, That in addition to amounts provided herein, $65,211,000 shall be available from amounts available under section 241 of the PHS Act to carry out national health or human services research and evaluation activities, of which $4,455,000 shall be available to carry out evaluations (including longitudinal evaluations) of teenage pregnancy prevention approaches: *Provided further*, That none of the funds made available under this heading shall be available for carrying out activities specified under section 2003(b)(2) or (3) of title XX of the PHS Act: *Provided further*, That of the funds made available under this heading, $110,000,000 shall be for making competitive contracts and grants to public and private entities to fund medically accurate and age appropriate programs that reduce teen pregnancy and for the Federal costs associated with administering and evaluating such contracts and grants, of which not less than $75,000,000 shall be for replicating programs that have been proven effective through rigorous evaluation to reduce teenage pregnancy, behavioral risk factors underlying teenage pregnancy, or other associated risk factors, of which not less than $25,000,000 shall be available for research and demonstration grants to develop, replicate, refine, and test additional models and innovative strategies for preventing teenage pregnancy, and of which any remaining amounts shall be available for training and technical assistance, evaluation, outreach, and additional program support activities: *Provided further*, That of the funds made available under this heading, $7,000,000 shall be available only to increase the Department's acquisition workforce capacity and capabilities, and may be transferred by the Secretary of Health and Human Services for that purpose to any other account in the Department (in addition to any other transfer authority provided in this Act): *Provided further*, That funds available under the previous proviso shall be used only to supplement and not to supplant existing acquisition workforce activities and may be used for training, recruitment, retention, and hiring additional members of the acquisition workforce (as defined by the Office of Federal Procurement Policy Act), for information technology in support of acquisition workforce effectiveness, or for activities to improve acquisition management: *Provided further*, That $3,165,000 shall be used for the projects, and in the amounts, specified in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

OFFICE OF MEDICARE HEARINGS AND APPEALS

For expenses necessary for administrative law judges responsible for hearing cases under title XVIII of the Social Security Act (and related provisions of title XI of such Act), $77,798,000, to be transferred in appropriate part from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund.

OFFICE OF THE NATIONAL COORDINATOR FOR HEALTH INFORMATION TECHNOLOGY

For expenses necessary for the Office of the National Coordinator for Health Information Technology, including grants, contracts, and cooperative agreements for the development and advancement of interoperable health information technology, $38,734,000: *Provided*, That in addition to amounts provided herein, $31,108,000 shall be available from amounts available under section 241 of the Public Health Service Act.

OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General, including the hire of passenger motor vehicles for investigations, in carrying out the provisions of the Inspector General Act of 1978, $60,754,000: *Provided*,

That of such amount, necessary sums shall be available for providing protective services to the Secretary of Health and Human Services and investigating non-payment of child support cases for which non-payment is a Federal offense under 18 U.S.C. 228: *Provided further*, That at least 40 percent of the funds provided in this Act for the Office of Inspector General shall be used only for investigations, audits, and evaluations pertaining to the discretionary programs funded in this Act.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, $44,382,000.

RETIREMENT PAY AND MEDICAL BENEFITS FOR COMMISSIONED OFFICERS

For retirement pay and medical benefits of Public Health Service Commissioned Officers as authorized by law, for payments under the Retired Serviceman's Family Protection Plan and Survivor Benefit Plan, and for medical care of dependents and retired personnel under the Dependents' Medical Care Act, such amounts as may be required during the current fiscal year.

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary to support activities related to countering potential biological, nuclear, radiological, chemical, and cybersecurity threats to civilian populations, and for other public health emergencies, $595,578,000; of which $33,065,000 shall be to support preparedness and emergency operations; of which $5,000,000, to support expenses due to response efforts, shall remain available until expended; and of which $10,000,000, to remain available through September 30, 2012, shall be to support the delivery of medical countermeasures: *Provided*, That of the amount made available herein for the delivery of medical countermeasures, up to $8,000,000 may be transferred to the U.S. Postal Service to support delivery of medical countermeasures.

From funds transferred to this account pursuant to the fourth paragraph under this heading in Public Law 111–117, up to $476,194,000 shall be available for expenses necessary to support advanced research and development pursuant to section 319L of the Public Health Service Act, and other administrative expenses of the Biomedical Advanced Research and Development Authority.

For expenses necessary to prepare for and respond to an influenza pandemic, $65,000,000.

For expenses necessary for fit-out and other costs related to a competitive lease procurement to renovate or replace the existing headquarters building for Public Health Service agencies and other components of the Department of Health and Human Services, $35,000,000, to remain available until expended.

From funds provided under this heading in Public Laws 111–8 and 111–117 and available for expenses necessary to prepare for and respond to an influenza pandemic, $170,000,000 may also be used (1) to plan, conduct, and support research to advance regulatory science to improve the ability to determine safety, effectiveness, quality, and performance of medical countermeasure products against chemical, biological, radiological, and nuclear agents including influenza virus, and (2) to analyze, conduct, and improve regulatory review and compliance processes for such products.

From funds provided without fiscal year limitation under this heading in Public Law 111–32, $1,259,000,000 are rescinded, to be derived only from those amounts which have not yet been designated by the President as emergency funds.

GENERAL PROVISIONS

SEC. 201. Funds appropriated in this title shall be available for not to exceed $50,000 for official reception and representation expenses when specifically approved by the Secretary of Health and Human Services.

SEC. 202. The Secretary of Health and Human Services shall make available through assignment not more than 60 employees of the Public Health Service to assist in child survival activities and to work in AIDS programs through and with funds provided by the Agency for International Development, the United Nations International Children's Emergency Fund or the World Health Organization.

SEC. 203. None of the funds appropriated in this Act for the National Institutes of Health, the Agency for Healthcare Research and Quality, and the Substance Abuse and Mental Health Services Administration shall be used to pay the salary of an individual, through a grant or other extramural mechanism, at a rate in excess of Executive Level I.

SEC. 204. None of the funds appropriated in this Act may be expended pursuant to section 241 of the Public Health Service Act, except for funds specifically provided for in this Act, or for other taps and assessments made by any office located in the Department of Health and Human Services, prior to the preparation and submission of a report by the Secretary of Health and Human Services to the Committees on Appropriations of the House of Representatives and the Senate detailing the planned uses of such funds.

SEC. 205. Notwithstanding section 241(a) of the Public Health Service Act, such portion as the Secretary of Health and Human Services shall determine, but not more than 2.5 percent, of any amounts appropriated for programs authorized under such Act shall be made available for the evaluation (directly, or by grants or contracts) of the implementation and effectiveness of such programs.

(TRANSFER OF FUNDS)

SEC. 206. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985) which are appropriated for the current fiscal year for the Department of Health and Human Services in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: *Provided*, That with respect to appropriations in this Act for ''Health Resources and Services'', ''Disease Control, Research, and Training'', and ''Substance Abuse and Mental Health Services'', no transfer of funds under this section may decrease any individual program, project, or activity by more than 1 percent or increase any program, project, or activity by more than 3 percent: *Provided further*, That the transfer authority granted by this section shall not be used to create any new program or to fund any project or activity for which no funds are provided in this Act: *Provided further*, That the Committees on Appropriations of the House of Representatives and the Senate shall be notified not less than 15 days in advance of any transfer under this section, with such notification to include an explanation of the effects of the proposed transfer by program, project, and activity.

(TRANSFER OF FUNDS)

SEC. 207. The Director of the National Institutes of Health, jointly with the Director of the Office of AIDS Research, may transfer up to 3 percent among institutes and centers from the total amounts identified by these two Directors as funding for research pertaining to the human immunodeficiency virus: *Provided*, That the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of any transfer.

(TRANSFER OF FUNDS)

SEC. 208. Of the amounts made available in this Act for the National Institutes of Health, the amount for research related to the human immunodeficiency virus, as jointly determined by the Director of the National Institutes of Health and the Director of the Office of AIDS Research, shall be made available to the ''Office of AIDS Research'' account. The Director of the Office of AIDS Research shall transfer from such account amounts necessary to carry out section 2353(d)(3) of the Public Health Service Act.

SEC. 209. None of the funds appropriated in this Act may be made available to any entity under title X of the Public Health Service Act unless the applicant for the award certifies to the Secretary of Health and Human Services that it encourages family participation in the decision of minors to seek family planning services and that it provides counseling to minors on how to resist attempts to coerce minors into engaging in sexual activities.

SEC. 210. Notwithstanding any other provision of law, no provider of services under title X of the Public Health Service Act shall be exempt from any State law requiring notification or the reporting of child abuse, child molestation, sexual abuse, rape, or incest.

SEC. 211. None of the funds appropriated by this Act (including funds appropriated to any trust fund) may be used to carry out the Medicare Advantage program if the Secretary of Health and Human Services denies participation in such program to an otherwise eligible entity (including a Provider Sponsored Organization) because the entity informs the Secretary that it will not provide, pay for, provide coverage of, or provide referrals for abortions: *Provided*, That the Secretary shall make appropriate prospective adjustments to the capitation payment to such an entity (based on an actuarially sound estimate of the expected costs of providing the service to such entity's enrollees): *Provided further*, That nothing in this section shall be construed to change the Medicare program's coverage for such services and a Medicare Advantage organization described in this section shall be responsible for informing enrollees where to obtain information about all Medicare covered services.

SEC. 212. In order for the Department of Health and Human Services to carry out international health activities, including HIV/AIDS and other infectious disease, chronic and environmental disease, and other health activities abroad during fiscal year 2011:

(1) The Secretary of Health and Human Services may exercise authority equivalent to that available to the Secretary of State in section 2(c) of the State Department Basic Authorities Act of 1956. The Secretary of Health and Human Services shall consult with the Secretary of State and relevant Chief of Mission to ensure that the authority provided in this section is exercised in a manner consistent with section 207 of the Foreign Service Act of 1980 and other applicable statutes administered by the Department of State.

(2) The Secretary of Health and Human Services is authorized to provide such funds by advance or reimbursement to the Secretary of State as may be necessary to pay the costs of acquisition, lease, alteration, renovation, and management of facilities outside of the United States for the use of the Department of Health and Human Services. The Department of State shall cooperate fully with the Secretary of Health and

Human Services to ensure that the Department of Health and Human Services has secure, safe, functional facilities that comply with applicable regulation governing location, setback, and other facilities requirements and serve the purposes established by this Act. The Secretary of Health and Human Services is authorized, in consultation with the Secretary of State, through grant or cooperative agreement, to make available to public or nonprofit private institutions or agencies in participating foreign countries, funds to acquire, lease, alter, or renovate facilities in those countries as necessary to conduct programs of assistance for international health activities, including activities relating to HIV/AIDS and other infectious diseases, chronic and environmental diseases, and other health activities abroad.

(3) The Secretary of Health and Human Services is authorized to provide to personnel appointed or assigned by the Secretary to serve abroad, allowances and benefits similar to those provided under chapter 9 of title I of the Foreign Service Act of 1980, and 22 U.S.C. 4081 through 4086 and subject to such regulations prescribed by the Secretary. The Secretary is further authorized to provide locality-based comparability payments (stated as a percentage) up to the amount of the locality-based comparability payment (stated as a percentage) that would be payable to such personnel under section 5304 of title 5, United States Code if such personnel's official duty station were in the District of Columbia. Leaves of absence for personnel under this subsection shall be on the same basis as that provided under subchapter I of chapter 63 of title 5, United States Code, or section 903 of the Foreign Service Act of 1980, to individuals serving in the Foreign Service.

SEC. 213. (a) AUTHORITY.—Notwithstanding any other provision of law, the Director of the National Institutes of Health (''Director'') may use funds available under section 402(b)(7) or 402(b)(12) of the Public Health Service Act (''PHS Act'') to enter into transactions (other than contracts, cooperative agreements, or grants) to carry out research identified pursuant to such section 402(b)(7) (pertaining to the Common Fund) or research and activities described in such section 402(b)(12).

(b) PEER REVIEW.—In entering into transactions under subsection (a), the Director may utilize such peer review procedures (including consultation with appropriate scientific experts) as the Director determines to be appropriate to obtain assessments of scientific and technical merit. Such procedures shall apply to such transactions in lieu of the peer review and advisory council review procedures that would otherwise be required under sections 301(a)(3), 405(b)(1)(B), 405(b)(2), 406(a)(3)(A), 492, and 494 of the PHS Act.

SEC. 214. Funds which are available for Individual Learning Accounts for employees of the Centers for Disease Control and Prevention (''CDC'') and the Agency for Toxic Substances and Disease Registry (''ATSDR'') may be transferred to ''Disease Control, Research, and Training'', to be available only for Individual Learning Accounts: *Provided*, That such funds may be used for any individual full-time equivalent employee while such employee is employed either by CDC or ATSDR.

SEC. 215. Not to exceed $35,000,000 of funds appropriated by this Act to the institutes and centers of the National Institutes of Health may be used for alteration, repair, or improvement of facilities, as necessary for the proper and efficient conduct of the activities authorized herein, at not to exceed $2,500,000 per project.

(TRANSFER OF FUNDS)

SEC. 216. Of the amounts made available for the National Institutes of Health, 1 percent of the amount made available for National Research Service Awards (''NRSA'') shall be made available to the Administrator of the Health Resources and Services Administration to make NRSA awards for research in primary medical care to individuals affiliated with entities who have received grants or contracts under section 747 of the Public Health Service Act, and 1 percent of the amount made available for NRSA shall be made available to the Director of the Agency for Healthcare Research and Quality to make NRSA awards for health service research.

SEC. 217. Henceforth, no funds appropriated for a fiscal year in this or any other or any subsequent Act shall be subject to the allocation requirements of section 1707A(e) of the Public Health Service Act.

SEC. 218. (a) IN GENERAL.—The Health Education Assistance Loan (''HEAL'') program under title VII, part A, subpart I of the Public Health Service Act, and the authority to administer such program, including servicing, collecting, and enforcing any loans that were made under such program that remain outstanding, shall be permanently transferred from the Secretary of Health and Human Services to the Secretary of Education.

(b) TRANSFER OF FUNCTIONS, ASSETS, AND LIABILITIES.—The functions, assets, and liabilities of the Secretary of Health and Human Services relating to such program shall be transferred to the Secretary of Education.

(c) USE OF AUTHORITIES UNDER HIGHER EDUCATION ACT OF 1965.—In servicing, collecting, and enforcing the loans described in subsection (a), the Secretary of Education shall have available any and all authorities available to such Secretary in servicing, collecting, or enforcing a loan made, insured, or guaranteed under part B of title IV of the Higher Education Act of 1965.

SEC. 219. Henceforth, no funds appropriated in an appropriations Act for fiscal year 2011, or in any previous or subsequent appropriations Act, shall be available for transfer under section 274 of the Public Health Service Act.

(TRANSFER OF FUNDS)

SEC. 220. In addition to any other transfer authority provided by this Act, the Director of the National Institutes of Health may transfer funds under the authority granted in section 402A(d) of the Public Health Service Act, if the Committees on Appropriations of the House of Representatives and the Senate are notified not less than 15 days in advance of any such transfer.

This title may be cited as the ''Department of Health and Human Services Appropriations Act, 2011''.

## TITLE III

## DEPARTMENT OF EDUCATION

### EDUCATION FOR THE DISADVANTAGED

For carrying out title I of the Elementary and Secondary Education Act of 1965 (''ESEA''), section 307 of this Act and section 418A of the Higher Education Act of 1965, $16,387,212,000, of which $5,453,056,000 shall become available on July 1, 2011, and shall remain available through September 30, 2012, and of which $10,841,176,000 shall become available on October 1, 2011, and shall remain available through September 30, 2012, for academic year 2011–2012: *Provided*, That $6,597,946,000 shall be for basic grants under section 1124 of the ESEA: *Provided further*, That up to $4,000,000 of these funds shall be available to the Secretary of Education on October 1, 2010, to obtain annually updated local educational-agency-level census poverty data from the Bureau of the Census: *Provided further*, That $1,365,031,000 shall be for concentration grants under section 1124A of the ESEA: *Provided further*, That $3,409,712,000 shall be for targeted grants under section 1125 of the ESEA: *Provided further*, That $3,409,712,000 shall be for education finance incentive grants under section 1125A of the ESEA: *Provided further*, That $300,000,000 shall be available to carry out section 307 of this Act: *Provided further*, That $8,167,000 shall be to carry out sections 1501 and 1503 of the ESEA: *Provided further*, That $545,633,000 shall be available for school improvement grants under section 1003(g) of the ESEA, which shall be allocated by the Secretary through the formula described in section 1003(g)(2) and shall be used consistent with the requirements of section 1003(g), except that State and local educational agencies may use such funds, and funds appropriated for section 1003(g) under the American Recovery and Reinvestment Act of 2009 (''ARRA''), to serve any school eligible to receive assistance under part A of title I that has not made adequate yearly progress for at least 2 years or is in the State's lowest quintile of performance based on proficiency rates and, in the case of secondary schools, notwithstanding the eligibility requirements under section 1003(g) of the ESEA, high schools with a graduation rate below 60 percent and their low-performing feeder middle schools irrespective of the eligibility of such middle and high schools to receive assistance under part A of title I of the ESEA: *Provided further*, That the grants provided in accordance with the previous proviso shall not be subject to the requirement published by the Secretary in the Federal Register on October 28, 2010 (75 Fed. Reg. 66368) that a local educational agency that has 9 or more tier I and tier II schools not implement the transformation model in more than 50 percent of those schools: *Provided further*, That each State educational agency shall ensure that the greater of 40 percent of its allocation under section 1003(g) of the ESEA, or the amount that bears the same relationship to the State's allocation under such section as the sum of the number of students attending high schools with a graduation rate of less than 60 percent and the number of students attending their low-performing feeder middle schools bears to the total number of students attending schools in the State classified as tier I under the final requirements set forth in 75 Federal Register 66365 (October 28, 2010), as in effect on the date of enactment of this Act, is spent on improvement activities in such middle schools and high schools, unless the State educational agency determines that all such middle schools and high schools can be served with a lesser amount: *Provided further*, That notwithstanding section 1003(g)(5)(A), each State educational agency may establish a maximum subgrant size of not more than $2,000,000 for each participating school applicable to such funds: *Provided further*, That $225,000,000 shall be available under section 1502 of the ESEA for a comprehensive literacy development and education program to advance literacy skills, including pre-literacy skills, reading, and writing, for students from birth through grade 12, including limited-English-proficient students and students with disabilities, of which one-half of 1 percent shall be reserved for the Secretary of the Interior for such a program at schools funded by the Bureau of Indian Education, one-half of 1 percent shall be reserved for grants to the outlying areas for such a program, up to $21,000,000 may be used to continue the initiative on adolescent literacy, $10,000,000 shall be reserved for formula grants to States based on each State's relative share

of funds under part A of title I of the ESEA for fiscal year 2010 except that no State shall receive less than $150,000, to establish or support a State Literacy Team with expertise in literacy development and education for children from birth through grade 12 to assist the State in developing a comprehensive literacy plan, up to 5 percent may be reserved for national activities, and the remainder shall be used to award competitive grants to State educational agencies for such a program, of which a State educational agency may reserve up to 5 percent for State leadership activities, including technical assistance and training, data collection, reporting, and administration, and shall subgrant not less than 95 percent to local educational agencies or, in the case of early literacy, to local educational agencies or other nonprofit providers of early childhood education that partner with a public or private nonprofit organization or agency with a demonstrated record of effectiveness in improving the early literacy development of children from birth through kindergarten entry and in providing professional development in early literacy, giving priority to such agencies or other entities serving greater numbers or percentages of disadvantaged children: *Provided further*, That the State educational agency shall ensure that at least 15 percent of the subgranted funds are used to serve children from birth through age 5, 40 percent are used to serve students in kindergarten through grade 5, and 40 percent are used to serve students in middle and high school including an equitable distribution of funds between middle and high schools: *Provided further*, That eligible entities receiving subgrants from State educational agencies shall use such funds for services and activities that have the characteristics of effective literacy instruction through professional development, screening and assessment, targeted interventions for students reading below grade level and other research-based methods of improving classroom instruction and practice.

IMPACT AID

For carrying out programs of financial assistance to federally affected schools authorized by title VIII of the Elementary and Secondary Education Act of 1965, $1,298,581,000, of which $1,153,000,000 shall be for basic support payments under section 8003(b), $50,000,000 shall be for payments for children with disabilities under section 8003(d), $18,509,000 shall be for construction under section 8007(b) and shall remain available through September 30, 2012, $72,208,000 shall be for Federal property payments under section 8002, and $4,864,000, to remain available until expended, shall be for facilities maintenance under section 8008: *Provided*, That for purposes of computing the amount of a payment for an eligible local educational agency under section 8003(a) for school year 2010–2011, children enrolled in a school of such agency that would otherwise be eligible for payment under section 8003(a)(1)(B) of such Act, but due to the deployment of both parents or legal guardians, or a parent or legal guardian having sole custody of such children, or due to the death of a military parent or legal guardian while on active duty (so long as such children reside on Federal property as described in section 8003(a)(1)(B)), are no longer eligible under such section, shall be considered as eligible students under such section, provided such students remain in average daily attendance at a school in the same local educational agency they attended prior to their change in eligibility status: *Provided further,* That for the purpose of determining eligibility for housing claimed under section 8003(a)(4) of such Act, the Secretary of the applicable Federal agency shall for fiscal years 2007, 2008, 2009, and 2010 deem eligible all unoccupied housing identified to be demolished as certified by the designated representative of the Secretary of the applicable Federal agency, notwithstanding the availability of funds designated for the project being demolished for a period not to exceed 3 years: *Provided further*, That the Secretary of Education shall deem each local educational agency that received a fiscal year 2009 basic support payment for heavily impacted local educational agencies under section 8003(b)(2) of such Act as eligible to receive fiscal year 2010 and 2011 basic support payments for heavily impacted local educational agencies under such section and make a payment to such local educational agency under such section for fiscal years 2010 and 2011.

SCHOOL IMPROVEMENT PROGRAMS

For carrying out school improvement activities authorized by parts A, B, and D of title II, part B of title IV, subpart 9 of part D of title V, parts A and B of title VI, and parts B and C of title VII of the Elementary and Secondary Education Act of 1965 (''ESEA''); the McKinney-Vento Homeless Assistance Act; section 203 of the Educational Technical Assistance Act of 2002; the Compact of Free Association Amendments Act of 2003; part Z of title VIII of the Higher Education Act (''HEA''); and the Civil Rights Act of 1964, $5,289,062,000, of which $5,000,000 shall become available on October 1, 2010 and remain available through September 30, 2011, $3,450,817,000 shall become available on July 1, 2011, and remain available through September 30, 2012, and of which $1,681,441,000 shall become available on October 1, 2011, and shall remain available through September 30, 2012, for academic year 2011–2012: *Provided*, That funds made available to carry out part B of title VII of the ESEA may be used for construction, renovation, and modernization of any elementary school, secondary school, or structure related to an elementary school or secondary school, run by the Department of Education of the State of Hawaii, that serves a predominantly Native Hawaiian student body: *Provided further*, That from the funds referred to in the preceding proviso, not less than $1,500,000 shall be for a grant to the Department of Education of the State of Hawaii for the activities described in such proviso and $1,500,000 shall be for a grant to the University of Hawaii School of Law for a Center of Excellence in Native Hawaiian law: *Provided further*, That from the funds referred to in the second preceding proviso, $500,000 shall be for part Z of title VIII of the HEA: *Provided further*, That funds made available to carry out part C of title VII of the ESEA may be used for construction: *Provided further*, That up to 100 percent of the funds available to a State educational agency under part D of title II of the ESEA may be used for subgrants described in section 2412(a)(2)(B) of such Act: *Provided further*, That funds made available under this heading for section 2421 of the ESEA may be used for activities authorized under section 802 of the Higher Education Opportunity Act: *Provided further,* That State educational agencies may subgrant funds available under part B of title IV of the ESEA for expanded-learning-time programs that significantly increase the number of hours in a regular school schedule and comprehensively redesign the school schedule: *Provided further*, That such expanded-learning-time programs shall provide additional learning time in the core academic and other subjects, and include enrichment activities: *Provided further,* That such after-school or expanded-learning-time programs shall include strong partnerships between schools and community partners: *Provided further,* That in implementing the program under part B of title IV of the ESEA, State educational agencies and the United States Department of Education shall not give priority or preference regarding the choice to use funds for expanded-learning-time or after-school programs: *Provided further,* That $31,570,000 shall be available to carry out section 203 of the Educational Technical Assistance Act of 2002: *Provided further*, That $26,928,000 shall be available to carry out part D of title V of the ESEA: *Provided further*, That no funds appropriated under this heading may be used to carry out section 5494 under the ESEA: *Provided further*, That $17,687,000 shall be available to carry out the Supplemental Education Grants program for the Federated States of Micronesia and the Republic of the Marshall Islands: *Provided further*, That up to 5 percent of these amounts may be reserved by the Federated States of Micronesia and the Republic of the Marshall Islands to administer the Supplemental Education Grants programs and to obtain technical assistance, oversight and consultancy services in the administration of these grants and to reimburse the United States Departments of Labor, Health and Human Services, and Education for such services: *Provided further*, That up to $11,500,000 of the funds available for the Foreign Language Assistance Program shall be available for 5-year grants to local educational agencies that would work in partnership with one or more institutions of higher education to establish or expand articulated programs of study in languages critical to United States national security that will enable successful students to advance from elementary school through college to achieve a superior level of proficiency in those languages: *Provided further*, That of the funds available for section 2103(a) of the ESEA, $5,000,000 shall be available to continue a national school leadership partnership initiative and up to $5,000,000 may be used to carry out a national teacher recruitment campaign.

INDIAN EDUCATION

For expenses necessary to carry out, to the extent not otherwise provided, title VII, part A of the Elementary and Secondary Education Act of 1965, $130,282,000.

INNOVATION AND IMPROVEMENT

For carrying out activities authorized by part G of title I, subpart 5 of part A and parts C and D of title II, parts B, C, and D of title V, and section 1504 of the Elementary and Secondary Education Act of 1965 (''ESEA''), sections 14006 and 14007 of division A of the American Recovery and Reinvestment Act of 2009, and by parts A and F of title VIII of the Higher Education Act of 1965 (''HEA''), $1,974,013,000, of which $550,000,000 shall become available on July 1, 2011 and shall remain available through September 30, 2012: *Provided*, That the Secretary of Education may use not more than $550,000,000 for section 14006 of division A of the American Recovery and Reinvestment Act of 2009 to make awards to States in accordance with the applicable requirements of that section: *Provided further,* That the Secretary may use $224,000,000 for section 14007 of division A of the American Recovery and Reinvestment Act of 2009 to make awards in accordance with applicable requirements of that section: *Provided further*, That $10,649,000 shall be provided to the National Board for Professional Teaching Standards to carry out section 2151(c) of the ESEA: *Provided further*, That from funds for subpart 4, part C of title II of the ESEA, up to 3 percent shall be available to the Secretary for technical assistance and dissemination of information: *Provided further*, That $505,759,000 shall be available to carry out part D of title V of the ESEA and

$9,000,000 shall be available to carry out part A of title VIII of the HEA: *Provided further*, That $65,372,000 shall be used for the projects, and in the amounts, as specified in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided further*, That $300,000,000 of the funds for subpart 1 of part D of title V of the ESEA shall be for competitive grants to local educational agencies, including charter schools that are local educational agencies, or States, or partnerships of: (1) a local educational agency, a State, or both; and (2) at least one non-profit organization to develop and implement performance-based compensation systems for teachers, principals, and other personnel in high-need schools: *Provided further*, That such performance-based compensation systems must consider gains in student academic achievement as well as classroom evaluations conducted multiple times during each school year among other factors and provide educators with incentives to take on additional responsibilities and leadership roles: *Provided further*, That recipients of such grants may use such funds to develop or improve systems and tools (which may be developed and used for the entire local educational agency or only for schools served under the grant) that would enhance the quality and success of the compensation system, such as high-quality teacher evaluations and tools to measure growth in student achievement: *Provided further*, That applications for such grants shall include a plan to sustain financially the activities conducted and systems developed under the grant once the grant period has expired: *Provided further*, That up to 5 percent of such funds for competitive grants shall be available for technical assistance, training, peer review of applications, program outreach and evaluation activities: *Provided further*, That recipients of such grants shall demonstrate that such performance-based systems are developed collaboratively with teachers and school leaders and their representative organizations in the schools and local educational agencies to be served by the grant and that at least 60 percent of teachers in the local educational agency who would be affected by the performance-based compensation system vote affirmatively for the system before it may be implemented by the local educational agency, and in the case of a local educational agency in which there is no exclusive majority teacher representative, the recipient of such grant shall certify that at least 60 percent of the teachers in the local educational agency who would be affected by the system have voted affirmatively to adopt the system: *Provided further*, That recipients of such grants must demonstrate how opportunities for professional development and collaboration among teachers directly support the system and allow teachers, other instructional staff, and principals to acquire and demonstrate the research-based skills necessary to improve their practice and student achievement: *Provided further*, That of the funds available for part B of title V of the ESEA, the Secretary shall not use less than $23,031,000 to carry out activities under section 5205(b) and under subpart 2: *Provided further*, That of the funds available for subpart 1 of part B of title V of the ESEA, and notwithstanding section 5205(a), the Secretary may reserve up to $50,000,000 to make multiple awards to non-profit charter management organizations and other entities that are not for-profit entities for the replication and expansion of successful charter school models: *Provided further*, That the Secretary shall reserve $15,000,000 to carry out the activities described in section 5205(a), of which $5,000,000 shall be reserved to support activities to strengthen charter school authorizing by providing technical assistance and grants to authorized public chartering agencies in order to increase the number of high-performing charter schools and to improve quality and oversight of such schools through these agencies' use of nationally-accepted standards for quality charter school authorizing: *Provided further*, That the funds referenced in the preceding proviso shall not be obligated prior to submission of a report to the Committees on Appropriations of the House of Representatives and the Senate detailing the planned uses of such funds: *Provided further*, That new awards under section 5202 of the ESEA shall only be provided to a State that has in place a system for ensuring the quality of its authorized public chartering agencies that (1) makes student academic achievement for all groups of students described in section 1111(b)(2)(C)(v) of ESEA a primary factor in charter renewal decisions; (2) requires each public chartering agency to annually report to the State, and make publicly available, (a) an independently audited financial statement for each charter school authorized by the agency, (b) the academic performance of each charter school, disaggregated and reported in accordance with section 1111(h)(1)(C)(i) of ESEA and (c) the legally binding performance contract with each of its charter schools that describes the rights, duties, and remedies available to the school and the public chartering agency, and the date on which the charter is up for renewal; and (3) provides for intervention, revocation, or closure of the public chartering agencies and charter schools that fail to meet the standards and procedures established in such State system: *Provided further*, That each application submitted pursuant to section 5203(a) shall describe a plan to monitor and hold accountable authorized public chartering agencies through such activities as providing technical assistance or establishing a professional development program, which may include planning, training and systems development for staff of authorized public chartering agencies to improve the capacity of such agencies in the State to authorize, monitor, and hold accountable charter schools.

SAFE SCHOOLS AND CITIZENSHIP EDUCATION

For carrying out activities authorized by subpart 3 of part C of title II, part A of title IV, and subparts 1, 2, and 10 of part D of title V of the Elementary and Secondary Education Act of 1965 (''ESEA''), $458,553,000, of which $60,000,000 for Promise Neighborhoods shall become available on October 1, 2010 and remain available through September 30, 2012: *Provided*, That $217,053,000 shall be available for subpart 2 of part A of title IV: *Provided further*, That $195,000,000 shall be available to carry out part D of title V: *Provided further*, That $46,500,000 shall be available to carry out subpart 3 of part C of title II of the ESEA, of which $13,383,000 shall be used to carry out section 2345 of the ESEA; $19,617,000 shall be used to carry out section 2344 (including $2,957,000 for the Center for Civic Education to implement a comprehensive, joint program to improve public knowledge, understanding, and support of the Congress and the State legislatures); $2,000,000 shall be awarded to the Center on Congress at Indiana University to support a joint initiative with iCivics; and the remainder of the funds available to carry out subpart 3 of part C of title II of the ESEA shall be available to the Secretary of Education for competitive grants to nonprofit organizations that have demonstrated effectiveness in the development and implementation of civic learning programs, with priority for those programs that demonstrate innovation, scalability, accountability, and a focus on underserved populations.

ENGLISH LANGUAGE ACQUISITION

For carrying out part A of title III of the Elementary and Secondary Education Act of 1965, $775,000,000, which shall become available on July 1, 2011, and shall remain available through September 30, 2012, except that 6.5 percent of such amount shall be available on October 1, 2010, and shall remain available through September 30, 2012, to carry out activities under section 3111(c)(1)(C): *Provided*, That the Secretary of Education may use estimates of the American Community Survey child counts for the most recent 3-year period available to calculate allocations under such part.

SPECIAL EDUCATION

For carrying out the Individuals with Disabilities Education Act (''IDEA'') and the Special Olympics Sport and Empowerment Act of 2004, $12,889,940,000, of which $4,016,354,000 shall become available on July 1, 2011, and shall remain available through September 30, 2012, and of which $8,592,383,000 shall become available on October 1, 2011, and shall remain available through September 30, 2012, for academic year 2011–2012: *Provided*, That $13,250,000 shall be for Recording for the Blind and Dyslexic, Inc., to support the development, production, and circulation of accessible educational materials: *Provided further*, That $737,000 shall be for the recipient of funds provided by Public Law 105–78 under section 687(b)(2)(G) of the IDEA (as in effect prior to the enactment of the Individuals with Disabilities Education Improvement Act of 2004) to provide information on diagnosis, intervention, and teaching strategies for children with disabilities: *Provided further*, That the amount for section 611(b)(2) of the IDEA shall be equal to the lesser of the amount available for that activity during fiscal year 2010, increased by the amount of inflation as specified in section 619(d)(2)(B) of the IDEA, or the percent change in the funds appropriated under section 611(i) of the IDEA, but not less than the amount for that activity during fiscal year 2010: *Provided further*, That funds made available for the Special Olympics Sport and Empowerment Act of 2004 may be used to support expenses associated with the Special Olympics National and World games: *Provided further*, That $10,000,000 shall be for Best Buddies International, Inc. to increase the participation of people with intellectual disabilities in social relationships and other aspects of community life, including education and employment, within the United States.

REHABILITATION SERVICES AND DISABILITY RESEARCH

For carrying out, to the extent not otherwise provided, the Rehabilitation Act of 1973, the Assistive Technology Act of 1998, and the Helen Keller National Center Act, $3,535,639,000: *Provided*, That $2,100,000 shall be used for the projects, and in the amounts, specified under the heading ''Rehabilitation Services and Disability Research'' in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided further*, That, of the amounts provided under this heading, $27,000,000 shall remain available through September 30, 2012, and shall be available under title II of the Rehabilitation Act to the Secretary of Education in cooperation with the Secretary of Labor and, as appropriate, other heads of departments and agencies, to identify and validate innovative strategies or replicate effective evidence-based strategies, including strategies that align and strengthen the workforce investment system in order to improve program delivery and employment and education outcomes for individuals with disabilities.

SPECIAL INSTITUTIONS FOR PERSONS WITH DISABILITIES

AMERICAN PRINTING HOUSE FOR THE BLIND

For carrying out the Act of March 3, 1879, $24,600,000.

NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

For the National Technical Institute for the Deaf under titles I and II of the Education of the Deaf Act of 1986, $65,677,000, of which $240,000 shall be for construction and shall remain available until expended: *Provided*, That from the total amount available, the Institute may at its discretion use funds for the endowment program as authorized under section 207 of such Act.

GALLAUDET UNIVERSITY

For the Kendall Demonstration Elementary School, the Model Secondary School for the Deaf, and the partial support of Gallaudet University under titles I and II of the Education of the Deaf Act of 1986, $123,000,000, of which $5,000,000 shall be for construction and shall remain available until expended: *Provided*, That from the total amount available, the University may at its discretion use funds for the endowment program as authorized under section 207 of such Act.

CAREER, TECHNICAL, AND ADULT EDUCATION

For carrying out, to the extent not otherwise provided, the Carl D. Perkins Career and Technical Education Act of 2006, the Adult Education and Family Literacy Act (''AEFLA''), and title VIII–D of the Higher Education Amendments of 1998, $1,922,541,000, of which $1,131,541,000 shall become available on July 1, 2011, and shall remain available through September 30, 2012, and of which $791,000,000 shall become available on October 1, 2011, and shall remain available through September 30, 2012: *Provided*, That of the amount provided for Adult Education State Grants, $75,000,000 shall be made available for integrated English literacy and civics education services to immigrants and other limited English proficient populations: *Provided further*, That of the amount reserved for integrated English literacy and civics education, notwithstanding section 211 of the AEFLA, 65 percent shall be allocated to States based on a State's absolute need as determined by calculating each State's share of a 10-year average of the United States Citizenship and Immigration Services data for immigrants admitted for legal permanent residence for the 10 most recent years, and 35 percent allocated to States that experienced growth as measured by the average of the 3 most recent years for which United States Citizenship and Immigration Services data for immigrants admitted for legal permanent residence are available, except that no State shall be allocated an amount less than $60,000: *Provided further*, That of the amounts made available for AEFLA, $36,346,000 shall be for national leadership activities under section 243 and, of that amount, $25,000,000 shall be available to the Secretary of Education in cooperation with the Secretary of Labor and, as appropriate, other heads of departments and agencies, to identify and validate innovative strategies or replicate effective evidence-based strategies, including strategies that align and strengthen the workforce investment system, in order to improve program delivery and education and employment outcomes for program beneficiaries.

STUDENT FINANCIAL ASSISTANCE

(INCLUDING RESCISSION OF FUNDS)

For carrying out subparts 1 and 3 of part A, and part C of title IV of the Higher Education Act of 1965, $24,899,957,000, which shall remain available through September 30, 2012.

The maximum Pell Grant for which a student shall be eligible during award year 2011–2012 shall be $4,860.

Of the funds made available under section 401A(e)(1)(E) of the Higher Education Act of 1965, $617,000,000 are rescinded.

STUDENT AID ADMINISTRATION

For Federal administrative expenses to carry out part D of title I, and subparts 1, 3, 4, 9, and 10 of part A, and parts B, C, D, and E of title IV of the Higher Education Act of 1965 (''HEA''), $1,011,491,000, which shall remain available through September 30, 2012: *Provided*, That of this amount, not more than $341,866,000 shall be available for loan servicing contracts as defined by section 456 of the HEA, unless the Secretary determines that an additional amount is necessary for this purpose (within the funds available under this heading) and notifies the Committees on Appropriations of the House of Representatives and the Senate of that determination.

HIGHER EDUCATION

For carrying out, to the extent not otherwise provided, titles II, III, IV, V, VI, VII, and VIII of the Higher Education Act of 1965 (''HEA''), section 1543 of the Higher Education Amendments of 1992, the Mutual Educational and Cultural Exchange Act of 1961 and section 117 of the Carl D. Perkins Career and Technical Education Act of 2006, $2,269,557,000: *Provided*, That $9,687,000, to remain available through September 30, 2012, shall be available to fund fellowships for academic year 2012–2013 under subpart 1 of part A of title VII of the HEA, under the terms and conditions of such subpart 1: *Provided further*, That $609,000 shall be for data collection and evaluation activities for programs under the HEA, including such activities needed to comply with the Government Performance and Results Act of 1993: *Provided further*, That notwithstanding any other provision of law, funds made available in this Act to carry out title VI of the HEA and section 102(b)(6) of the Mutual Educational and Cultural Exchange Act of 1961 may be used to support visits and study in foreign countries by individuals who are participating in advanced foreign language training and international studies in areas that are vital to United States national security and who plan to apply their language skills and knowledge of these countries in the fields of government, the professions, or international development: *Provided further*, That of the funds referred to in the preceding proviso up to 1 percent may be used for program evaluation, national outreach, and information dissemination activities: *Provided further*, That, of the funds appropriated under this heading, not less than $2,000,000 shall be made available for the Department of Education to expand study abroad, pursuant to section 604(b) of the HEA and that the Secretary of Education may waive limitations of grants to awardees under 604(c)(2) of that Act: *Provided further*, That, of the funds referred to in the preceding proviso, notwithstanding section 635 of the HEA, the Secretary may use up to 10 percent of available funds for program administration including national outreach and evaluation: *Provided further*, That notwithstanding any other provision of law, a recipient of a multi-year award under section 316 of the HEA, as that section was in effect prior to the date of enactment of the Higher Education Opportunity Act (''HEOA''), that would have otherwise received a continuation award for fiscal year 2011 under that section, shall receive under section 316, as amended by the HEOA, not less than the amount that such recipient would have received under such a continuation award: *Provided further*, That the portion of the funds received under section 316 by a recipient described in the preceding proviso that is equal to the amount of such continuation award shall be used in accordance with the terms of such continuation award: *Provided further*, That $70,746,000 shall be used for the projects, and in the amounts, specified in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided further*, That $1,750,000 shall be used for the programs specified under the ''Fund for the Improvement of Post Secondary Education'' in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act): *Provided further*, That notwithstanding section 721(c) of the HEA, funds to carry out the Thurgood Marshall Legal Education Opportunity Program under section 721 shall be awarded competitively, and any recipient shall be authorized to award subcontracts and subgrants under section 721(f).

HOWARD UNIVERSITY

For partial support of Howard University, $234,977,000, of which not less than $3,600,000 shall be for a matching endowment grant pursuant to the Howard University Endowment Act and shall remain available until expended.

COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS PROGRAM

For Federal administrative expenses to carry out activities related to existing facility loans pursuant to section 121 of the Higher Education Act of 1965, $461,000.

HISTORICALLY BLACK COLLEGE AND UNIVERSITY CAPITAL FINANCING PROGRAM ACCOUNT

For the cost of guaranteed loans, $20,228,000, as authorized pursuant to part D of title III of the Higher Education Act of 1965 (''HEA''): *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $279,393,000: *Provided further*, That these funds may be used to support loans to public and private historically Black colleges and universities without regard to the limitations within paragraphs (1) and (2) of section 344(a) of the HEA.

In addition, for administrative expenses to carry out the Historically Black College and University Capital Financing Program entered into pursuant to part D of title III of the HEA, $354,000.

INSTITUTE OF EDUCATION SCIENCES

For carrying out activities authorized by the Education Sciences Reform Act of 2002, the National Assessment of Educational Progress Authorization Act, section 208 of the Educational Technical Assistance Act of 2002, and section 664 of the Individuals with Disabilities Education Act, $692,206,000, to remain available through September 30, 2012: *Provided*, That funds available to carry out section 208 of the Educational Technical Assistance Act may be used for Statewide data systems that include postsecondary and workforce information and information on children of all ages: *Provided further*, That up to $10,000,000 of the funds available to carry out section 208 of the Educational Technical Assistance Act may be used for State data coordinators and for awards to public or private organizations or agencies to improve data coordination, quality, and use: *Provided further*, That notwithstanding section 174(d) and (e) of the Education Sciences Reform Act of 2002, $69,650,000 may be used to continue the contracts for the Regional Educational Laboratories for one additional year: *Provided further*, That $2,200,000 of the amount made available under this heading shall be provided to the National Academy of Sciences not later than 30 days after enactment of this Act for a study on teacher evaluation methods and their uses in systems of

educational accountability, as described in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

DEPARTMENTAL MANAGEMENT

PROGRAM ADMINISTRATION

For carrying out, to the extent not otherwise provided, the Department of Education Organization Act, including rental of conference rooms in the District of Columbia and hire of three passenger motor vehicles, $479,875,100, of which $19,275,000, to remain available until expended, shall be for relocation of, and renovation of buildings occupied by, Department staff: *Provided*, That of the funds made available under this heading, $2,696,100 shall be available only to increase the Department's acquisition workforce capacity and capabilities, and may be transferred by the Secretary of Education for that purpose to any other account within the Department (in addition to any other transfer authority provided in this Act): *Provided further*, That funds available under the previous proviso shall be used only to supplement and not to supplant existing acquisition workforce activities and may be used for training, recruitment, retention, and hiring additional members of the acquisition workforce (as defined in the Office of Federal Procurement Policy Act), for information technology in support of acquisition workforce effectiveness, or for activities to improve acquisition management.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, as authorized by section 203 of the Department of Education Organization Act, $105,700,000.

OFFICE OF THE INSPECTOR GENERAL

For expenses necessary for the Office of the Inspector General, as authorized by section 212 of the Department of Education Organization Act, $65,238,000.

GENERAL PROVISIONS

SEC. 301. No funds appropriated in this Act may be used for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to overcome racial imbalance in any school or school system, or for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to carry out a plan of racial desegregation of any school or school system.

SEC. 302. None of the funds contained in this Act shall be used to require, directly or indirectly, the transportation of any student to a school other than the school which is nearest the student's home, except for a student requiring special education, to the school offering such special education, in order to comply with title VI of the Civil Rights Act of 1964. For the purpose of this section an indirect requirement of transportation of students includes the transportation of students to carry out a plan involving the reorganization of the grade structure of schools, the pairing of schools, or the clustering of schools, or any combination of grade restructuring, pairing or clustering. The prohibition described in this section does not include the establishment of magnet schools.

SEC. 303. No funds appropriated in this Act may be used to prevent the implementation of programs of voluntary prayer and meditation in the public schools.

(TRANSFER OF FUNDS)

SEC. 304. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985) which are appropriated for the Department of Education in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: *Provided*, That the transfer authority granted by this section shall be available only to meet emergency needs and shall not be used to create any new program or to fund any project or activity for which no funds are provided in this Act: *Provided further*, That the Committees on Appropriations of the House of Representatives and the Senate are notified at least 15 days in advance of any transfer under this section, with such notification to include an explanation of the effects of the proposed transfer by program, project, and activity.

SEC. 305. The Outlying Areas may consolidate funds received under this Act, pursuant to 48 U.S.C. 1469a, under part A of title V of the Elementary and Secondary Education Act.

SEC. 306. Section 105(f)(1)(B)(ix) of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921d(f)(1)(B)(ix)) shall be applied by substituting ''2011'' for ''2010''.

SEC. 307. (a) IN GENERAL.—The Secretary of Education shall establish an Early Learning Challenge Fund to award competitive grants to States that propose to provide an integrated system of high-quality early learning programs and services and to develop, implement or advance a statewide quality rating and improvement system for early learning programs. The Secretary of Education shall be responsible for obligating and disbursing funds and ensuring compliance with applicable laws and administrative requirements with regard to this program, and shall administer it jointly with the Secretary of Health and Human Services on such terms as such secretaries shall set forth in an interagency agreement.

(b) STATE APPLICATIONS.—In order to be considered for a grant under this section, a State's application shall include a plan that includes the following—

(1) A description of the quantifiable goals and benchmarks that the State will establish to demonstrate that receiving a grant under this section will lead to a greater number and percentage of low-income and disadvantaged children in each age group of infants, toddlers, and preschoolers enrolled in high-quality early learning programs, and an increase in the number of high-quality early learning programs in low-income communities.

(2) A description of how the State will implement a governance structure and an integrated system of high-quality early learning programs and services that includes the following components—

(A) State early learning standards and program quality standards;

(B) A tiered program quality rating and improvement system;

(C) A comprehensive plan that promotes nutrition and wellness for children in early learning programs;

(D) A comprehensive plan for supporting professional preparation and the ongoing professional development of an effective, well-compensated early learning workforce; and

(E) Strategies to ensure the active engagement of parents and families in the learning and development of their children including their understanding of the State's quality rating and improvement system.

(3) An assurance that the State will continue to participate in section 619 of part B and part C of the Individuals with Disabilities Education Act for the duration of the grant.

(4) An assurance that grant funds received will be used only to supplement, and not supplant, Federal, State, and local funds otherwise available to support early learning programs and services.

(5) An assurance that for each fiscal year for which a State receives funds under this section the expenditures by the State on early learning programs for such fiscal year shall not be less than the level of expenditures for such programs for fiscal year 2011.

(c) CRITERIA USED IN AWARDING GRANTS.—In awarding grants to States under this section, the Secretary shall evaluate applications and award grants under such section on a competitive basis based on—

(1) The quality of the application submitted;

(2) Evidence of significant progress in establishing and committing to maintain a high-quality system of early learning for children that integrates the components described in section (b)(2); and

(3) The State's capacity to fully implement such system.

(d) STATE USES OF FUNDS.—A State receiving a grant under this section shall use the grant (and may make subgrants) to develop and enhance the components of the high-quality early learning system described in subsection (b)(2) to improve the quality of early learning programs and services serving disadvantaged children.

(e) RESERVATIONS OF FEDERAL FUNDS.—The Secretary shall reserve not more than 2 percent to administer this section jointly with the Secretary of Health and Human Services for expenses of both agencies.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated, $300,000,000 to carry out this section in fiscal year 2011.

SEC. 308. (a) Section 206 of the Department of Education Organization Act (20 U.S.C. 3416) is amended—

(1) by striking out the heading and inserting ''Office of Career, Technical, and Adult Education'';

(2) by striking out ''Office of Vocational and Adult Education'' and inserting ''Office of Career, Technical, and Adult Education'';

(3) by striking out ''Assistant Secretary for Vocational and Adult Education'' and inserting ''Assistant Secretary for Career, Technical, and Adult Education''; and

(4) by striking out ''vocational and adult education'' each place it appears and inserting ''career, technical, and adult education''.

(b) Section 202 of the Department of Education Organization Act (20 U.S.C. 3412) is amended—

(1) in subsection (b)(1)(C), by striking out ''Assistant Secretary for Vocational and Adult Education'' and inserting ''Assistant Secretary for Career, Technical, and Adult Education''; and

(2) in subsection (h), by striking out ''Assistant Secretary for Vocational and Adult Education'' each place it appears and inserting ''Assistant Secretary for Career, Technical, and Adult Education''.

(c) Section 1 of the Department of Education Organization Act (20 U.S.C. 3401 note) is amended by striking out the entry for section 206 and inserting ''Sec. 206. Office of Career, Technical, and Adult Education.''.

(d) Section 114(b)(1) of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2324(b)(1)) is amended by striking out ''Office of Vocational and Adult Education'' and inserting ''Office of Career, Technical, and Adult Education''.

SEC. 309. Section 8002(i)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7702(i)(1)) is amended—

(1) by striking ''(not to exceed the amount equal to the difference between (A) the amount appropriated to carry out this section for fiscal year 1997 and (B) the amount appropriated to carry out this section for fiscal year 1996)''; and

(2) by striking ''50 percent'' and inserting ''25 percent''.

SEC. 310. (a) A ''highly qualified teacher'' includes a teacher who meets the requirements in 34 C.F.R. 200.56(a)(2)(ii), as published in the Federal Register on December 2, 2002.

(b) This provision is effective on the date of enactment of this Act through the end of the 2012–2013 academic year.

This title may be cited as the ''Department of Education Appropriations Act, 2011''.

TITLE IV

RELATED AGENCIES

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

SALARIES AND EXPENSES

For expenses necessary for the Committee for Purchase From People Who Are Blind or Severely Disabled established by Public Law 92–28, $5,771,000.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

OPERATING EXPENSES

For necessary expenses for the Corporation for National and Community Service (''the Corporation'') to carry out the Domestic Volunteer Service Act of 1973 (''1973 Act'') and the National and Community Service Act of 1990 (''1990 Act''), $941,983,000, of which $331,100,000 shall be to carry out the 1973 Act and $610,883,000 shall be to carry out the 1990 Act and notwithstanding sections 198B(b)(3), 198S(g), and 501(a)(4)(C) of the 1990 Act: *Provided*, That of the amounts provided under this heading: (1) up to 1 percent of program grant funds may be used to defray the costs of conducting grant application reviews, including the use of outside peer reviewers and electronic management of the grants cycle; (2) $5,000,000 shall be available for expenses authorized under 501(a)(4)(F)(ii) of the 1990 Act, which, notwithstanding any other provision of law, shall be awarded by the Corporation on a competitive basis to State Commissions; (3) $7,500,000 shall be available for expenses to carry out sections 112(e), 179A, and 198O and subtitle J of title I of the 1990 Act, notwithstanding section 501(a)(6) of the 1990 Act; (4) $6,000,000 shall be available for grants to public or private nonprofit institutions to increase the participation of individuals with disabilities in national service and for demonstration activities in furtherance of this purpose, notwithstanding section 129(k)(1) of the 1990 Act; (5) $18,000,000 shall be available to provide assistance to State commissions on national and community service under section 126(a) of the 1990 Act and notwithstanding section 501(a)(5)(B) of the 1990 Act; and (6) $60,000,000 shall be available for expenses authorized under section 501(a)(4)(E) of the 1990 Act.

NATIONAL SERVICE TRUST

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the National Service Trust established under subtitle D of title I of the National and Community Service Act of 1990 (''1990 Act''), $254,856,000, to remain available until expended: *Provided*, That the Corporation for National and Community Service may transfer additional funds from the amount provided within ''Operating Expenses'' allocated to grants under subtitle C of title I of the 1990 Act to the National Service Trust upon determination that such transfer is necessary to support the activities of national service participants and after notice is transmitted to the Committees on Appropriations of the House of Representatives and the Senate: *Provided further*, That amounts appropriated for or transferred to the National Service Trust may be invested under section 145(b) of the 1990 Act without regard to the requirement to apportion funds under 31 U.S.C. 1513(b).

SALARIES AND EXPENSES

For necessary expenses of administration as provided under section 501(a)(5) of the National and Community Service Act of 1990 and under section 504(a) of the Domestic Volunteer Service Act of 1973, including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms in the District of Columbia, the employment of experts and consultants authorized under 5 U.S.C. 3109, and not to exceed $2,500 for official reception and representation expenses, $100,522,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, $9,000,000.

ADMINISTRATIVE PROVISIONS

SEC. 401. The Corporation for National and Community Service (''the Corporation'') shall make any significant changes to program requirements, service delivery or policy only through public notice and comment rulemaking. For fiscal year 2011, during any grant selection process, an officer or employee of the Corporation shall not knowingly disclose any covered grant selection information regarding such selection, directly or indirectly, to any person other than an officer or employee of the Corporation that is authorized by the Corporation to receive such information.

SEC. 402. AmeriCorps programs receiving grants under the National Service Trust program shall meet an overall minimum share requirement of 24 percent for the first 3 years that they receive AmeriCorps funding, and thereafter shall meet the overall minimum share requirement as provided in section 2521.60 of title 45, Code of Federal Regulations, without regard to the operating costs match requirement in section 121(e) or the member support Federal share limitations in section 140 of the National and Community Service Act of 1990, and subject to partial waiver consistent with section 2521.70 of title 45, Code of Federal Regulations.

SEC. 403. Donations made to the Corporation for National and Community Service under section 196 of the National and Community Service Act of 1990 (''1990 Act'') for the purposes of financing programs and operations under titles I and II of the 1973 Act or subtitle B, C, D, or E of title I of the 1990 Act shall be used to supplement and not supplant current programs and operations.

SEC. 404. Notwithstanding the provisions of section 501(a)(1)(D) of the National and Community Service Act of 1990 (''the 1990 Act''), the Corporation for National and Community Service shall fund summer of service program grants authorized under section 119(c)(8) of the 1990 Act from funds made available to provide financial assistance under 501(a)(1)(F)(iii) of the 1990 Act.

SEC. 405. In addition to the requirements in section 146(a) of the National and Community Service Act of 1990 (''the 1990 Act''), use of an educational award for the purpose described in section 148(a)(4) shall be limited to individuals who are veterans as defined under section 101 of the 1990 Act.

CORPORATION FOR PUBLIC BROADCASTING

For payment to the Corporation for Public Broadcasting (''Corporation''), as authorized by the Communications Act of 1934, an amount which shall be available within limitations specified by that Act, for the fiscal year 2013, $460,000,000: *Provided*, That none of the funds made available to the Corporation by this Act shall be used to pay for receptions, parties, or similar forms of entertainment for Government officials or employees: *Provided further*, That none of the funds made available to the Corporation by this Act shall be available or used to aid or support any program or activity from which any person is excluded, or is denied benefits, or is discriminated against, on the basis of race, color, national origin, religion, or sex: *Provided further*, That none of the funds made available to the Corporation by this Act shall be used to apply any political test or qualification in selecting, appointing, promoting, or taking any other personnel action with respect to officers, agents, and employees of the Corporation: *Provided further*, That none of the funds made available to the Corporation by this Act shall be used to support the Television Future Fund or any similar purpose: *Provided further*, That for fiscal year 2011, in addition to the amounts provided above, $36,000,000 shall be provided for costs related to digital program production, development, and distribution, associated with the transition of public broadcasting to digital broadcasting, to be awarded as determined by the Corporation in consultation with public radio and television licensees or permittees, or their designated representatives.

FEDERAL MEDIATION AND CONCILIATION SERVICE

SALARIES AND EXPENSES

For expenses necessary for the Federal Mediation and Conciliation Service (''Service'') to carry out the functions vested in it by the Labor Management Relations Act, 1947, including hire of passenger motor vehicles; for expenses necessary for the Labor-Management Cooperation Act of 1978; and for expenses necessary for the Service to carry out the functions vested in it by the Civil Service Reform Act, $48,025,000, including $750,000 to remain available through September 30, 2012, for activities authorized by the Labor-Management Cooperation Act of 1978: *Provided*, That notwithstanding 31 U.S.C. 3302, fees charged, up to full-cost recovery, for special training activities and other conflict resolution services and technical assistance, including those provided to foreign governments and international organizations, and for arbitration services shall be credited to and merged with this account, and shall remain available until expended: *Provided further*, That fees for arbitration services shall be available only for education, training, and professional development of the agency workforce: *Provided further*, That the Director of the Service is authorized to accept and use on behalf of the United States gifts of services and real, personal, or other property in the aid of any projects or functions within the Director's jurisdiction.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Federal Mine Safety and Health Review Commission, $14,705,000.

INSTITUTE OF MUSEUM AND LIBRARY SERVICES

OFFICE OF MUSEUM AND LIBRARY SERVICES: GRANTS AND ADMINISTRATION

For carrying out the Museum and Library Services Act of 1996 and the National Museum of African American History and Culture Act, $270,619,000, of which $4,750,000 shall be used for the projects, and in the amounts, as specified in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

MEDICARE PAYMENT ADVISORY COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out section 1805 of the Social Security Act, $13,100,000, to be transferred to this appropriation from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund.

NATIONAL COUNCIL ON DISABILITY

SALARIES AND EXPENSES

For expenses necessary for the National Council on Disability as authorized by title

IV of the Rehabilitation Act of 1973, $3,337,000.

NATIONAL HEALTH CARE WORKFORCE COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the National Health Care Workforce Commission as authorized by section 5101 of the Patient Protection and Affordable Care Act, as amended, $3,000,000.

NATIONAL LABOR RELATIONS BOARD

SALARIES AND EXPENSES

For expenses necessary for the National Labor Relations Board to carry out the functions vested in it by the Labor-Management Relations Act, 1947, and other laws, $287,100,000: *Provided*, That no part of this appropriation shall be available to organize or assist in organizing agricultural laborers or used in connection with investigations, hearings, directives, or orders concerning bargaining units composed of agricultural laborers as referred to in section 2(3) of the Act of July 5, 1935, and as amended by the Labor-Management Relations Act, 1947, and as defined in section 3(f) of the Act of June 25, 1938, and including in said definition employees engaged in the maintenance and operation of ditches, canals, reservoirs, and waterways when maintained or operated on a mutual, nonprofit basis and at least 95 percent of the water stored or supplied thereby is used for farming purposes.

NATIONAL MEDIATION BOARD

SALARIES AND EXPENSES

For expenses necessary to carry out the provisions of the Railway Labor Act, including emergency boards appointed by the President, $14,972,000.

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Occupational Safety and Health Review Commission, $12,051,000.

RAILROAD RETIREMENT BOARD

DUAL BENEFITS PAYMENTS ACCOUNT

For payment to the Dual Benefits Payments Account, authorized under section 15(d) of the Railroad Retirement Act of 1974, $57,000,000, which shall include amounts becoming available in fiscal year 2011 pursuant to section 224(c)(1)(B) of Public Law 98–76; and in addition, an amount, not to exceed 2 percent of the amount provided herein, shall be available proportional to the amount by which the product of recipients and the average benefit received exceeds the amount available for payment of vested dual benefits: *Provided*, That the total amount provided herein shall be credited in 12 approximately equal amounts on the first day of each month in the fiscal year.

FEDERAL PAYMENTS TO THE RAILROAD RETIREMENT ACCOUNTS

For payment to the accounts established in the Treasury for the payment of benefits under the Railroad Retirement Act for interest earned on unnegotiated checks, $150,000, to remain available through September 30, 2012, which shall be the maximum amount available for payment pursuant to section 417 of Public Law 98–76.

LIMITATION ON ADMINISTRATION

For necessary expenses for the Railroad Retirement Board (''Board'') for administration of the Railroad Retirement Act and the Railroad Unemployment Insurance Act, $110,573,000, to be derived in such amounts as determined by the Board from the railroad retirement accounts and from moneys credited to the railroad unemployment insurance administration fund.

LIMITATION ON THE OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General for audit, investigatory and review activities, as authorized by the Inspector General Act of 1978, not more than $8,936,000, to be derived from the railroad retirement accounts and railroad unemployment insurance account.

SOCIAL SECURITY ADMINISTRATION

PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

For payment to the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund, as provided under sections 201(m), 217(g), 228(g), and 1131(b)(2) of the Social Security Act, $21,404,000.

SUPPLEMENTAL SECURITY INCOME PROGRAM

For carrying out titles XI and XVI of the Social Security Act, section 401 of Public Law 92–603, section 212 of Public Law 93–66, as amended, and section 405 of Public Law 95–216, including payment to the Social Security trust funds for administrative expenses incurred pursuant to section 201(g)(1) of the Social Security Act, $40,482,124,000, to remain available until expended: *Provided*, That any portion of the funds provided to a State in the current fiscal year and not obligated by the State during that year shall be returned to the Treasury: *Provided further*, That of the funds available for the Research and Demonstration program, not more than $6,300,000 shall be used for the Special Initiative activity only to support the Financial Literacy Education Commission program.

For making, after June 15 of the current fiscal year, benefit payments to individuals under title XVI of the Social Security Act, for unanticipated costs incurred for the current fiscal year, such sums as may be necessary.

For making benefit payments under title XVI of the Social Security Act for the first quarter of fiscal year 2012, $13,400,000,000, to remain available until expended.

LIMITATION ON ADMINISTRATIVE EXPENSES

(INCLUDING TRANSFER AND RESCISSION OF FUNDS)

For necessary expenses, including the hire of two passenger motor vehicles, and not to exceed $20,000 for official reception and representation expenses, not more than $11,629,863,000 may be expended, as authorized by section 201(g)(1) of the Social Security Act, from any one or all of the trust funds referred to therein: *Provided*, That not less than $2,300,000 shall be for the Social Security Advisory Board: *Provided further*, That funds made available in this paragraph and remaining unobligated at the end of fiscal year 2011 may be, not later than the end of the fifth fiscal year after the last fiscal year for which such funds are available for the purposes for which appropriated, placed in an ''Information Technology and Telecommunications Investment Fund'' (''ITTI Fund'') to be established within this account where they shall remain available until expended for investments in Social Security Administration information technology and telecommunications hardware and software infrastructure, including related equipment and non-payroll administrative expenses: *Provided further*, That unobligated balances of appropriations made to this account in prior fiscal years that remain available for the purposes specified in the preceding proviso may also be placed in the ITTI Fund not later than the end of the fifth fiscal year after the last fiscal year for which such funds are available for the purposes for which appropriated: *Provided further*, That the Commissioner of the Social Security Administration shall provide information to the Committees on Appropriations of the House of Representatives and the Senate each year, at the same time the President's budget is submitted to Congress, regarding actual or estimated amounts placed in, and obligated and expended from, the ITTI Fund during the preceding, current, and succeeding fiscal years, including the nature and purposes of all such obligations and expenditures, and regarding the balances remaining (or expected to remain) in the ITTI Fund as of the close of each such fiscal year: *Provided further*, That reimbursement to the trust funds under this heading for expenditures for official time for employees of the Social Security Administration pursuant to 5 U.S.C. 7131, and for facilities or support services for labor organizations pursuant to policies, regulations, or procedures referred to in section 7135(b) of such title shall be made by the Secretary of the Treasury, with interest, from amounts in the general fund not otherwise appropriated, as soon as possible after such expenditures are made: *Provided further*, That of the funds made available under this heading, $1,863,000 shall be available only to increase the Social Security Administration's acquisition workforce capacity and capabilities, and may be transferred by the Commissioner for that purpose to any other account in the Social Security Administration (in addition to any other transfer authority provided in this Act): *Provided further*, That funds available under the previous proviso shall be used only to supplement and not to supplant existing acquisition workforce activities and may be used for training, recruitment, retention, and hiring additional members of the acquisition workforce (as defined by the Office of Federal Procurement Policy Act), for information technology in support of acquisition workforce effectiveness, or for activities to improve acquisition management.

From funds provided under the first paragraph, not less than $283,000,000 shall be available for the cost associated with conducting continuing disability reviews under titles II and XVI of the Social Security Act and for the cost associated with conducting redeterminations of eligibility under title XVI of the Social Security Act.

In addition to the amounts made available above, and subject to the same terms and conditions, $513,000,000, for additional continuing disability reviews and redeterminations of eligibility, of which up to $10,000,000 shall be available to complete implementation of asset verification initiatives: *Provided*, That the Commissioner shall provide to the Congress (at the conclusion of the fiscal year) a report on the obligation and expenditure of these additional amounts, similar to the reports that were required by section 103(d)(2) of Public Law 104–121 for fiscal years 1996 through 2002.

In addition, $186,000,000 to be derived from administration fees in excess of $5.00 per supplementary payment collected pursuant to section 1616(d) of the Social Security Act or section 212(b)(3) of Public Law 93–66, which shall remain available until expended. To the extent that the amounts collected pursuant to such sections in fiscal year 2011 exceed $186,000,000, the amounts shall be available in fiscal year 2012 only to the extent provided in advance in appropriations Acts.

In addition, up to $500,000 to be derived from fees collected pursuant to section 303(c) of the Social Security Protection Act, which shall remain available until expended.

Upon enactment of this Act, $455,700,000 of the remaining unobligated balances, including expired and non-expired amounts, of funds appropriated for ''Social Security Administration—Limitation on Administrative Expenses'' for fiscal years 2010 and prior years (other than funds appropriated in Public Law 111–5) shall be made part of and

merged with the ITTI Fund, and of such funds $455,700,000 are rescinded.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, $30,000,000, together with not to exceed $76,122,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

In addition, an amount not to exceed 3 percent of the total provided in this appropriation may be transferred from the ''Limitation on Administrative Expenses'', Social Security Administration, to be merged with this account, to be available for the time and purposes for which this account is available: *Provided*, That notice of such transfers shall be transmitted promptly to the Committees on Appropriations of the House of Representatives and the Senate.

TITLE V

GENERAL PROVISIONS

(TRANSFER OF FUNDS)

SEC. 501. The Secretaries of Labor, Health and Human Services, and Education are authorized to transfer unexpended balances of prior appropriations to accounts corresponding to current appropriations provided in this Act. Such transferred balances shall be used for the same purpose, and for the same periods of time, for which they were originally appropriated.

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

SEC. 503. (a) No part of any appropriation contained in this Act shall be used, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television, or video presentation designed to support or defeat legislation pending before the Congress or any State legislature, except in presentation to the Congress or any State legislature itself.

(b) No part of any appropriation contained in this Act shall be used to pay the salary or expenses of any grant or contract recipient, or agent acting for such recipient, related to any activity designed to influence legislation or appropriations pending before the Congress or any State legislature.

SEC. 504. The Secretaries of Labor and Education are authorized to make available not to exceed $28,000 and $20,000, respectively, from funds available for salaries and expenses under titles I and III, respectively, for official reception and representation expenses; the Director of the Federal Mediation and Conciliation Service is authorized to make available for official reception and representation expenses not to exceed $5,000 from the funds available for ''Federal Mediation and Conciliation Service, Salaries and Expenses''; and the Chairman of the National Mediation Board is authorized to make available for official reception and representation expenses not to exceed $5,000 from funds available for ''National Mediation Board, Salaries and Expenses''.

SEC. 505. None of the funds contained in this Act may be used to distribute any needle or syringe for the purpose of preventing the spread of blood borne pathogens in any location that has been determined by the local public health or local law enforcement authorities to be inappropriate for such distribution.

SEC. 506. When issuing statements, press releases, requests for proposals, bid solicitations and other documents describing projects or programs funded in whole or in part with Federal money, all grantees receiving Federal funds included in this Act, including but not limited to State and local governments and recipients of Federal research grants, shall clearly state—

(1) the percentage of the total costs of the program or project which will be financed with Federal money;

(2) the dollar amount of Federal funds for the project or program; and

(3) percentage and dollar amount of the total costs of the project or program that will be financed by non-governmental sources.

SEC. 507. (a) None of the funds appropriated in this Act, and none of the funds in any trust fund to which funds are appropriated in this Act, shall be expended for any abortion.

(b) None of the funds appropriated in this Act, and none of the funds in any trust fund to which funds are appropriated in this Act, shall be expended for health benefits coverage that includes coverage of abortion.

(c) The term ''health benefits coverage'' means the package of services covered by a managed care provider or organization pursuant to a contract or other arrangement.

SEC. 508. (a) The limitations established in the preceding section shall not apply to an abortion—

(1) if the pregnancy is the result of an act of rape or incest; or

(2) in the case where a woman suffers from a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself, that would, as certified by a physician, place the woman in danger of death unless an abortion is performed.

(b) Nothing in the preceding section shall be construed as prohibiting the expenditure by a State, locality, entity, or private person of State, local, or private funds (other than a State's or locality's contribution of Medicaid matching funds).

(c) Nothing in the preceding section shall be construed as restricting the ability of any managed care provider from offering abortion coverage or the ability of a State or locality to contract separately with such a provider for such coverage with State funds (other than a State's or locality's contribution of Medicaid matching funds).

(d)(1) None of the funds made available in this Act may be made available to a Federal agency or program, or to a State or local government, if such agency, program, or government subjects any institutional or individual health care entity to discrimination on the basis that the health care entity does not provide, pay for, provide coverage of, or refer for abortions.

(2) In this subsection, the term ''health care entity'' includes an individual physician or other health care professional, a hospital, a provider-sponsored organization, a health maintenance organization, a health insurance plan, or any other kind of health care facility, organization, or plan.

SEC. 509. (a) None of the funds made available in this Act may be used for—

(1) the creation of a human embryo or embryos for research purposes; or

(2) research in which a human embryo or embryos are destroyed, discarded, or knowingly subjected to risk of injury or death greater than that allowed for research on fetuses in utero under 45 CFR 46.204(b) and section 498(b) of the Public Health Service Act (42 U.S.C. 289g(b)).

(b) For purposes of this section, the term ''human embryo or embryos'' includes any organism, not protected as a human subject under 45 CFR 46 as of the date of the enactment of this Act, that is derived by fertilization, parthenogenesis, cloning, or any other means from one or more human gametes or human diploid cells.

SEC. 510. (a) None of the funds made available in this Act may be used for any activity that promotes the legalization of any drug or other substance included in schedule I of the schedules of controlled substances established under section 202 of the Controlled Substances Act except for normal and recognized executive-congressional communications.

(b) The limitation in subsection (a) shall not apply when there is significant medical evidence of a therapeutic advantage to the use of such drug or other substance or that federally sponsored clinical trials are being conducted to determine therapeutic advantage.

SEC. 511. None of the funds made available in this Act may be used to promulgate or adopt any final standard under section 1173(b) of the Social Security Act providing for, or providing for the assignment of, a unique health identifier for an individual (except in an individual's capacity as an employer or a health care provider), until legislation is enacted specifically approving the standard.

SEC. 512. None of the funds made available in this Act may be obligated or expended to enter into or renew a contract with an entity if—

(1) such entity is otherwise a contractor with the United States and is subject to the requirement in 38 U.S.C. 4212(d) regarding submission of an annual report to the Secretary of Labor concerning employment of certain veterans; and

(2) such entity has not submitted a report as required by that section for the most recent year for which such requirement was applicable to such entity.

SEC. 513. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

SEC. 514. None of the funds made available by this Act to carry out the Library Services and Technology Act may be made available to any library covered by paragraph (1) of section 224(f) of such Act, as amended by the Children's Internet Protection Act, unless such library has made the certifications required by paragraph (4) of such section.

SEC. 515. None of the funds made available by this Act to carry out part D of title II of the Elementary and Secondary Education Act of 1965 may be made available to any elementary or secondary school covered by paragraph (1) of section 2441(a) of such Act, as amended by the Children's Internet Protection Act and the No Child Left Behind Act, unless the local educational agency with responsibility for such covered school has made the certifications required by paragraph (2) of such section.

SEC. 516. (a) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2011, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that—

(1) creates new programs;

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

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

(4) relocates an office or employees;

(5) reorganizes or renames offices;

(6) reorganizes programs or activities; or

(7) contracts out or privatizes any functions or activities presently performed by Federal employees;

unless the Committees on Appropriations of the House of Representatives and the Senate are notified 15 days in advance of such reprogramming or of an announcement of intent relating to such reprogramming, whichever occurs earlier.

(b) None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2011, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds in excess of $500,000 or 10 percent, whichever is less, that—

(1) augments existing programs, projects (including construction projects), or activities;

(2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or

(3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress;

unless the Committees on Appropriations of the House of Representatives and the Senate are notified 15 days in advance of such reprogramming or of an announcement of intent relating to such reprogramming, whichever occurs earlier.

SEC. 517. (a) None of the funds made available in this Act may be used to request that a candidate for appointment to a Federal scientific advisory committee disclose the political affiliation or voting history of the candidate or the position that the candidate holds with respect to political issues not directly related to and necessary for the work of the committee involved.

(b) None of the funds made available in this Act may be used to disseminate scientific information that is deliberately false or misleading.

SEC. 518. Within 45 days of enactment of this Act, each department and related agency funded through this Act shall submit an operating plan that details at the program, project, and activity level any funding allocations for fiscal year 2011 that are different than those specified in this Act, the accompanying detailed table in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act) or the fiscal year 2011 budget request.

SEC. 519. The Secretaries of Labor, Health and Human Services, and Education shall each prepare and submit to the Committees on Appropriations of the House of Representatives and the Senate a report on the number and amount of contracts, grants, and cooperative agreements exceeding $500,000 in value and awarded by the Department on a non-competitive basis during each quarter of fiscal year 2011, but not to include grants awarded on a formula basis or directed by law. Such report shall include the name of the contractor or grantee, the amount of funding, the governmental purpose, including a justification for issuing the award on a non-competitive basis. Such report shall be transmitted to the Committees within 30 days after the end of the quarter for which the report is submitted.

SEC. 520. None of the funds made available in this Act may be used for first-class travel by the employees of agencies funded by this Act in contravention of sections 301–10.124 of title 41, Code of Federal Regulations.

SEC. 521. None of the funds appropriated in this Act shall be expended or obligated by the Commissioner of Social Security, for purposes of administering Social Security benefit payments under title II of the Social Security Act, to process any claim for credit for a quarter of coverage based on work performed under a social security account number that is not the claimant's number and the performance of such work under such number has formed the basis for a conviction of the claimant of a violation of section 208(a)(6) or (7) of the Social Security Act.

SEC. 522. None of the funds appropriated by this Act may be used by the Commissioner of Social Security or the Social Security Administration to pay the compensation of employees of the Social Security Administration to administer Social Security benefit payments, under any agreement between the United States and Mexico establishing totalization arrangements between the social security system established by title II of the Social Security Act and the social security system of Mexico, which would not otherwise be payable but for such agreement.

SEC. 523. None of the funds appropriated or otherwise made available by this Act may be used to enter into a contract in an amount greater than $5,000,000 or to award a grant in excess of such amount unless the prospective contractor or grantee certifies in writing to the agency awarding the contract or grant that, to the best of its knowledge and belief, the contractor or grantee has filed all Federal tax returns required during the 3 years preceding the certification, has not been convicted of a criminal offense under the Internal Revenue Code of 1986, and has not, more than 90 days prior to certification, been notified of any unpaid Federal tax assessment for which the liability remains unsatisfied, unless the assessment is the subject of an installment agreement or offer in compromise that has been approved by the Internal Revenue Service and is not in default, or the assessment is the subject of a non-frivolous administrative or judicial proceeding.

SEC. 524. The policy regarding public access to research results established for the National Institutes of Health by section 217 of division F of Public Law 111–8 shall apply to all Departments funded in this Act having more than $100,000,000 in annual expenditures for extramural research. Except with respect to the National Institutes of Health, the Secretaries of the Departments affected may designate other suitable online depositories to be used in lieu of the National Library of Medicine's PubMed Central.

SEC. 525. Section 6402(f)(3)(C) of the Internal Revenue Code of 1986, as amended by section 801(a)(3)(C) of the Claims Resolution Act of 2010, is further amended by striking ''not''.

This division may be cited as the ''Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2011''.

## DIVISION I—LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2011

### TITLE I
### LEGISLATIVE BRANCH
### SENATE

EXPENSE ALLOWANCES

For expense allowances of the Vice President, $20,000; the President Pro Tempore of the Senate, $40,000; Majority Leader of the Senate, $40,000; Minority Leader of the Senate, $40,000; Majority Whip of the Senate, $10,000; Minority Whip of the Senate, $10,000; Chairmen of the Majority and Minority Conference Committees, $5,000 for each Chairman; and Chairmen of the Majority and Minority Policy Committees, $5,000 for each Chairman; in all, $180,000.

REPRESENTATION ALLOWANCES FOR THE MAJORITY AND MINORITY LEADERS

For representation allowances of the Majority and Minority Leaders of the Senate, $15,000 for each such Leader; in all, $30,000.

SALARIES, OFFICERS AND EMPLOYEES

For compensation of officers, employees, and others as authorized by law, including agency contributions, $185,982,000, which shall be paid from this appropriation without regard to the following limitations:

OFFICE OF THE VICE PRESIDENT

For the Office of the Vice President, $2,517,000.

OFFICE OF THE PRESIDENT PRO TEMPORE

For the Office of the President Pro Tempore, $752,000.

OFFICES OF THE MAJORITY AND MINORITY LEADERS

For Offices of the Majority and Minority Leaders, $5,212,000.

OFFICES OF THE MAJORITY AND MINORITY WHIPS

For Offices of the Majority and Minority Whips, $3,288,000.

COMMITTEE ON APPROPRIATIONS

For salaries of the Committee on Appropriations, $15,844,000.

CONFERENCE COMMITTEES

For the Conference of the Majority and the Conference of the Minority, at rates of compensation to be fixed by the Chairman of each such committee, $1,726,000 for each such committee; in all, $3,452,000.

OFFICES OF THE SECRETARIES OF THE CONFERENCE OF THE MAJORITY AND THE CONFERENCE OF THE MINORITY

For Offices of the Secretaries of the Conference of the Majority and the Conference of the Minority, $850,000.

POLICY COMMITTEES

For salaries of the Majority Policy Committee and the Minority Policy Committee, $1,763,000 for each such committee; in all, $3,526,000.

OFFICE OF THE CHAPLAIN

For Office of the Chaplain, $415,000.

OFFICE OF THE SECRETARY

For Office of the Secretary, $25,790,000.

OFFICE OF THE SERGEANT AT ARMS AND DOORKEEPER

For Office of the Sergeant at Arms and Doorkeeper, $77,000,000.

OFFICES OF THE SECRETARIES FOR THE MAJORITY AND MINORITY

For Offices of the Secretary for the Majority and the Secretary for the Minority, $1,836,000.

AGENCY CONTRIBUTIONS AND RELATED EXPENSES

For agency contributions for employee benefits, as authorized by law, and related expenses, $45,500,000.

OFFICE OF THE LEGISLATIVE COUNSEL OF THE SENATE

For salaries and expenses of the Office of the Legislative Counsel of the Senate, $7,154,000.

OFFICE OF SENATE LEGAL COUNSEL

For salaries and expenses of the Office of Senate Legal Counsel, $1,544,000.

EXPENSE ALLOWANCES OF THE SECRETARY OF THE SENATE, SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE, AND SECRETARIES FOR THE MAJORITY AND MINORITY OF THE SENATE

For expense allowances of the Secretary of the Senate, $7,500; Sergeant at Arms and Doorkeeper of the Senate, $7,500; Secretary for the Majority of the Senate, $7,500; Secretary for the Minority of the Senate, $7,500; in all, $30,000.

CONTINGENT EXPENSES OF THE SENATE

INQUIRIES AND INVESTIGATIONS

For expenses of inquiries and investigations ordered by the Senate, or conducted

under paragraph 1 of rule XXVI of the Standing Rules of the Senate, section 112 of the Supplemental Appropriations and Rescission Act, 1980 (Public Law 96–304), and Senate Resolution 281, 96th Congress, agreed to March 11, 1980, $140,500,000.

EXPENSES OF THE UNITED STATES SENATE CAUCUS ON INTERNATIONAL NARCOTICS CONTROL

For expenses of the United States Senate Caucus on International Narcotics Control, $520,000.

SECRETARY OF THE SENATE

For expenses of the Office of the Secretary of the Senate $6,200,000 of which $4,200,000 shall remain available until September 30, 2015.

SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE

For expenses of the Office of the Sergeant at Arms and Doorkeeper of the Senate, $142,401,000, which shall remain available until September 30, 2015.

MISCELLANEOUS ITEMS

For miscellaneous items, $19,145,000.

SENATORS' OFFICIAL PERSONNEL AND OFFICE EXPENSE ACCOUNT

For Senators' Official Personnel and Office Expense Account, $422,000,000.

OFFICIAL MAIL COSTS

For expenses necessary for official mail costs of the Senate, $300,000.

ADMINISTRATIVE PROVISION

ACQUISITION OF GOODS, SERVICES, OR SPACE

SEC. 1. Section 8 of the Legislative Branch Appropriations Act, 1990 (31 U.S.C. 1535 note) is amended by striking paragraph (3) and inserting the following:

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

HOUSE OF REPRESENTATIVES

SALARIES AND EXPENSES

For salaries and expenses of the House of Representatives, $1,371,172,000, as follows:

HOUSE LEADERSHIP OFFICES

For salaries and expenses, as authorized by law, $26,157,000, including: Office of the Speaker, $5,143,000, including $25,000 for official expenses of the Speaker; Office of the Majority Floor Leader, $2,560,000, including $10,000 for official expenses of the Majority Leader; Office of the Minority Floor Leader, $4,622,000, including $10,000 for official expenses of the Minority Leader; Office of the Majority Whip, including the Chief Deputy Majority Whip, $2,222,000, including $5,000 for official expenses of the Majority Whip; Office of the Minority Whip, including the Chief Deputy Minority Whip, $1,713,000, including $5,000 for official expenses of the Minority Whip; Speaker's Office for Legislative Floor Activities, $518,000; Republican Steering Committee, $984,000; Republican Conference, $1,771,000; Republican Policy Committee, $360,000; Democratic Steering and Policy Committee, $1,371,000; Democratic Caucus, $1,744,000; nine minority employees, $1,553,000; training and program development—majority, $290,000; training and program development—minority, $290,000; Cloakroom Personnel—majority, $508,000; and Cloakroom Personnel—minority, $508,000.

MEMBERS' REPRESENTATIONAL ALLOWANCES INCLUDING MEMBERS' CLERK HIRE, OFFICIAL EXPENSES OF MEMEBERS, AND OFFICIAL MAIL

For Members' representational allowances, including Members' clerk hire, official expenses, and official mail, $652,000,000.

COMMITTEE EMPLOYEES

STANDING COMMITTEES, SPECIAL AND SELECT

For salaries and expenses of standing committees, special and select, authorized by House resolutions, $147,878,000: *Provided*, That such amount shall remain available for such salaries and expenses until December 31, 2012.

COMMITTEE ON APPROPRIATIONS

For salaries and expenses of the Committee on Appropriations, $31,300,000, including studies and examinations of executive agencies and temporary personal services for such committee, to be expended in accordance with section 202(b) of the Legislative Reorganization Act of 1946 and to be available for reimbursement to agencies for services performed: *Provided*, That such amount shall remain available for such salaries and expenses until December 31, 2012.

SALARIES, OFFICERS AND EMPLOYEES

For compensation and expenses of officers and employees, as authorized by law, $193,011,000, including: for salaries and expenses of the Office of the Clerk, including not more than $33,000, of which not more than $30,000 is for the Family Room, for official representation and reception expenses, $29,265,000; for salaries and expenses of the Office of the Sergeant at Arms, including the position of Superintendent of Garages, and including not more than $3,000 for official representation and reception expenses, $16,538,000 of which $7,044,000 shall remain available until expended; for salaries and expenses of the Office of the Chief Administrative Officer, including not more than $3,000 for official representation and reception expenses, $123,209,000, of which $3,937,000 shall remain available until expended and $20,000,000 shall not be available for obligation until the Committee on Appropriations of the House of Representatives and the Committee on House Administration receive the House Services Action Plan from the Chief Administrative Officer; for salaries and expenses of the Office of the Inspector General, $5,207,000; salaries and expenses of the Office of General Counsel, $1,437,000; for the Office of the Chaplain, $176,000; for salaries and expenses of the Office of the Parliamentarian, including the Parliamentarian, $2,000 for preparing the Digest of Rules, and not more than $1,000 for official representation and reception expenses, $2,092,000; for salaries and expenses of the Office of the Law Revision Counsel of the House, $3,361,000; for salaries and expenses of the Office of the Legislative Counsel of the House, $8,890,000; for salaries and expenses of the Office of Interparliamentary Affairs, $878,000; for other authorized employees, $1,355,000; and for salaries and expenses of the Office of the Historian, including the cost of the House Fellows Program (including lodging and related expenses for visiting Program participants), $603,000.

ALLOWANCES AND EXPENSES

For allowances and expenses as authorized by House resolution or law, $320,826,000, including: supplies, materials, administrative costs and Federal tort claims, $4,323,000; official mail for committees, leadership offices, and administrative offices of the House, $201,000; Government contributions for health, retirement, Social Security, and other applicable employee benefits, $286,316,000, including employee tuition assistance benefit payments, $3,500,000, if authorized, and employee child care benefit payments, $1,000,000, if authorized; Business Continuity and Disaster Recovery, $22,031,000; transition activities for new members and staff, $2,664,000; Wounded Warrior Program, $2,500,000, to remain available until expended; Office of Congressional Ethics, $2,020,000; and miscellaneous items including purchase, exchange, maintenance, repair and operation of House motor vehicles, interparliamentary receptions, and gratuities to heirs of deceased employees of the House, $771,000.

CHILD CARE CENTER

For salaries and expenses of the House of Representatives Child Care Center, such amounts as are deposited in the account established by section 312(d)(1) of the Legislative Branch Appropriations Act, 1992 (2 U.S.C. 2062), subject to the level specified in the budget of the Center, as submitted to the Committee on Appropriations of the House of Representatives.

ADMINISTRATIVE PROVISIONS

SEC. 101. (a) REQUIRING AMOUNTS REMAINING IN MEMBERS' REPRESENTATIONAL ALLOWANCES TO BE USED FOR DEFICIT REDUCTION OR TO REDUCE THE FEDERAL DEBT.—Notwithstanding any other provision of law, any amounts appropriated under this Act for ''HOUSE OF REPRESENTATIVES—Salaries and Expenses—Members' Representational Allowances'' shall be available only for fiscal year 2011. Any amount remaining after all payments are made under such allowances for fiscal year 2011 shall be deposited in the Treasury and used for deficit reduction (or, if there is no Federal budget deficit after all such payments have been made, for reducing the Federal debt, in such manner as the Secretary of the Treasury considers appropriate).

(b) REGULATIONS.—The Committee on House Administration of the House of Representatives shall have authority to prescribe regulations to carry out this section.

(c) DEFINITION.—As used in this section, the term ''Member of the House of Representatives'' means a Representative in, or a Delegate or Resident Commissioner to, the Congress.

TRANSFER OF HOUSE EMERGENCY PLANNING, PREPAREDNESS, AND OPERATIONS FUNCTIONS TO SERGEANT AT ARMS

SEC. 102. (a) TERMINATION OF OEPPO.—Section 905 of the Emergency Supplemental Act, 2002 (2 U.S.C. 130i) is repealed.

(b) TRANSFER TO SERGEANT AT ARMS.—The functions and responsibilities of the Office of Emergency Planning, Preparedness, and Operations under section 905 of the Emergency Supplemental Act, 2002 (2 U.S.C. 130i) (as in effect on the day before the date referred to in subsection (c)) shall be transferred and assigned to the Sergeant At Arms of the House of Representatives.

(c) EFFECTIVE DATE.—This section and the amendment made by this section shall take effect February 1, 2010.

JOINT ITEMS

For Joint Items, as follows:

JOINT ECONOMIC COMMITTEE

For salaries and expenses of the Joint Economic Committee, $4,814,000, to be disbursed by the Secretary of the Senate.

JOINT COMMITTEE ON TAXATION

For salaries and expenses of the Joint Committee on Taxation, $11,327,000, to be disbursed by the Chief Administrative Officer of the House of Representatives.

OFFICE OF THE ATTENDING PHYSICIAN

For medical supplies, equipment, and contingent expenses of the emergency rooms, and for the Attending Physician and his assistants, including: (1) an allowance of $2,175 per month to the Attending Physician; (2) an allowance of $1,300 per month to the Senior Medical Officer; (3) an allowance of $725 per month each to three medical officers while on duty in the Office of the Attending Physician; (4) an allowance of $725 per month to

two assistants and $580 per month each not to exceed 11 assistants on the basis heretofore provided for such assistants; and (5) $2,426,000 for reimbursement to the Department of the Navy for expenses incurred for staff and equipment assigned to the Office of the Attending Physician, which shall be advanced and credited to the applicable appropriation or appropriations from which such salaries, allowances, and other expenses are payable and shall be available for all the purposes thereof, $3,407,000, to be disbursed by the Chief Administrative Officer of the House of Representatives.

OFFICE OF CONGRESSIONAL ACCESSIBILITY SERVICES

SALARIES AND EXPENSES

For salaries and expenses of the Office of Congressional Accessibility Services, $1,377,000, to be disbursed by the Secretary of the Senate.

TECHNICAL CORRECTION

SEC. 1001. (a) IN GENERAL.—Section 102(a) of the Legislative Branch Appropriations Act, 2002 (2 U.S.C. 60c–5(a)) is amended—

(1) in paragraph (1), by inserting '', except as provided under subsection (b)(3)'' after ''means an individual''; and

(2) by striking paragraphs (2) and (3) and inserting the following:

''(2) EMPLOYEE OF THE SENATE.—The term 'employee of the Senate'—

''(A) has the meaning given the term under section 101 of the Congressional Accountability Act of 1995 (2 U.S.C. 1301); and

''(B) includes any employee of the Office of Congressional Accessibility Services whose pay is disbursed by the Secretary of the Senate.

''(3) EMPLOYING OFFICE.—The term 'employing office'—

''(A) means the employing office, as defined under section 101 of the Congressional Accountability Act of 1995 (2 U.S.C. 1301), of an employee of the Senate; and

''(B) includes the Office of Congressional Accessibility Services with respect to employees of that office whose pay is disbursed by the Secretary of the Senate.''.

(b) EXCLUSION FROM PARTICIPATION IN DUAL PROGRAMS.—Section 102(b) of the Legislative Branch Appropriations Act, 2002 (2 U.S.C. 60c–5(b)) is amended by adding at the end the following:

''(3) EXCLUSION FROM PARTICIPATION IN DUAL PROGRAMS.—Notwithstanding section 5379 of title 5, United States Code, an employee of the Office of Congressional Accessibility Services may not participate in the student loan repayment program through an agreement under that section and participate in the student loan repayment program through a service agreement under this section at the same time.''.

(c) EFFECTIVE DATE AND APPLICATION.—The amendments made by this section shall take effect on the date of enactment of this Act and apply to service agreements entered into under section 102 of the Legislative Branch Appropriations Act, 2002 (2 U.S.C. 60c–5) or section 5379 of title 5, United States Code, on or after that date.

CAPITOL POLICE

SALARIES

For salaries of employees of the Capitol Police, including overtime, hazardous duty pay, and Government contributions for health, retirement, social security, professional liability insurance, and other applicable employee benefits, $279,224,000, of which $1,945,000 shall remain available until September 30, 2014, to be disbursed by the Chief of the Capitol Police or his designee.

GENERAL EXPENSES

For necessary expenses of the Capitol Police, including motor vehicles, communications and other equipment, security equipment and installation, uniforms, weapons, supplies, materials, training, medical services, forensic services, stenographic services, personal and professional services, the employee assistance program, the awards program, postage, communication services, travel advances, relocation of instructor and liaison personnel for the Federal Law Enforcement Training Center, and not more than $5,000 to be expended on the certification of the Chief of the Capitol Police in connection with official representation and reception expenses, $57,985,000, to be disbursed by the Chief of the Capitol Police or his designee: *Provided,* That, notwithstanding any other provision of law, the cost of basic training for the Capitol Police at the Federal Law Enforcement Training Center for fiscal year 2011 shall be paid by the Secretary of Homeland Security from funds available to the Department of Homeland Security.

ADMINISTRATIVE PROVISIONS

TRANSFER AUTHORITY

SEC. 1101. Amounts appropriated for fiscal year 2011 for the Capitol Police may be transferred between the headings ''Salaries'' and ''General Expenses'' upon the approval of the Committees on Appropriations of the House of Representatives and the Senate.

USE OF FUNDS FOR THE TRUCK INTERDICTION MONITORING PROGRAM

SEC. 1102. (a) Notwithstanding section 1018(d) of the Legislative Branch Appropriations Act, 2003 (2 U.S.C. 1907(d)), the use of any funds appropriated to the United States Capitol Police during fiscal year 2003 for transfer relating to the Truck Interdiction Monitoring Program to the working capital fund established under section 328 of title 49, United States Code is ratified.

(b) Nothing in subsection (a) may be construed to waive sections 1341, 1342, 1349, 1350, or 1351 of title 31, United States Code, or subchapter II of chapter 15 of such title (commonly known as the ''Anti-Deficiency Act'').

OFFICE OF COMPLIANCE

SALARIES AND EXPENSES

For salaries and expenses of the Office of Compliance, as authorized by section 305 of the Congressional Accountability Act of 1995 (2 U.S.C. 1385), $4,377,000, of which $884,000 shall remain available until September 30, 2012: *Provided*, That not more than $500 may be expended on the certification of the Executive Director of the Office of Compliance in connection with official representation and reception expenses.

CONGRESSIONAL BUDGET OFFICE

SALARIES AND EXPENSES

For salaries and expenses necessary for operation of the Congressional Budget Office, including not more than $6,000 to be expended on the certification of the Director of the Congressional Budget Office in connection with official representation and reception expenses, $46,905,000.

ARCHITECT OF THE CAPITOL

GENERAL ADMINISTRATION

For salaries for the Architect of the Capitol, and other personal services, at rates of pay provided by law; for surveys and studies in connection with activities under the care of the Architect of the Capitol; for all necessary expenses for the general and administrative support of the operations under the Architect of the Capitol including the Botanic Garden; electrical substations of the Capitol, Senate and House office buildings, and other facilities under the jurisdiction of the Architect of the Capitol; including furnishings and office equipment; including not more than $5,000 for official reception and representation expenses, to be expended as the Architect of the Capitol may approve; for purchase or exchange, maintenance, and operation of a passenger motor vehicle, and for lease payments on behalf of the United States Capitol Historical Society, $109,294,000, of which $7,499,000 shall remain available until September 30, 2015.

CAPITOL BUILDING

For all necessary expenses for the maintenance, care and operation of the Capitol, $52,916,000, of which $25,526,000 shall remain available until September 30, 2015.

CAPITOL GROUNDS

For all necessary expenses for care and improvement of grounds surrounding the Capitol, the Senate and House office buildings, and the Capitol Power Plant, $9,988,000.

SENATE OFFICE BUILDINGS

For all necessary expenses for the maintenance, care and operation of Senate office buildings; and furniture and furnishings to be expended under the control and supervision of the Architect of the Capitol, $81,112,000, of which $19,474,000 shall remain available until September 30, 2015.

HOUSE OFFICE BUILDINGS

For necessary expenses for the maintenance, care and operation of the House office buildings, $75,619,000, of which $25,323,000 shall remain available until September 30, 2015. In addition, for a payment to the House Historic Buildings Revitalization Trust Fund, $40,000,000, to remain available until expended.

CAPITOL POWER PLANT

For all necessary expenses for the maintenance, care and operation of the Capitol Power Plant; lighting, heating, power (including the purchase of electrical energy) and water and sewer services for the Capitol, Senate and House office buildings, Library of Congress buildings, and the grounds about the same, Botanic Garden, Senate garage, and air conditioning refrigeration not supplied from plants in any of such buildings; heating the Government Printing Office and Washington City Post Office, and heating and chilled water for air conditioning for the Supreme Court Building, the Union Station complex, the Thurgood Marshall Federal Judiciary Building and the Folger Shakespeare Library, expenses for which shall be advanced or reimbursed upon request of the Architect of the Capitol and amounts so received shall be deposited into the Treasury to the credit of this appropriation, $109,069,000, of which $15,100,000 shall remain available until September 30, 2015: *Provided,* That not more than $8,000,000 of the funds credited or to be reimbursed to this appropriation as herein provided shall be available for obligation during fiscal year 2011.

LIBRARY BUILDINGS AND GROUNDS

For all necessary expenses for the mechanical and structural maintenance, care and operation of the Library buildings and grounds, $40,796,000, of which $13,857,000 shall remain available until September 30, 2015.

CAPITOL POLICE BUILDINGS, GROUNDS AND SECURITY

For all necessary expenses for the maintenance, care and operation of buildings, grounds and security enhancements of the United States Capitol Police, wherever located, the Alternate Computer Facility, and AOC security operations, $26,266,000, of which $6,436,000 shall remain available until September 30, 2015.

BOTANIC GARDEN

For all necessary expenses for the maintenance, care and operation of the Botanic Garden and the nurseries, buildings, grounds, and collections; and purchase and exchange,

maintenance, repair, and operation of a passenger motor vehicle; all under the direction of the Joint Committee on the Library, $13,834,000, of which $1,505,000 shall remain available until September 30, 2015: *Provided*, That of the amount made available under this heading, the Architect of the Capitol may obligate and expend such sums as may be necessary for the maintenance, care and operation of the National Garden established under section 307E of the Legislative Branch Appropriations Act, 1989 (2 U.S.C. 2146), upon vouchers approved by the Architect of the Capitol or a duly authorized designee.

CAPITOL VISITOR CENTER

For all necessary expenses for the operation of the Capitol Visitor Center, $22,771,000.

LIBRARY OF CONGRESS

SALARIES AND EXPENSES

For necessary expenses of the Library of Congress not otherwise provided for, including development and maintenance of the Library's catalogs; custody and custodial care of the Library buildings; special clothing; cleaning, laundering and repair of uniforms; preservation of motion pictures in the custody of the Library; operation and maintenance of the American Folklife Center in the Library; activities under the Civil Rights History Project Act of 2009; preparation and distribution of catalog records and other publications of the Library; hire or purchase of one passenger motor vehicle; and expenses of the Library of Congress Trust Fund Board not properly chargeable to the income of any trust fund held by the Board, $443,345,000, of which not more than $6,000,000 shall be derived from collections credited to this appropriation during fiscal year 2011, and shall remain available until expended, under the Act of June 28, 1902 (chapter 1301; 32 Stat. 480; 2 U.S.C. 150) and not more than $350,000 shall be derived from collections during fiscal year 2011 and shall remain available until expended for the development and maintenance of an international legal information database and activities related thereto: *Provided*, That the Library of Congress may not obligate or expend any funds derived from collections under the Act of June 28, 1902, in excess of the amount authorized for obligation or expenditure in appropriations Acts: *Provided further*, That the total amount available for obligation shall be reduced by the amount by which collections are less than $6,350,000: *Provided further*, That of the total amount appropriated, not more than $12,000 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for the Overseas Field Offices: *Provided further*, That of the total amount appropriated, $7,315,000 shall remain available until expended for the digital collections and educational curricula program.

COPYRIGHT OFFICE

SALARIES AND EXPENSES

For necessary expenses of the Copyright Office, $55,994,000, of which not more than $28,751,000, to remain available until expended, shall be derived from collections credited to this appropriation during fiscal year 2011 under section 708(d) of title 17, United States Code: *Provided*, That the Copyright Office may not obligate or expend any funds derived from collections under such section, in excess of the amount authorized for obligation or expenditure in appropriations Acts: *Provided further*, That not more than $5,639,000 shall be derived from collections during fiscal year 2011 under sections 111(d)(2), 119(b)(2), 803(e), 1005, and 1316 of such title: *Provided further*, That the total amount available for obligation shall be reduced by the amount by which collections are less than $34,390,000: *Provided further*, That not more than $100,000 of the amount appropriated is available for the maintenance of an ''International Copyright Institute'' in the Copyright Office of the Library of Congress for the purpose of training nationals of developing countries in intellectual property laws and policies: *Provided further*, That not more than $4,250 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for activities of the International Copyright Institute and for copyright delegations, visitors, and seminars: *Provided further*, That notwithstanding any provision of chapter 8 of title 17, United States Code, any amounts made available under this heading which are attributable to royalty fees and payments received by the Copyright Office pursuant to sections 111, 119, and chapter 10 of such title may be used for the costs incurred in the administration of the Copyright Royalty Judges program, with the exception of the costs of salaries and benefits for the Copyright Royalty Judges and staff under section 802(e).

CONGRESSIONAL RESEARCH SERVICE

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of section 203 of the Legislative Reorganization Act of 1946 (2 U.S.C. 166) and to revise and extend the Annotated Constitution of the United States of America, $114,341,000: *Provided*, That no part of such amount may be used to pay any salary or expense in connection with any publication, or preparation of material therefor (except the Digest of Public General Bills), to be issued by the Library of Congress unless such publication has obtained prior approval of either the Committee on House Administration of the House of Representatives or the Committee on Rules and Administration of the Senate.

BOOKS FOR THE BLIND AND PHYSICALLY HANDICAPPED

SALARIES AND EXPENSES

For salaries and expenses to carry out the Act of March 3, 1931 (chapter 400; 46 Stat. 1487; 2 U.S.C. 135a), $70,500,000, of which $30,599,000 shall remain available until expended: *Provided*, That of the total amount appropriated, $650,000 shall be available to contract to provide newspapers to blind and physically handicapped residents at no cost to the individual.

ADMINISTRATIVE PROVISIONS

REIMBURSABLE AND REVOLVING FUND ACTIVITIES

SEC. 1301. (a) IN GENERAL.—For fiscal year 2011, the obligational authority of the Library of Congress for the activities described in subsection (b) may not exceed $148,064,000.

(b) ACTIVITIES.—The activities referred to in subsection (a) are reimbursable and revolving fund activities that are funded from sources other than appropriations to the Library in appropriations Acts for the legislative branch.

(c) TRANSFER OF FUNDS.—During fiscal year 2011, the Librarian of Congress may temporarily transfer funds appropriated in this Act, under the heading ''Library of Congress'', under the subheading ''Salaries and Expenses'', to the revolving fund for the FEDLINK Program and the Federal Research Program established under section 103 of the Library of Congress Fiscal Operations Improvement Act of 2000 (Public Law 106–481; 2 U.S.C. 182c): *Provided*, That the total amount of such transfers may not exceed $1,900,000: *Provided further*, That the appropriate revolving fund account shall reimburse the Library for any amounts transferred to it before the period of availability of the Library appropriation expires.

TRANSFER AUTHORITY

SEC. 1302. (a) IN GENERAL.—Amounts appropriated for fiscal year 2011 for the Library of Congress may be transferred during fiscal year 2011 between any of the headings under the heading ''Library of Congress'' upon the approval of the Committees on Appropriations of the Senate and the House of Representatives.

(b) LIMITATION.—Not more than 10 percent of the total amount of funds appropriated to the account under any heading under the heading ''Library of Congress'' for fiscal year 2011 may be transferred from that account by all transfers made under subsection (a).

FUNDS AVAILABLE FOR WORKERS COMPENSATION PAYMENTS

SEC. 1303. (a) IN GENERAL.—Unobligated balances of expired Library of Congress appropriations for fiscal year 2011 and each fiscal year thereafter shall be available to the Library of Congress to make the deposit to the credit of the Employees' Compensation Fund required by subsection 8147(b) of title 5, United States Code.

(b) EFFECTIVE DATE.—This section shall apply with respect to appropriations for fiscal year 2011 and each fiscal year thereafter.

PROCEEDS FROM DISPOSITION OF SURPLUS OR OBSOLETE PROPERTY

SEC. 1304. (a) IN GENERAL.—Within the limits of available appropriations, the Librarian of Congress may dispose of surplus or obsolete personal property of the Library of Congress by inter-agency transfer, donation, sale, trade-in, or discarding. Amounts received for the sale or trade-in of personal property shall be credited to funds available for the operations of the Library of Congress and be available for the costs of acquiring similar property. Such funds shall be available for such purposes during the fiscal year received and the following fiscal year.

(b) EFFECTIVE DATE.—This section shall apply with respect to fiscal year 2011 and each fiscal year thereafter.

NONAPPROPRIATED FUNDS INITIATIVES

SEC. 1305. (a) REVOLVING FUNDS.—The Library of Congress Fiscal Operations Improvement Act of 2000 (2 U.S.C. 182a et seq.; Public Law 106–481) is amended—

(1) in section 101 (2 U.S.C. 182a)—

(A) in the section heading, by striking ''duplication'';

(B) in subsection (a)—

(i) by striking ''duplication and delivery services provided by'' and inserting ''the following programs and activities of'';

(ii) by striking the period and inserting a colon; and

(iii) by adding at the end the following:

''(1) Duplication and delivery services.

''(2) Storage of audiovisual materials.''; and

(2) in section 102(a) (2 U.S.C. 182b(a)), by adding at the end the following:

''(5) Traveling exhibitions.

''(6) Training.''.

(b) GIFTS.—Section 4 of the Act entitled ''An Act to create a Library of Congress Trust Fund Board, and for other purposes'', approved March 3, 1925 (2 U.S.C. 160), is amended—

(1) in the first undesignated paragraph—

(A) in the first sentence—

(i) by striking ''Nothing'' and inserting ''(a) IN GENERAL.—Nothing'';

(ii) by striking ''gifts or bequests of money for immediate disbursement'' and inserting ''and''; and

(iii) by inserting '', gifts or bequests of personal property, nonpersonal services, voluntary and uncompensated personal services, or money for immediate disbursement'' before the period;

(B) in the second sentence, by inserting ''of money'' after ''bequests'';

(C) in the third sentence, by striking ''enter them'' and inserting ''enter the gift, bequest, or proceeds''; and

(D) by inserting ''In the case of a gift of securities, the librarian shall sell the securities and provide the donor with a receipt from the proceeds of the sale.'' after the second sentence; and

(2) by adding at the end the following:

''(b) REPORTING, DISCLOSURE, AND NOTIFICATION REQUIREMENTS.—

''(1) REPORTING AND DISCLOSURE.—

''(A) ISSUANCE.—Each year the Librarian of Congress shall issue a public report that discloses—

''(i) each gift or bequest accepted under subsection (a), including each gift or bequest of personal property, nonpersonal services, voluntary and uncompensated personal services, or money for immediate disbursement; and

''(ii) details of any financial transaction required under subsection (a) relating to each of those gifts or bequests.

''(B) PUBLICATION.—Each public report issued under subparagraph (A) shall be published in the Annual Report of the Librarian of Congress and the annual Financial Statements of the Library of Congress, with specific pagination of each gift or bequest listed in the table of contents or index.

''(C) WEBSITE PUBLIC ACCESS.—The Annual Report of the Librarian of Congress and the annual Financial Statements of the Library of Congress, including the public report issued under subparagraph (A), shall be posted on the website of the Library of Congress for public access.

''(2) NOTIFICATION.—Not later than 5 business days before acceptance or rejection of any gift or bequest under subsection (a), the Librarian of Congress shall notify the Chairman and the Vice-Chairman of the Joint Committee on the Library of—

''(A) the determination of the Librarian of Congress to accept or reject that gift or bequest; and

''(B) if the gift or bequest is accepted, the details of all financial transactions relating to that gift or bequest.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to fiscal year 2011, and each fiscal year thereafter.

## GOVERNMENT PRINTING OFFICE

### CONGRESSIONAL PRINTING AND BINDING

For authorized printing and binding for the Congress and the distribution of Congressional information in any format; printing and binding for the Architect of the Capitol; expenses necessary for preparing the semimonthly and session index to the Congressional Record, as authorized by law (section 902 of title 44, United States Code); printing and binding of Government publications authorized by law to be distributed to Members of Congress; and printing, binding, and distribution of Government publications authorized by law to be distributed without charge to the recipient, $96,652,000: *Provided*, That this appropriation shall not be available for paper copies of the permanent edition of the Congressional Record for individual Representatives, Resident Commissioners or Delegates authorized under section 906 of title 44, United States Code: *Provided further*, That this appropriation shall be available for the payment of obligations incurred under the appropriations for similar purposes for preceding fiscal years: *Provided further*, That notwithstanding the 2-year limitation under section 718 of title 44, United States Code, none of the funds appropriated or made available under this Act or any other Act for printing and binding and related services provided to Congress under chapter 7 of title 44, United States Code, may be expended to print a document, report, or publication after the 27-month period beginning on the date that such document, report, or publication is authorized by Congress to be printed, unless Congress reauthorizes such printing in accordance with section 718 of title 44, United States Code: *Provided further*, That any unobligated or unexpended balances in this account or accounts for similar purposes for preceding fiscal years may be transferred to the Government Printing Office revolving fund for carrying out the purposes of this heading, subject to the approval of the Committees on Appropriations of the House of Representatives and Senate.

### OFFICE OF SUPERINTENDENT OF DOCUMENTS

#### SALARIES AND EXPENSES

For expenses of the Office of Superintendent of Documents necessary to provide for the cataloging and indexing of Government publications and their distribution to the public, Members of Congress, other Government agencies, and designated depository and international exchange libraries as authorized by law, $42,682,000: *Provided*, That amounts of not more than $2,000,000 from current year appropriations are authorized for producing and disseminating congressional serial sets and other related publications for fiscal years 2009 and 2010 to depository and other designated libraries: *Provided further*, That any unobligated or unexpended balances in this account or accounts for similar purposes for preceding fiscal years may be transferred to the Government Printing Office revolving fund for carrying out the purposes of this heading, subject to the approval of the Committees on Appropriations of the House of Representatives and Senate.

### GOVERNMENT PRINTING OFFICE REVOLVING FUND

For payment to the Government Printing Office Revolving Fund, $8,127,000 for information technology development, facilities repair, and continuity of operations: *Provided*, That the Government Printing Office is hereby authorized to make such expenditures, within the limits of funds available and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the programs and purposes set forth in the budget for the current fiscal year for the Government Printing Office revolving fund: *Provided further*, That not more than $7,500 may be expended on the certification of the Public Printer in connection with official representation and reception expenses: *Provided further*, That the revolving fund shall be available for the hire or purchase of not more than 12 passenger motor vehicles: *Provided further*, That expenditures in connection with travel expenses of the advisory councils to the Public Printer shall be deemed necessary to carry out the provisions of title 44, United States Code: *Provided further*, That the revolving fund shall be available for temporary or intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not more than the daily equivalent of the annual rate of basic pay for level V of the Executive Schedule under section 5316 of such title: *Provided further*, That activities financed through the revolving fund may provide information in any format: *Provided further*, That the revolving fund and the funds provided under the headings ''Office of Superintendent of Documents'' and ''Salaries and Expenses'' may not be used for contracted security services at GPO's passport facility in the District of Columbia.

## GOVERNMENT ACCOUNTABILITY OFFICE

### SALARIES AND EXPENSES

For necessary expenses of the Government Accountability Office, including not more than $12,500 to be expended on the certification of the Comptroller General of the United States in connection with official representation and reception expenses; temporary or intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not more than the daily equivalent of the annual rate of basic pay for level IV of the Executive Schedule under section 5315 of such title; hire of one passenger motor vehicle; advance payments in foreign countries in accordance with section 3324 of title 31, United States Code; benefits comparable to those payable under sections 901(5), (6), and (8) of the Foreign Service Act of 1980 (22 U.S.C. 4081(5), (6), and (8)); and under regulations prescribed by the Comptroller General of the United States, rental of living quarters in foreign countries, $558,430,000: *Provided*, That not more than $9,400,000 of payments received under section 782 of title 31, United States Code, shall be available for use in fiscal year 2011: *Provided further*, That not more than $3,100,000 of reimbursements received under section 9105 of title 31, United States Code, shall be available for use in fiscal year 2011: *Provided further*, That not more than $7,000,000 of reimbursements received under section 3521 of title 31, United States Code, shall be available for use in fiscal year 2011: *Provided further*, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the National Intergovernmental Audit Forum or a Regional Intergovernmental Audit Forum shall be available to finance an appropriate share of either Forum's costs as determined by the respective Forum, including necessary travel expenses of non-Federal participants: *Provided further*, That payments hereunder to the Forum may be credited as reimbursements to any appropriation from which costs involved are initially financed.

## OPEN WORLD LEADERSHIP CENTER TRUST FUND

For a payment to the Open World Leadership Center Trust Fund for financing activities of the Open World Leadership Center under section 313 of the Legislative Branch Appropriations Act, 2001 (2 U.S.C. 1151), $12,000,000.

## JOHN C. STENNIS CENTER FOR PUBLIC SERVICE TRAINING AND DEVELOPMENT

For payment to the John C. Stennis Center for Public Service Development Trust Fund established under section 116 of the John C. Stennis Center for Public Service Training and Development Act (2 U.S.C. 1105), $430,000.

# TITLE II

# GENERAL PROVISIONS

### MAINTENANCE AND CARE OF PRIVATE VEHICLES

SEC. 201. No part of the funds appropriated in this Act shall be used for the maintenance or care of private vehicles, except for emergency assistance and cleaning as may be provided under regulations relating to parking facilities for the House of Representatives issued by the Committee on House Administration and for the Senate issued by the Committee on Rules and Administration.

### FISCAL YEAR LIMITATION

SEC. 202. No part of the funds appropriated in this Act shall remain available for obligation beyond fiscal year 2011 unless expressly so provided in this Act.

### RATES OF COMPENSATION AND DESIGNATION

SEC. 203. Whenever in this Act any office or position not specifically established by the

Legislative Pay Act of 1929 (46 Stat. 32 et seq.) is appropriated for or the rate of compensation or designation of any office or position appropriated for is different from that specifically established by such Act, the rate of compensation and the designation in this Act shall be the permanent law with respect thereto: *Provided*, That the provisions in this Act for the various items of official expenses of Members, officers, and committees of the Senate and House of Representatives, and clerk hire for Senators and Members of the House of Representatives shall be the permanent law with respect thereto.

CONSULTING SERVICES

SEC. 204. The expenditure of any appropriation under this Act for any consulting service through procurement contract, under section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued under existing law.

AWARDS AND SETTLEMENTS

SEC. 205. Such sums as may be necessary are appropriated to the account described in subsection (a) of section 415 of the Congressional Accountability Act of 1995 (2 U.S.C. 1415(a)) to pay awards and settlements as authorized under such subsection.

COSTS OF LBFMC

SEC. 206. Amounts available for administrative expenses of any legislative branch entity which participates in the Legislative Branch Financial Managers Council (LBFMC) established by charter on March 26, 1996, shall be available to finance an appropriate share of LBFMC costs as determined by the LBFMC, except that the total LBFMC costs to be shared among all participating legislative branch entities (in such allocations among the entities as the entities may determine) may not exceed $2,000.

LANDSCAPE MAINTENANCE

SEC. 207. The Architect of the Capitol, in consultation with the District of Columbia, is authorized to maintain and improve the landscape features, excluding streets, in the irregular shaped grassy areas bounded by Washington Avenue, SW, on the northeast, Second Street, SW, on the west, Square 582 on the south, and the beginning of the I–395 tunnel on the southeast.

LIMITATION ON TRANSFERS

SEC. 208. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

GUIDED TOURS OF THE CAPITOL

SEC. 209. (a) Except as provided in subsection (b), none of the funds made available to the Architect of the Capitol in this Act may be used to eliminate or restrict guided tours of the United States Capitol which are led by employees and interns of offices of Members of Congress and other offices of the House of Representatives and Senate.

(b) At the direction of the Capitol Police Board, or at the direction of the Architect of the Capitol with the approval of the Capitol Police Board, guided tours of the United States Capitol which are led by employees and interns described in subsection (a) may be suspended temporarily or otherwise subject to restriction for security or related reasons to the same extent as guided tours of the United States Capitol which are led by the Architect of the Capitol.

(RESCISSION)

SEC. 210. Of the unobligated balances available to the Architect of the Capitol from prior year appropriations for the Capitol Visitor Center project, $20,000,000 are hereby rescinded.

This division may be cited as the ''Legislative Branch Appropriations Act, 2011''.

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

### TITLE I

### DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION, ARMY

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Army as currently authorized by law, including personnel in the Army Corps of Engineers and other personal services necessary for the purposes of this appropriation, and for construction and operation of facilities in support of the functions of the Commander in Chief, $3,891,395,000 to remain available until September 30, 2015, of which $190,000,000 shall be for trainee troop housing facilities: *Provided*, That of this amount, not to exceed $263,783,000 shall be available for study, planning, design, architect and engineer services, and host nation support, as authorized by law, unless the Secretary of the Army determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: *Provided further*, That, not later than 30 days after the date of the enactment of this Act, the Secretary of the Army shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan for the funds provided for trainee troop housing facilities: *Provided further*, That none of the funds provided under this heading for military construction supporting new initiatives in Germany as identified in the table entitled ''Military Construction'' as specified in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act) may be obligated or expended until the Department of Defense completes an evaluation of the North Atlantic Treaty Organization Strategic Concept Review and an accompanying United States assessment of its defense posture in Europe, and a ''Front End Assessment'' of the Department's global posture for the fiscal year 2012 to 2016 program budget review cycle, and the Secretary of Defense provides to the congressional defense committees a certification of the requirement identified by the assessments for each of the Army military construction projects in Germany funded in this section.

MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

For acquisition, construction, installation, and equipment of temporary or permanent public works, naval installations, facilities, and real property for the Navy and Marine Corps as currently authorized by law, including personnel in the Naval Facilities Engineering Command and other personal services necessary for the purposes of this appropriation, $3,506,557,000, to remain available until September 30, 2015: *Provided*, That of this amount, not to exceed $128,970,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of the Navy determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

MILITARY CONSTRUCTION, AIR FORCE

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Air Force as currently authorized by law, $1,296,967,000, to remain available until September 30, 2015: *Provided*, That of this amount, not to exceed $84,401,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of the Air Force determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

MILITARY CONSTRUCTION, DEFENSE-WIDE

(INCLUDING TRANSFER AND RESCISSIONS OF FUNDS)

For acquisition, construction, installation, and equipment of temporary or permanent public works, installations, facilities, and real property for activities and agencies of the Department of Defense (other than the military departments), as currently authorized by law, $3,145,614,000, to remain available until September 30, 2015: *Provided*, That such amounts of this appropriation as may be determined by the Secretary of Defense may be transferred to such appropriations of the Department of Defense available for military construction or family housing as the Secretary may designate, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided further*, That of the amount appropriated, not to exceed $449,041,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: *Provided further*, That of the amount appropriated, notwithstanding any other provision of law, $31,863,000 shall be available for payments to the North Atlantic Treaty Organization for the planning, design, and construction of a new North Atlantic Treaty Organization headquarters: *Provided further*, That of the unobligated balances available under the heading ''Military Construction, Defense-Wide'' in title I of division E of Public Law 111–117, $125,500,000 is hereby rescinded: *Provided further*, That of the unobligated balances available under the heading ''Military Construction, Defense-Wide'' in title I of division E of Public Law 110–329, $23,000,000 is hereby rescinded.

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army National Guard, and contributions therefor, as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $1,125,628,000, to remain available until September 30, 2015, of which $60,000,000 shall be for critical unfunded requirements: *Provided*, That of the amount appropriated, not to exceed $64,836,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Director of the Army National Guard determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: *Provided further*, That, not later than 30 days after the date of the enactment of this Act, the Director of the Army National Guard shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan for the funds provided for critical unfunded requirements.

MILITARY CONSTRUCTION, AIR NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air National Guard, and contributions therefor, as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $441,549,000, to remain available until September 30, 2015, of which $50,000,000 shall be for critical unfunded requirements: *Provided*, That of the amount appropriated, not to exceed $37,177,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Director of the Air National Guard determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: *Provided further*, That, not later than 30 days after the date of the enactment of this Act, the Director of the Air National Guard shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan for the funds provided for critical unfunded requirements.

MILITARY CONSTRUCTION, ARMY RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army Reserve as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $388,064,000, to remain available until September 30, 2015, of which $30,000,000 shall be for critical unfunded requirements: *Provided*, That of the amount appropriated, not to exceed $27,289,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of the Army determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: *Provided further*, That, not later than 30 days after the date of the enactment of this Act, the Chief of Army Reserve shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan for the funds provided for critical unfunded requirements.

MILITARY CONSTRUCTION, NAVY RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the reserve components of the Navy and Marine Corps as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $91,557,000, to remain available until September 30, 2015, of which $15,000,000 shall be for critical unfunded requirements of the Navy Reserve and $15,000,000 shall be for critical unfunded requirements of the Marine Forces Reserve: *Provided*, That of the amount appropriated, not to exceed $1,857,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of the Navy determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: *Provided further*, That, not later than 30 days after the date of the enactment of this Act, the Chief of Navy Reserve and the Commander, Marine Forces Reserve shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan for the funds provided for critical unfunded requirements.

MILITARY CONSTRUCTION, AIR FORCE RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air Force Reserve as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $48,182,000, to remain available until September 30, 2015, of which $30,000,000 shall be for critical unfunded requirements: *Provided*, That of the amount appropriated, not to exceed $2,503,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of the Air Force determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: *Provided further*, That, not later than 30 days after the date of the enactment of this Act, the Chief of Air Force Reserve shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan for the funds provided for critical unfunded requirements.

NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

For the United States share of the cost of the North Atlantic Treaty Organization Security Investment Program for the acquisition and construction of military facilities and installations (including international military headquarters) and for related expenses for the collective defense of the North Atlantic Treaty Area as authorized by section 2806 of title 10, United States Code, and Military Construction Authorization Acts, $258,884,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, such funds may be obligated and expended for purposes of section 2806 of title 10, United States Code, and sections 2501 and 2502 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84).

FAMILY HOUSING CONSTRUCTION, ARMY

For expenses of family housing for the Army for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, $92,369,000, to remain available until September 30, 2015.

FAMILY HOUSING OPERATION AND MAINTENANCE, ARMY

For expenses of family housing for the Army for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, $518,140,000.

FAMILY HOUSING CONSTRUCTION, NAVY AND MARINE CORPS

For expenses of family housing for the Navy and Marine Corps for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, $186,444,000, to remain available until September 30, 2015.

FAMILY HOUSING OPERATION AND MAINTENANCE, NAVY AND MARINE CORPS

For expenses of family housing for the Navy and Marine Corps for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, $366,346,000.

FAMILY HOUSING CONSTRUCTION, AIR FORCE

For expenses of family housing for the Air Force for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, $78,025,000, to remain available until September 30, 2015.

FAMILY HOUSING OPERATION AND MAINTENANCE, AIR FORCE

For expenses of family housing for the Air Force for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, $513,792,000.

FAMILY HOUSING OPERATION AND MAINTENANCE, DEFENSE-WIDE

For expenses of family housing for the activities and agencies of the Department of Defense (other than the military departments) for operation and maintenance, leasing, and minor construction, as authorized by law, $50,464,000.

DEPARTMENT OF DEFENSE FAMILY HOUSING IMPROVEMENT FUND

For the Department of Defense Family Housing Improvement Fund, $1,096,000, to remain available until expended, for family housing initiatives undertaken pursuant to section 2883 of title 10, United States Code, providing alternative means of acquiring and improving military family housing and supporting facilities.

HOMEOWNERS ASSISTANCE FUND

For the Homeowners Assistance Fund established by section 1013 of the Demonstration Cities and Metropolitan Development Act of 1966, (42 U.S.C. 3374), as amended by section 1001 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 194), $16,515,000, to remain available until expended.

CHEMICAL DEMILITARIZATION CONSTRUCTION, DEFENSE-WIDE

For expenses of construction, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, as currently authorized by law, $124,971,000, to remain available until September 30, 2015, which shall be only for the Assembled Chemical Weapons Alternatives program.

DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 1990

For deposit into the Department of Defense Base Closure Account 1990, established by section 2906(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), $450,474,000, to remain available until expended.

DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005

(INCLUDING RESCISSION OF FUNDS)

For deposit into the Department of Defense Base Closure Account 2005, established by section 2906A(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), $2,354,285,000, to remain available until expended: *Provided*, That the Department of Defense shall notify the Committees on Appropriations of both Houses of Congress 14 days prior to obligating an amount for a construction project that exceeds or reduces the amount identified for that project in the most recently submitted budget request for this account by 20 percent or $2,000,000, whichever is less: *Provided further*, That the previous proviso shall not apply to projects costing less than $5,000,000, except for those projects not previously identified in any budget submission for this account and exceeding the minor construction threshold under section 2805 of title 10, United States Code: *Provided further*, That of the unobligated balances available under this heading from prior appropriations Acts, $200,000,000 is hereby rescinded: *Provided further*, That no funds may be rescinded from amounts that were designated by the Congress as an emergency requirement pursuant

to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

ADMINISTRATIVE PROVISIONS

SEC. 101. None of the funds made available in this title shall be expended for payments under a cost-plus-a-fixed-fee contract for construction, where cost estimates exceed $25,000, to be performed within the United States, except Alaska, without the specific approval in writing of the Secretary of Defense setting forth the reasons therefor.

SEC. 102. Funds made available in this title for construction shall be available for hire of passenger motor vehicles.

SEC. 103. Funds made available in this title for construction may be used for advances to the Federal Highway Administration, Department of Transportation, for the construction of access roads as authorized by section 210 of title 23, United States Code, when projects authorized therein are certified as important to the national defense by the Secretary of Defense.

SEC. 104. None of the funds made available in this title may be used to begin construction of new bases in the United States for which specific appropriations have not been made.

SEC. 105. None of the funds made available in this title shall be used for purchase of land or land easements in excess of 100 percent of the value as determined by the Army Corps of Engineers or the Naval Facilities Engineering Command, except: (1) where there is a determination of value by a Federal court; (2) purchases negotiated by the Attorney General or the designee of the Attorney General; (3) where the estimated value is less than $25,000; or (4) as otherwise determined by the Secretary of Defense to be in the public interest.

SEC. 106. None of the funds made available in this title shall be used to: (1) acquire land; (2) provide for site preparation; or (3) install utilities for any family housing, except housing for which funds have been made available in annual Acts making appropriations for military construction.

SEC. 107. None of the funds made available in this title for minor construction may be used to transfer or relocate any activity from one base or installation to another, without prior notification to the Committees on Appropriations of both Houses of Congress.

SEC. 108. None of the funds made available in this title may be used for the procurement of steel for any construction project or activity for which American steel producers, fabricators, and manufacturers have been denied the opportunity to compete for such steel procurement.

SEC. 109. None of the funds available to the Department of Defense for military construction or family housing during the current fiscal year may be used to pay real property taxes in any foreign nation.

SEC. 110. None of the funds made available in this title may be used to initiate a new installation overseas without prior notification to the Committees on Appropriations of both Houses of Congress.

SEC. 111. None of the funds made available in this title may be obligated for architect and engineer contracts estimated by the Government to exceed $500,000 for projects to be accomplished in Japan, in any North Atlantic Treaty Organization member country, or in countries bordering the Arabian Sea, unless such contracts are awarded to United States firms or United States firms in joint venture with host nation firms.

SEC. 112. None of the funds made available in this title for military construction in the United States territories and possessions in the Pacific and on Kwajalein Atoll, or in countries bordering the Arabian Sea, may be used to award any contract estimated by the Government to exceed $1,000,000 to a foreign contractor: *Provided*, That this section shall not be applicable to contract awards for which the lowest responsive and responsible bid of a United States contractor exceeds the lowest responsive and responsible bid of a foreign contractor by greater than 20 percent: *Provided further*, That this section shall not apply to contract awards for military construction on Kwajalein Atoll for which the lowest responsive and responsible bid is submitted by a Marshallese contractor.

SEC. 113. The Secretary of Defense is to inform the appropriate committees of both Houses of Congress, including the Committees on Appropriations, of the plans and scope of any proposed military exercise involving United States personnel 30 days prior to its occurring, if amounts expended for construction, either temporary or permanent, are anticipated to exceed $100,000.

SEC. 114. Not more than 20 percent of the funds made available in this title which are limited for obligation during the current fiscal year shall be obligated during the last 2 months of the fiscal year.

SEC. 115. Funds appropriated to the Department of Defense for construction in prior years shall be available for construction authorized for each such military department by the authorizations enacted into law during the current session of Congress.

SEC. 116. For military construction or family housing projects that are being completed with funds otherwise expired or lapsed for obligation, expired or lapsed funds may be used to pay the cost of associated supervision, inspection, overhead, engineering and design on those projects and on subsequent claims, if any.

SEC. 117. Notwithstanding any other provision of law, any funds made available to a military department or defense agency for the construction of military projects may be obligated for a military construction project or contract, or for any portion of such a project or contract, at any time before the end of the fourth fiscal year after the fiscal year for which funds for such project were made available, if the funds obligated for such project: (1) are obligated from funds available for military construction projects; and (2) do not exceed the amount appropriated for such project, plus any amount by which the cost of such project is increased pursuant to law.

(INCLUDING TRANSFER OF FUNDS)

SEC. 118. In addition to any other transfer authority available to the Department of Defense, proceeds deposited to the Department of Defense Base Closure Account established by section 207(a)(1) of the Defense Authorization Amendments and Base Closure and Realignment Act (10 U.S.C. 2687 note) pursuant to section 207(a)(2)(C) of such Act, may be transferred to the account established by section 2906(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), to be merged with, and to be available for the same purposes and the same time period as that account.

(INCLUDING TRANSFER OF FUNDS)

SEC. 119. Subject to 30 days prior notification, or 14 days for a notification provided in an electronic medium pursuant to sections 480 and 2883, of title 10, United States Code, to the Committees on Appropriations of both Houses of Congress, such additional amounts as may be determined by the Secretary of Defense may be transferred to: (1) the Department of Defense Family Housing Improvement Fund from amounts appropriated for construction in ''Family Housing'' accounts, to be merged with and to be available for the same purposes and for the same period of time as amounts appropriated directly to the Fund; or (2) the Department of Defense Military Unaccompanied Housing Improvement Fund from amounts appropriated for construction of military unaccompanied housing in ''Military Construction'' accounts, to be merged with and to be available for the same purposes and for the same period of time as amounts appropriated directly to the Fund: *Provided*, That appropriations made available to the Funds shall be available to cover the costs, as defined in section 502(5) of the Congressional Budget Act of 1974, of direct loans or loan guarantees issued by the Department of Defense pursuant to the provisions of subchapter IV of chapter 169 of title 10, United States Code, pertaining to alternative means of acquiring and improving military family housing, military unaccompanied housing, and supporting facilities.

SEC. 120. (a) Not later than 60 days before issuing any solicitation for a contract with the private sector for military family housing the Secretary of the military department concerned shall submit to the Committees on Appropriations of both Houses of Congress the notice described in subsection (b).

(b)(1) A notice referred to in subsection (a) is a notice of any guarantee (including the making of mortgage or rental payments) proposed to be made by the Secretary to the private party under the contract involved in the event of—

(A) the closure or realignment of the installation for which housing is provided under the contract;

(B) a reduction in force of units stationed at such installation; or

(C) the extended deployment overseas of units stationed at such installation.

(2) Each notice under this subsection shall specify the nature of the guarantee involved and assess the extent and likelihood, if any, of the liability of the Federal Government with respect to the guarantee.

(INCLUDING TRANSFER OF FUNDS)

SEC. 121. In addition to any other transfer authority available to the Department of Defense, amounts may be transferred from the accounts established by sections 2906(a)(1) and 2906A(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), to the fund established by section 1013(d) of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374) to pay for expenses associated with the Homeowners Assistance Program incurred under 42 U.S.C. 3374(a)(1)(A). Any amounts transferred shall be merged with and be available for the same purposes and for the same time period as the fund to which transferred.

SEC. 122. Notwithstanding any other provision of law, funds made available in this title for operation and maintenance of family housing shall be the exclusive source of funds for repair and maintenance of all family housing units, including general or flag officer quarters: *Provided*, That not more than $35,000 per unit may be spent annually for the maintenance and repair of any general or flag officer quarters without 30 days prior notification, or 14 days for a notification provided in an electronic medium pursuant to sections 480 and 2883 of title 10, United States Code, to the Committees on Appropriations of both Houses of Congress, except that an after-the-fact notification shall be submitted if the limitation is exceeded solely due to costs associated with environmental remediation that could not be reasonably anticipated at the time of the budget submission: *Provided further*, That the Under Secretary of Defense (Comptroller) is to report annually to the Committees on Appropriations of both Houses of Congress all

operation and maintenance expenditures for each individual general or flag officer quarters for the prior fiscal year.

SEC. 123. Amounts contained in the Ford Island Improvement Account established by subsection (h) of section 2814 of title 10, United States Code, are appropriated and shall be available until expended for the purposes specified in subsection (i)(1) of such section or until transferred pursuant to subsection (i)(3) of such section.

SEC. 124. None of the funds made available in this title, or in any Act making appropriations for military construction which remain available for obligation, may be obligated or expended to carry out a military construction, land acquisition, or family housing project at or for a military installation approved for closure, or at a military installation for the purposes of supporting a function that has been approved for realignment to another installation, in 2005 under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), unless such a project at a military installation approved for realignment will support a continuing mission or function at that installation or a new mission or function that is planned for that installation, or unless the Secretary of Defense certifies that the cost to the United States of carrying out such project would be less than the cost to the United States of cancelling such project, or if the project is at an active component base that shall be established as an enclave or in the case of projects having multi-agency use, that another Government agency has indicated it will assume ownership of the completed project. The Secretary of Defense may not transfer funds made available as a result of this limitation from any military construction project, land acquisition, or family housing project to another account or use such funds for another purpose or project without the prior approval of the Committees on Appropriations of both Houses of Congress. This section shall not apply to military construction projects, land acquisition, or family housing projects for which the project is vital to the national security or the protection of health, safety, or environmental quality: *Provided*, That the Secretary of Defense shall notify the congressional defense committees within seven days of a decision to carry out such a military construction project.

(INCLUDING TRANSFER OF FUNDS)

SEC. 125. During the 5-year period after appropriations available in this Act to the Department of Defense for military construction and family housing operation and maintenance and construction have expired for obligation, upon a determination that such appropriations will not be necessary for the liquidation of obligations or for making authorized adjustments to such appropriations for obligations incurred during the period of availability of such appropriations, unobligated balances of such appropriations may be transferred into the appropriation ''Foreign Currency Fluctuations, Construction, Defense'', to be merged with and to be available for the same time period and for the same purposes as the appropriation to which transferred.

SEC. 126. None of the funds appropriated or otherwise made available in this title may be used for any action that is related to or promotes the expansion of the boundaries or size of the Pinon Canyon Maneuver Site, Colorado.

SEC. 127. Notwithstanding Department of Defense Instruction 1330.17, nonappropriated funds provided through the Commissary Surcharge Fund may be used in accordance with the authority provided in 10 U.S.C. 2484(h) to construct a commissary at U.S. Southern Command Headquarters in Miami-Dade County, Florida.

SEC. 128. Amounts appropriated or otherwise made available in an account funded under the headings in this title may be transferred among projects and activities within the account in accordance with the reprogramming guidelines for military construction and family housing construction contained in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act) and in the guidance for military construction reprogrammings and notifications contained in Department of Defense Financial Management Regulation 7000.14–R, Volume 3, Chapter 7, of February 2009, as in effect on the date of enactment of this Act.

SEC. 129. Amounts appropriated or otherwise made available in this title for ''Military Construction, Army'', ''Military Construction, Navy and Marine Corps'', ''Military Construction, Air Force'', ''Military Construction, Defense-Wide'', ''Military Construction, Army National Guard'', ''Military Construction, Air National Guard'', ''Military Construction, Army Reserve'', ''Military Construction, Navy Reserve'', ''Military Construction, Air Force Reserve'', ''Family Housing Construction, Army'', ''Family Housing Construction, Navy and Marine Corps'', ''Family Housing Construction, Air Force'', and ''Chemical Demilitarization Construction, Defense-Wide'' shall be for the projects and activities, and in the amounts specified, identified under those headings in the Committee recommendations, and under the headings for ''Army'', ''Navy'', ''Air Force'', ''Defense-Wide'', ''Army National Guard'', ''Air National Guard'', ''Army Reserve'', ''Navy Reserve'', ''Air Force Reserve'', ''Family Housing Construction, Army'', ''Family Housing Construction, Navy and Marine Corps'', ''Family Housing Construction, Air Force'', and ''Chemical Demilitarization Construction, Defense-Wide'' in the table entitled ''Military Construction'' in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

SEC. 130. Notwithstanding any other provision of law, the Department of Defense is authorized to carry out planning, design, and construction not otherwise authorized by law for an Aegis Ashore Test Facility at the Pacific Missile Range Facility, Hawaii, in an amount not to exceed $68,500,000 using funds appropriated or otherwise made available by title I of division E of Public Law 111–117 under the heading ''Military Construction, Defense-Wide''.

SEC. 131. None of the funds made available by this Act may be used to take beneficial occupancy of more than 1,000 parking spaces provided by the combination spaces provided by the proposed office complex to be developed at an established mixed-use business park in Alexandria, Virginia, to implement recommendation 133 of the Defense Base Closure and Realignment Commission contained in the report of the Commission transmitted to Congress on September 15, 2005, and the lease of spaces in the immediate vicinity of such office complex until both of the following occur:

(1) The Secretary submits to the congressional defense committees a viable transportation plan, as directed in House Report 111–559, for the proposed office complex.

(2) The Secretary certifies to the congressional defense committees that construction has been completed to provide adequate ingress to and egress from the business park at which the proposed office complex is located.

SEC. 132. Notwithstanding any other provision of law, funds appropriated or otherwise made available by this title may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law.

## TITLE II

## DEPARTMENT OF VETERANS AFFAIRS

### VETERANS BENEFITS ADMINISTRATION

#### COMPENSATION AND PENSIONS

(INCLUDING TRANSFER OF FUNDS)

For the payment of compensation benefits to or on behalf of veterans and a pilot program for disability examinations as authorized by section 107 and chapters 11, 13, 18, 51, 53, 55, and 61 of title 38, United States Code; pension benefits to or on behalf of veterans as authorized by chapters 15, 51, 53, 55, and 61 of title 38, United States Code; and burial benefits, the Reinstated Entitlement Program for Survivors, emergency and other officers' retirement pay, adjusted-service credits and certificates, payment of premiums due on commercial life insurance policies guaranteed under the provisions of title IV of the Servicemembers Civil Relief Act (50 U.S.C. App. 541 et seq.) and for other benefits as authorized by sections 107, 1312, 1977, and 2106, and chapters 23, 51, 53, 55, and 61 of title 38, United States Code, $53,978,000,000, to remain available until expended: *Provided*, That not to exceed $30,423,000 of the amount appropriated under this heading shall be reimbursed to ''General operating expenses, Veterans Benefits Administration'', ''Medical support and compliance'', and ''Information technology systems'' for necessary expenses in implementing the provisions of chapters 51, 53, and 55 of title 38, United States Code, the funding source for which is specifically provided as the ''Compensation and pensions'' appropriation: *Provided further*, That such sums as may be earned on an actual qualifying patient basis, shall be reimbursed to ''Medical care collections fund'' to augment the funding of individual medical facilities for nursing home care provided to pensioners as authorized.

#### READJUSTMENT BENEFITS

For the payment of readjustment and rehabilitation benefits to or on behalf of veterans as authorized by chapters 21, 30, 31, 33, 34, 35, 36, 39, 51, 53, 55, and 61 of title 38, United States Code, $10,396,106,000, to remain available until expended: *Provided*, That expenses for rehabilitation program services and assistance which the Secretary is authorized to provide under subsection (a) of section 3104 of title 38, United States Code, other than under paragraphs (1), (2), (5), and (11) of that subsection, shall be charged to this account.

#### VETERANS INSURANCE AND INDEMNITIES

For military and naval insurance, national service life insurance, servicemen's indemnities, service-disabled veterans insurance, and veterans mortgage life insurance as authorized by title 38, United States Code, chapters 19 and 21, $77,589,000, to remain available until expended.

#### VETERANS HOUSING BENEFIT PROGRAM FUND

For the cost of direct and guaranteed loans, such sums as may be necessary to carry out the program, as authorized by subchapters I through III of chapter 37 of title 38, United States Code: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That during fiscal year 2011, within the resources available, not to exceed $500,000 in gross obligations for direct loans are authorized for specially adapted housing loans.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $163,646,000.

#### VOCATIONAL REHABILITATION LOANS PROGRAM ACCOUNT

For the cost of direct loans, $48,000, as authorized by chapter 31 of title 38, United

States Code: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That funds made available under this heading are available to subsidize gross obligations for the principal amount of direct loans not to exceed $3,042,000.

In addition, for administrative expenses necessary to carry out the direct loan program, $337,000, which may be paid to the appropriation for ''General operating expenses, Veterans Benefits Administration''.

NATIVE AMERICAN VETERAN HOUSING LOAN PROGRAM ACCOUNT

For administrative expenses to carry out the direct loan program authorized by subchapter V of chapter 37 of title 38, United States Code, $707,000.

VETERANS HEALTH ADMINISTRATION

MEDICAL SERVICES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for furnishing, as authorized by law, inpatient and outpatient care and treatment to beneficiaries of the Department of Veterans Affairs and veterans described in section 1705(a) of title 38, United States Code, including care and treatment in facilities not under the jurisdiction of the Department, and including medical supplies and equipment, food services, and salaries and expenses of health care employees hired under title 38, United States Code, aid to State homes as authorized by section 1741 of title 38, United States Code, assistance and support services for caregivers as authorized by section 1720G of title 38, United States Code, and loan repayments authorized by section 604 of Public Law 111–163; $39,649,985,000, plus reimbursements, shall become available on October 1, 2011, and shall remain available until September 30, 2012: *Provided*, That notwithstanding any other provision of law, the Secretary of Veterans Affairs shall establish a priority for the provision of medical treatment for veterans who have service-connected disabilities, lower income, or have special needs: *Provided further*, That, notwithstanding any other provision of law, the Secretary of Veterans Affairs shall give priority funding for the provision of basic medical benefits to veterans in enrollment priority groups 1 through 6: *Provided further*, That, notwithstanding any other provision of law, the Secretary of Veterans Affairs may authorize the dispensing of prescription drugs from Veterans Health Administration facilities to enrolled veterans with privately written prescriptions based on requirements established by the Secretary: *Provided further*, That the implementation of the program described in the previous proviso shall incur no additional cost to the Department of Veterans Affairs.

MEDICAL SUPPORT AND COMPLIANCE

For necessary expenses in the administration of the medical, hospital, nursing home, domiciliary, construction, supply, and research activities, as authorized by law; administrative expenses in support of capital policy activities; and administrative and legal expenses of the Department for collecting and recovering amounts owed the Department as authorized under chapter 17 of title 38, United States Code, and the Federal Medical Care Recovery Act (42 U.S.C. 2651 et seq.); $5,535,000,000, plus reimbursements, shall become available on October 1, 2011, and shall remain available until September 30, 2012.

MEDICAL FACILITIES

For necessary expenses for the maintenance and operation of hospitals, nursing homes, and domiciliary facilities and other necessary facilities of the Veterans Health Administration; for administrative expenses in support of planning, design, project management, real property acquisition and disposition, construction, and renovation of any facility under the jurisdiction or for the use of the Department; for oversight, engineering, and architectural activities not charged to project costs; for repairing, altering, improving, or providing facilities in the several hospitals and homes under the jurisdiction of the Department, not otherwise provided for, either by contract or by the hire of temporary employees and purchase of materials; for leases of facilities; and for laundry services, $5,426,000,000, plus reimbursements, shall become available on October 1, 2011, and shall remain available until September 30, 2012: *Provided*, That of the amount available for fiscal year 2012, $130,000,000 for nonrecurring maintenance shall be allocated in a manner not subject to the Veterans Equitable Resource Allocation.

MEDICAL AND PROSTHETIC RESEARCH

For necessary expenses in carrying out programs of medical and prosthetic research and development as authorized by chapter 73 of title 38, United States Code, $590,000,000, plus reimbursements, shall remain available until September 30, 2012.

NATIONAL CEMETERY ADMINISTRATION

For necessary expenses of the National Cemetery Administration for operations and maintenance, not otherwise provided for, including uniforms or allowances therefor; cemeterial expenses as authorized by law; purchase of one passenger motor vehicle for use in cemeterial operations; hire of passenger motor vehicles; and repair, alteration or improvement of facilities under the jurisdiction of the National Cemetery Administration, $259,004,000, of which not to exceed $24,200,000 shall remain available until September 30, 2012.

DEPARTMENTAL ADMINISTRATION

GENERAL ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

For necessary operating expenses of the Department of Veterans Affairs, not otherwise provided for, including administrative expenses in support of Department-Wide capital planning, management and policy activities, uniforms, or allowances therefor; not to exceed $25,000 for official reception and representation expenses; hire of passenger motor vehicles; and reimbursement of the General Services Administration for security guard services, $466,497,000, of which not to exceed $22,000,000 shall remain available until September 30, 2012: *Provided*, That $23,584,000 shall be to increase the Department's acquisition workforce capacity and capabilities and may be transferred by the Secretary to any other account in the Department to carry out the purposes provided therein: *Provided further*, That funds provided under this heading may be transferred to ''General operating expenses, Veterans Benefits Administration''.

GENERAL OPERATING EXPENSES, VETERANS BENEFITS ADMINISTRATION

For necessary operating expenses of the Veterans Benefits Administration, not otherwise provided for, including hire of passenger motor vehicles, and reimbursement of the Department of Defense for the cost of overseas employee mail, $2,162,776,000: *Provided*, That expenses for services and assistance authorized under paragraphs (1), (2), (5), and (11) of section 3104(a) of title 38, United States Code, that the Secretary of Veterans Affairs determines are necessary to enable entitled veterans: (1) to the maximum extent feasible, to become employable and to obtain and maintain suitable employment; or (2) to achieve maximum independence in daily living, shall be charged to this account: *Provided further*, That of the funds made available under this heading, not to exceed $108,000,000 shall remain available until September 20, 2012: *Provided further*, That from the funds made available under this heading, the Veterans Benefits Administration may purchase (on a one-for-one replacement basis only) up to two passenger motor vehicles for use in operations of that Administration in Manila, Philippines.

INFORMATION TECHNOLOGY SYSTEMS

For necessary expenses for information technology systems and telecommunications support, including developmental information systems and operational information systems; for pay and associated costs; and for the capital asset acquisition of information technology systems, including management and related contractual costs of said acquisitions, including contractual costs associated with operations authorized by section 3109 of title 5, United States Code, $3,162,501,000, plus reimbursements, shall remain available until September 30, 2012: *Provided*, That none of the funds made available under this heading may be obligated until the Department of Veterans Affairs submits to the Committees on Appropriations of both Houses of Congress, and such Committees approve, a plan for expenditure that: (1) meets the capital planning and investment control review requirements established by the Office of Management and Budget; (2) complies with the Department of Veterans Affairs enterprise architecture; (3) conforms with an established enterprise life cycle methodology; and (4) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government: *Provided further*, That not later than 30 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committees on Appropriations of both Houses of Congress a reprogramming base letter which sets forth, by project, the operations and maintenance costs, with salary expenses separately designated, and development costs to be carried out utilizing amounts made available under this heading: *Provided further*, That of the amounts made available under this heading, $742,816,000 may not be obligated or expended until the Secretary of Veterans Affairs or the Chief Information Officer of the Department of Veterans Affairs submits to the Committees on Appropriations of both Houses of Congress a certification of the amounts, in parts or in full, to be obligated and expended for each development project.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, to include information technology, in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.), $115,367,000, of which $6,000,000 shall remain available until September 30, 2012.

CONSTRUCTION, MAJOR PROJECTS

For constructing, altering, extending, and improving any of the facilities, including parking projects, under the jurisdiction or for the use of the Department of Veterans Affairs, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, and 8122 of title 38, United States Code, including planning, architectural and engineering services, construction management services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, where the estimated cost of a project is more than the amount set forth in section 8104(a)(3)(A) of title 38, United States Code, or where funds

for a project were made available in a previous major project appropriation, $1,151,036,000, to remain available until expended, of which $6,000,000 shall be to make reimbursements as provided in section 13 of the Contract Disputes Act of 1978 (41 U.S.C. 612) for claims paid for contract disputes: *Provided*, That except for advance planning activities, including needs assessments which may or may not lead to capital investments, and other capital asset management related activities, including portfolio development and management activities, and investment strategy studies funded through the advance planning fund and the planning and design activities funded through the design fund, including needs assessments which may or may not lead to capital investments, and salaries and associated costs of the resident engineers who oversee those capital investments funded through this account, and funds provided for the purchase of land for the National Cemetery Administration through the land acquisition line item, none of the funds made available under this heading shall be used for any project which has not been approved by the Congress in the budgetary process: *Provided further*, That funds made available under this heading for fiscal year 2011, for each approved project shall be obligated: (1) by the awarding of a construction documents contract by September 30, 2011; and (2) by the awarding of a construction contract by September 30, 2012: *Provided further*, That the Secretary of Veterans Affairs shall promptly submit to the Committees on Appropriations of both Houses of Congress a written report on any approved major construction project for which obligations are not incurred within the time limitations established above: *Provided further*, That of the funds made available under this heading, $940,932,000 shall be for the projects and activities, and in the amounts, specified under this heading in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

CONSTRUCTION, MINOR PROJECTS

For constructing, altering, extending, and improving any of the facilities, including parking projects, under the jurisdiction or for the use of the Department of Veterans Affairs, including planning and assessments of needs which may lead to capital investments, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, 8122, and 8162 of title 38, United States Code, where the estimated cost of a project is equal to or less than the amount set forth in section 8104(a)(3)(A) of title 38, United States Code, $517,700,000, to remain available until expended, along with unobligated balances of previous ''Construction, minor projects'' appropriations which are hereby made available for any project where the estimated cost is equal to or less than the amount set forth in such section: *Provided*, That funds made available under this heading shall be for: (1) repairs to any of the nonmedical facilities under the jurisdiction or for the use of the Department which are necessary because of loss or damage caused by any natural disaster or catastrophe; and (2) temporary measures necessary to prevent or to minimize further loss by such causes.

GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE FACILITIES

For grants to assist States to acquire or construct State nursing home and domiciliary facilities and to remodel, modify, or alter existing hospital, nursing home, and domiciliary facilities in State homes, for furnishing care to veterans as authorized by sections 8131 through 8137 of title 38, United States Code, $85,000,000, to remain available until expended.

GRANTS FOR CONSTRUCTION OF STATE VETERANS CEMETERIES

For grants to assist States in establishing, expanding, or improving State veterans cemeteries as authorized by section 2408 of title 38, United States Code, $46,000,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

SEC. 201. Any appropriation for fiscal year 2011 for ''Compensation and pensions'', ''Readjustment benefits'', and ''Veterans insurance and indemnities'' may be transferred as necessary to any other of the mentioned appropriations: *Provided*, That before a transfer may take place, the Secretary of Veterans Affairs shall request from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and such Committees issue an approval, or absent a response, a period of 30 days has elapsed.

(INCLUDING TRANSFER OF FUNDS)

SEC. 202. Amounts made available for the Department of Veterans Affairs for fiscal year 2011, in this Act or any other Act, under the ''Medical services'', ''Medical support and compliance'', and ''Medical facilities'' accounts may be transferred among the accounts: *Provided*, That any transfers between the ''Medical services'' and ''Medical support and compliance'' accounts of 1 percent or less of the total amount appropriated to the account in this or any other Act may take place subject to notification from the Secretary of Veterans Affairs to the Committees on Appropriations of both Houses of Congress of the amount and purpose of the transfer: *Provided further*, That any transfers between the ''Medical services'' and ''Medical support and compliance'' accounts in excess of 1 percent, or exceeding the cumulative 1 percent for the fiscal year, may take place only after the Secretary requests from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued: *Provided further*, That any transfers to or from the ''Medical facilities'' account may take place only after the Secretary requests from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued.

SEC. 203. Appropriations available in this title for salaries and expenses shall be available for services authorized by section 3109 of title 5, United States Code, hire of passenger motor vehicles; lease of a facility or land or both; and uniforms or allowances therefore, as authorized by sections 5901 through 5902 of title 5, United States Code.

SEC. 204. No appropriations in this title (except the appropriations for ''Construction, major projects'', and ''Construction, minor projects'') shall be available for the purchase of any site for or toward the construction of any new hospital or home.

SEC. 205. No appropriations in this title shall be available for hospitalization or examination of any persons (except beneficiaries entitled to such hospitalization or examination under the laws providing such benefits to veterans, and persons receiving such treatment under sections 7901 through 7904 of title 5, United States Code, or the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.)), unless reimbursement of the cost of such hospitalization or examination is made to the ''Medical services'' account at such rates as may be fixed by the Secretary of Veterans Affairs.

SEC. 206. Appropriations available in this title for ''Compensation and pensions'', ''Readjustment benefits'', and ''Veterans insurance and indemnities'' shall be available for payment of prior year accrued obligations required to be recorded by law against the corresponding prior year accounts within the last quarter of fiscal year 2010.

SEC. 207. Appropriations available in this title shall be available to pay prior year obligations of corresponding prior year appropriations accounts resulting from sections 3328(a), 3334, and 3712(a) of title 31, United States Code, except that if such obligations are from trust fund accounts they shall be payable only from ''Compensation and pensions''.

(INCLUDING TRANSFER OF FUNDS)

SEC. 208. Notwithstanding any other provision of law, during fiscal year 2011, the Secretary of Veterans Affairs shall, from the National Service Life Insurance Fund under section 1920 of title 38, United States Code, the Veterans' Special Life Insurance Fund under section 1923 of title 38, United States Code, and the United States Government Life Insurance Fund under section 1955 of title 38, United States Code, reimburse the ''General operating expenses, Veterans Benefits Administration'' and ''Information technology systems'' accounts for the cost of administration of the insurance programs financed through those accounts: *Provided*, That reimbursement shall be made only from the surplus earnings accumulated in such an insurance program during fiscal year 2011 that are available for dividends in that program after claims have been paid and actuarially determined reserves have been set aside: *Provided further*, That if the cost of administration of such an insurance program exceeds the amount of surplus earnings accumulated in that program, reimbursement shall be made only to the extent of such surplus earnings: *Provided further*, That the Secretary shall determine the cost of administration for fiscal year 2011 which is properly allocable to the provision of each such insurance program and to the provision of any total disability income insurance included in that insurance program.

SEC. 209. Amounts deducted from enhanced-use lease proceeds to reimburse an account for expenses incurred by that account during a prior fiscal year for providing enhanced-use lease services, may be obligated during the fiscal year in which the proceeds are received.

(INCLUDING TRANSFER OF FUNDS)

SEC. 210. Funds available in this title or funds for salaries and other administrative expenses shall also be available to reimburse the Office of Resolution Management of the Department of Veterans Affairs and the Office of Employment Discrimination Complaint Adjudication under section 319 of title 38, United States Code, for all services provided at rates which will recover actual costs but not exceed $38,783,000 for the Office of Resolution Management and $3,354,000 for the Office of Employment Discrimination Complaint Adjudication: *Provided*, That payments may be made in advance for services to be furnished based on estimated costs: *Provided further*, That amounts received shall be credited to the ''General administration'' and ''Information technology systems'' accounts for use by the office that provided the service.

SEC. 211. No appropriations in this title shall be available to enter into any new lease of real property if the estimated annual rental cost is more than $1,000,000, unless the Secretary submits a report which the Committees on Appropriations of both Houses of

Congress approve within 30 days following the date on which the report is received.

SEC. 212. No funds of the Department of Veterans Affairs shall be available for hospital care, nursing home care, or medical services provided to any person under chapter 17 of title 38, United States Code, for a non-service-connected disability described in section 1729(a)(2) of such title, unless that person has disclosed to the Secretary of Veterans Affairs, in such form as the Secretary may require, current, accurate third-party reimbursement information for purposes of section 1729 of such title: *Provided*, That the Secretary may recover, in the same manner as any other debt due the United States, the reasonable charges for such care or services from any person who does not make such disclosure as required: *Provided further*, That any amounts so recovered for care or services provided in a prior fiscal year may be obligated by the Secretary during the fiscal year in which amounts are received.

(INCLUDING TRANSFER OF FUNDS)

SEC. 213. Notwithstanding any other provision of law, proceeds or revenues derived from enhanced-use leasing activities (including disposal) may be deposited into the ''Construction, major projects'' and ''Construction, minor projects'' accounts and be used for construction (including site acquisition and disposition), alterations, and improvements of any medical facility under the jurisdiction or for the use of the Department of Veterans Affairs. Such sums as realized are in addition to the amount provided for in ''Construction, major projects'' and ''Construction, minor projects''.

SEC. 214. Amounts made available under ''Medical services'' are available—

(1) for furnishing recreational facilities, supplies, and equipment; and

(2) for funeral expenses, burial expenses, and other expenses incidental to funerals and burials for beneficiaries receiving care in the Department.

(INCLUDING TRANSFER OF FUNDS)

SEC. 215. Such sums as may be deposited to the Medical Care Collections Fund pursuant to section 1729A of title 38, United States Code, may be transferred to ''Medical services'', to remain available until expended for the purposes of that account.

SEC. 216. The Secretary of Veterans Affairs may enter into agreements with Indian tribes and tribal organizations which are party to the Alaska Native Health Compact with the Indian Health Service, and Indian tribes and tribal organizations serving rural Alaska which have entered into contracts with the Indian Health Service under the Indian Self Determination and Educational Assistance Act, to provide healthcare, including behavioral health and dental care. The Secretary shall require participating veterans and facilities to comply with all appropriate rules and regulations, as established by the Secretary. The term ''rural Alaska'' shall mean those lands sited within the external boundaries of the Alaska Native regions specified in sections 7(a)(1)–(4) and (7)–(12) of the Alaska Native Claims Settlement Act, as amended (43 U.S.C. 1606), and those lands within the Alaska Native regions specified in sections 7(a)(5) and 7(a)(6) of the Alaska Native Claims Settlement Act, as amended (43 U.S.C. 1606), which are not within the boundaries of the Municipality of Anchorage, the Fairbanks North Star Borough, the Kenai Peninsula Borough or the Matanuska Susitna Borough.

(INCLUDING TRANSFER OF FUNDS)

SEC. 217. Such sums as may be deposited to the Department of Veterans Affairs Capital Asset Fund pursuant to section 8118 of title 38, United States Code, may be transferred to the ''Construction, major projects'' and ''Construction, minor projects'' accounts, to remain available until expended for the purposes of these accounts.

SEC. 218. None of the funds made available in this title may be used to implement any policy prohibiting the Directors of the Veterans Integrated Services Networks from conducting outreach or marketing to enroll new veterans within their respective Networks.

SEC. 219. The Secretary of Veterans Affairs shall submit to the Committees on Appropriations of both Houses of Congress a quarterly report on the financial status of the Veterans Health Administration.

(INCLUDING TRANSFER OF FUNDS)

SEC. 220. Amounts made available under the ''Medical services'', ''Medical support and compliance'', ''Medical facilities'', ''General operating expenses, Veterans Benefits Administration'', ''General Administration'', and ''National Cemetery Administration'' accounts for fiscal year 2011, may be transferred to or from the ''Information technology systems'' account: *Provided*, That before a transfer may take place, the Secretary of Veterans Affairs shall request from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued.

(INCLUDING TRANSFER OF FUNDS)

SEC. 221. Amounts made available for the ''Information technology systems'' account may be transferred between projects: *Provided*, That no project may be increased or decreased by more than $1,000,000 of cost prior to submitting a request to the Committees on Appropriations of both Houses of Congress to make the transfer and an approval is issued, or absent a response, a period of 30 days has elapsed.

SEC. 222. (a) Upon a determination by the Secretary of Veterans Affairs that such action is in the national interest, and will have a direct benefit for veterans through increased access to treatment, the Secretary of Veterans Affairs may transfer not more than $5,000,000 to the Secretary of Health and Human Services for the Graduate Psychology Education Program, which includes treatment of veterans, to support increased training of psychologists skilled in the treatment of post-traumatic stress disorder, traumatic brain injury, and related disorders.

(b) The Secretary of Health and Human Services may only use funds transferred under this section for the purposes described in subsection (a).

(c) The Secretary of Veterans Affairs shall notify Congress of any such transfer of funds under this section.

SEC. 223. None of the funds appropriated or otherwise made available by this Act or any other Act for the Department of Veterans Affairs may be used in a manner that is inconsistent with—

(1) section 842 of the Transportation, Treasury, Housing and Urban Development, the Judiciary, the District of Columbia, and Independent Agencies Appropriations Act, 2006 (Public Law 109–115; 119 Stat. 2506); or

(2) section 8110(a)(5) of title 38, United States Code.

SEC. 224. Of the amounts made available to the Department of Veterans Affairs for fiscal year 2011, in this Act or any other Act, under the ''Medical facilities'' account for nonrecurring maintenance, not more than 20 percent of the funds made available shall be obligated during the last 2 months of that fiscal year: *Provided*, That the Secretary may waive this requirement after providing written notice to the Committees on Appropriations of both Houses of Congress.

(INCLUDING TRANSFER OF FUNDS)

SEC. 225. Of the amounts appropriated to the Department of Veterans Affairs in this Act, and any other Act, for ''Medical services'', ''Medical support and compliance'', ''Medical facilities'', ''Construction, minor projects'', and ''Information technology systems'', up to $235,360,000, plus reimbursements, may be transferred to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund, established by section 1704 of title XVII of division A of Public Law 111–84, and shall be available to fund operations of the integrated Captain James A. Lovell Federal Health Care Center, consisting of the North Chicago Veteran Affairs Medical Center, and Navy Ambulatory Care Center, and supporting facilities designated as a combined Federal medical facility as described by Section 706 of Public Law 110–417: *Provided*, That additional funds may be transferred from accounts designated in this section to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund upon written notification by the Secretary of Veterans Affairs to the Committees on Appropriations of both Houses of Congress.

(INCLUDING TRANSFER OF FUNDS)

SEC. 226. Such sums as may be deposited to the Medical Care Collections Fund pursuant to section 1729A of title 38, United States Code, for health care provided at the Captain James A. Lovell Federal Health Care Center may be transferred to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund, established by section 1704 of title XVII of division A of Public Law 111–84, and shall be available to fund operations of the integrated Captain James A. Lovell Federal Health Care Center, consisting of the North Chicago Veteran Affairs Medical Center, and Navy Ambulatory Care Center, and supporting facilities designated as a combined Federal medical facility as described by section 1706 of Public Law 110–417.

(INCLUDING TRANSFER OF FUNDS)

SEC. 227. Of the amounts available in this title for ''Medical services'', ''Medical support and compliance'', and ''Medical facilities'', a minimum of $15,000,000, shall be transferred to the Department of Defense/Department of Veterans Affairs Health Care Sharing Incentive Fund, as authorized by section 8111(d) of title 38, United States Code, to remain available until expended, for any purpose authorized by section 8111 of title 38, United States Code.

(INCLUDING RESCISSION OF FUNDS)

SEC. 228. (a) Of the funds appropriated in the Military Construction and Veterans Affairs and Related Agencies Appropriations Act, 2010 (Public Law 111–117, division E), the following amounts which become available on October 1, 2010, are hereby rescinded from the following accounts in the amounts specified:

''Medical services'', Department of Veterans Affairs, $1,015,000,000;

''Medical support and compliance'', Department of Veterans Affairs, $145,000,000; and

''Medical facilities'', Department of Veterans Affairs, $145,000,000.

(b) An additional amount is appropriated to the following accounts in the amounts specified, to become available on October 1, 2010, and to remain available until September 30, 2012:

''Medical services'', Department of Veterans Affairs, $1,015,000,000;

''Medical support and compliance'', Department of Veterans Affairs, $145,000,000; and

''Medical facilities'', Department of Veterans Affairs, $145,000,000.

SEC. 229. The Secretary of the Department of Veterans Affairs shall notify the Committees on Appropriations of both Houses of

Congress of all bid savings in major construction projects that total at least $5,000,000, or 5 percent of the programmed amount of the project, whichever is less: *Provided*, That such notification shall occur within 14 days of a contract identifying the programmed amount: *Provided further*, That the Secretary shall notify the committees 14 days prior to the obligation of such bid savings and shall describe the anticipated use of such savings.

SEC. 230. The scope of work for a project included in ''Construction, major projects'' may not be increased above the scope specified for that project in the original justification data provided to the Congress as part of the request for appropriations.

SEC. 231. Of the amounts made available for fiscal year 2011 for ''Medical facilities'' in Public Law 111–117, $162,734,000 shall be available for renewable energy projects at the Department of Veterans Affairs medical facility campuses subject to section 8103 of title 38, United States Code.

SEC. 232. For an additional amount for fiscal year 2011 for ''Medical services'', $74,776,000.

SEC. 233. For an additional amount for fiscal year 2011 for ''Medical facilities'', $35,000,000.

SEC. 234. In the Senate, section 902 of Public Law 111–212, the Supplemental Appropriations Act, 2010, shall be subject to section 3002 of that Act and accordingly is designated as an emergency requirement and necessary to meet emergency needs pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

## TITLE III

## RELATED AGENCIES

### AMERICAN BATTLE MONUMENTS COMMISSION

#### SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, including the acquisition of land or interest in land in foreign countries; purchases and repair of uniforms for caretakers of national cemeteries and monuments outside of the United States and its territories and possessions; rent of office and garage space in foreign countries; purchase (one-for-one replacement basis only) and hire of passenger motor vehicles; not to exceed $7,500 for official reception and representation expenses; and insurance of official motor vehicles in foreign countries, when required by law of such countries, $67,200,000, to remain available until expended.

#### FOREIGN CURRENCY FLUCTUATIONS ACCOUNT

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, such sums as may be necessary, to remain available until expended, for purposes authorized by section 2109 of title 36, United States Code.

### UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

#### SALARIES AND EXPENSES

For necessary expenses for the operation of the United States Court of Appeals for Veterans Claims as authorized by sections 7251 through 7298 of title 38, United States Code, $28,297,000: *Provided*, That $2,515,229 shall be available for the purpose of providing financial assistance as described, and in accordance with the process and reporting procedures set forth, under this heading in Public Law 102–229.

### DEPARTMENT OF DEFENSE—CIVIL

### CEMETERIAL EXPENSES, ARMY

#### SALARIES AND EXPENSES

For necessary expenses, as authorized by law, for maintenance, operation, and improvement of Arlington National Cemetery and Soldiers' and Airmen's Home National Cemetery, including the purchase of two passenger motor vehicles for replacement only, and not to exceed $1,000 for official reception and representation expenses, $50,340,000, to remain available until expended: *Provided*, That none of the funds available under this heading shall be for construction of a perimeter wall at Arlington National Cemetery. In addition, such sums as may be necessary for parking maintenance, repairs and replacement, to be derived from the Lease of Department of Defense Real Property for Defense Agencies account.

Funds appropriated under this Act may be provided to Arlington County, Virginia, for the relocation of the federally owned water main at Arlington National Cemetery making additional land available for ground burials.

### ARMED FORCES RETIREMENT HOME

#### TRUST FUND

For expenses necessary for the Armed Forces Retirement Home to operate and maintain the Armed Forces Retirement Home—Washington, District of Columbia, and the Armed Forces Retirement Home—Gulfport, Mississippi, to be paid from funds available in the Armed Forces Retirement Home Trust Fund, $71,200,000, of which $2,000,000 shall remain available until expended for construction and renovation of the physical plants at the Armed Forces Retirement Home—Washington, District of Columbia, and the Armed Forces Retirement Home—Gulfport, Mississippi.

## TITLE IV

## OVERSEAS CONTINGENCY OPERATIONS

### DEPARTMENT OF DEFENSE

### MILITARY CONSTRUCTION, ARMY

#### (INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Military Construction, Army'', $918,845,000, to remain available until September 30, 2013: *Provided*, That of the amount appropriated, $7,000,000 shall be transferred to ''Department of Defense—Other Department of Defense Programs—Office of the Inspector General'', to be merged with and to be available for the same time period as the appropriation to which transferred, for the purpose of carrying out audits of military construction projects in Afghanistan: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense.

### MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

For an additional amount for ''Military Construction, Navy and Marine Corps'', $160,430,000, to remain available until September 30, 2013.

### MILITARY CONSTRUCTION, AIR FORCE

For an additional amount for ''Military Construction, Air Force'', $129,266,000, to remain available until September 30, 2013.

### MILITARY CONSTRUCTION, DEFENSE-WIDE

For an additional amount for ''Military Construction, Defense-Wide'', $48,461,000, to remain available until September 30, 2013: *Provided*, That notwithstanding any other provision of law, $46,500,000 may be obligated and expended to construct facilities in a foreign country for the National Security Agency.

### ADMINISTRATIVE PROVISIONS

SEC. 401. Each amount in this title is designated as described in section 5 (in the matter preceding division A of this consolidated Act).

#### (INCLUDING TRANSFER OF FUNDS)

SEC. 402. Of the unobligated balances available under the headings ''Military Construction, Army'' and ''Military Construction, Air Force'' in title IV of division E of Public Law 111–117, a total of up to $250,000,000 may be transferred among projects and activities within those accounts to accommodate cost and scope increases or changes of location, or may be used to undertake military construction projects not otherwise authorized by law that are necessary to support urgent military operational requirements in Afghanistan: *Provided*, That not less than 14 days before undertaking a military construction project as described under this section, the Secretary of Defense shall notify the congressional defense committees of the proposed reprogramming of funds and the details and estimated cost of the construction project: *Provided further*, That section 401 of this title shall not apply to the funds available in this provision.

#### (INCLUDING TRANSFER OF FUNDS)

SEC. 403. Of the unobligated balances available under the headings ''Military Construction, Army'' and ''Military Construction, Air Force'' in chapter 9 of title I of Public Law 111–212, a total of up to $250,000,000 may be transferred among projects and activities within those accounts to accommodate cost and scope increases or changes of location, or may be used to undertake military construction projects not otherwise authorized by law that are necessary to support urgent military operational requirements in Afghanistan: *Provided*, That not less than 14 days before undertaking a military construction project as described under this section, the Secretary of Defense shall notify the congressional defense committees of the proposed reprogramming of funds and the details and estimated cost of the construction project.

SEC. 404. Notwithstanding any other provision of law, funds appropriated or otherwise made available by this title may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law.

## TITLE V

## GENERAL PROVISIONS

SEC. 501. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 502. Such sums as may be necessary for fiscal year 2011 for pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

SEC. 503. None of the funds made available in this Act may be used for any program, project, or activity, when it is made known to the Federal entity or official to which the funds are made available that the program, project, or activity is not in compliance with any Federal law relating to risk assessment, the protection of private property rights, or unfunded mandates.

SEC. 504. No part of any funds appropriated in this Act shall be used by an agency of the executive branch, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, and for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television, or film presentation designed to support or defeat legislation pending before Congress, except in presentation to Congress itself.

SEC. 505. All departments and agencies funded under this Act are encouraged, within the limits of the existing statutory authorities and funding, to expand their use of ''E-Commerce'' technologies and procedures in the conduct of their business practices and public service activities.

SEC. 506. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the

United States Government except pursuant to a transfer made by, or transfer authority provided in, this or any other appropriations Act.

SEC. 507. Unless stated otherwise, all reports and notifications required by this Act shall be submitted to the Subcommittee on Military Construction and Veterans Affairs, and Related Agencies of the Committee on Appropriations of the House of Representatives and the Subcommittee on Military Construction and Veterans Affairs, and Related Agencies of the Committee on Appropriations of the Senate.

SEC. 508. None of the funds made available in this Act may be used for a project or program named for an individual serving as a Member, Delegate, or Resident Commissioner of the United States House of Representatives.

SEC. 509. (a) Any agency receiving funds made available in this Act, shall, subject to subsections (b) and (c), post on the public website of that agency any report required to be submitted by the Congress in this or any other Act, upon the determination by the head of the agency that it shall serve the national interest.

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

(1) the public posting of the report compromises national security; or

(2) the report contains confidential or proprietary information.

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

SEC. 510. None of the funds made available in this Act may be used for the processing of new enhanced-use leases at the National Home for Disabled Volunteer Soldiers located in Milwaukee, Wisconsin.

SEC. 511. For an additional amount for the Department of Veterans Affairs for ''Construction, Major Projects'', $46,550,000, to remain available until expended: *Provided*, That such funds shall be for the construction of a Nursing Home Care Unit at the Beckley, West Virginia, Veterans Affairs Medical Center: *Provided further*, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out planning and design and major medical facility construction not otherwise authorized by law.

SEC. 512. The Department of Veterans Affairs is authorized to carry out, as a major medical facility project, seismic corrections and renovation of various buildings to include Building 209 for housing facilities for homeless veterans at the Department of Veterans Affairs Medical Center in West Los Angeles, California, in an amount not to exceed $35,500,000: *Provided*, That notwithstanding any other provision of law, the Department of Veterans Affairs may obligate funds derived as result of bid savings from major medical facility projects for purposes of carrying out this provision.

(INCLUDING RESCISSION OF FUNDS)

SEC. 513. Of the unobligated balances available for ''Military Construction, Army'', from prior appropriations Acts, $200,000,000 are hereby rescinded.

(INCLUDING RESCISSION OF FUNDS)

SEC. 514. Of the unobligated balances available in title X of Public Law 111–5 under the headings ''Military Construction, Army'', ''Military Construction, Navy and Marine Corps'', ''Military Construction, Air Force'', ''Military Construction, Defense-Wide'', ''Military Construction, Army National Guard'', and ''Military Construction, Air National Guard'', $128,000,000 are hereby rescinded.

(INCLUDING RESCISSION OF FUNDS)

SEC. 515. Of the unobligated balances available in Title II of division E of Public Law 111–117, under the heading ''Departmental Administration, Information Technology Systems'', for staffing and administrative payroll, $117,505,000 are hereby rescinded.

This division may be cited as the ''Military Construction and Veterans Affairs, and Related Agencies Appropriations Act, 2011''.

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

### TITLE I

### DEPARTMENT OF STATE AND RELATED AGENCY

### DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Department of State and the Foreign Service not otherwise provided for, $9,553,200,000, of which $1,560,700,000 is for Worldwide Security Protection: *Provided*, That the Secretary of State may transfer up to $250,000,000 of the total funds made available under this heading to any other appropriation of any department or agency of the United States, upon the concurrence of the head of such department or agency, to support operations in and assistance for Afghanistan and to carry out the provisions of the Foreign Assistance Act of 1961: *Provided further*, That funds made available under this heading shall be allocated as follows:

(1) HUMAN RESOURCES.—For necessary expenses for training, human resources management, and salaries, including employment without regard to civil service and classification laws of persons on a temporary basis (not to exceed $700,000), as authorized by section 801 of the United States Information and Educational Exchange Act of 1948, $2,754,289,000, to remain available until September 30, 2012, of which not less than $140,728,000 shall be available only for public diplomacy American salaries, and $249,315,000 is for Worldwide Security Protection and shall remain available until expended.

(2) OVERSEAS PROGRAMS.—For necessary expenses for the regional bureaus of the Department of State and overseas activities as authorized by law, $3,432,216,000, to remain available until September 30, 2012, of which not less than $415,243,000 shall be available only for public diplomacy international information programs.

(3) DIPLOMATIC POLICY AND SUPPORT.—For necessary expenses for the functional bureaus of the Department of State including representation to certain international organizations in which the United States participates pursuant to treaties ratified pursuant to the advice and consent of the Senate or specific Acts of Congress, general administration, and arms control, nonproliferation and disarmament activities as authorized, $884,988,000, to remain available until September 30, 2012.

(4) SECURITY PROGRAMS.—For necessary expenses for security activities, $2,481,707,000, to remain available until September 30, 2012, of which $1,311,385,000 is for Worldwide Security Protection and shall remain available until expended.

(5) FEES AND PAYMENTS COLLECTED.—In addition to amounts otherwise made available under this heading—

(A) not to exceed $1,702,904 shall be derived from fees collected from other executive agencies for lease or use of facilities located at the International Center in accordance with section 4 of the International Center Act, and, in addition, as authorized by section 5 of such Act, $505,000, to be derived from the reserve authorized by that section, to be used for the purposes set out in that section;

(B) as authorized by section 810 of the United States Information and Educational Exchange Act, not to exceed $6,000,000, to remain available until expended, may be credited to this appropriation from fees or other payments received from English teaching, library, motion pictures, and publication programs and from fees from educational advising and counseling and exchange visitor programs; and

(C) not to exceed $15,000, which shall be derived from reimbursements, surcharges and fees for use of Blair House facilities.

(6) TRANSFER, REPROGRAMMING, AND SPENDING PLAN.—

(A) Notwithstanding any provision of this Act, funds may be reprogrammed within and between subsections under this heading subject to section 7015 of this Act.

(B) Of the amount made available under this heading, not to exceed $12,500,000 may be transferred to, and merged with, funds made available by this Act under the heading ''Emergencies in the Diplomatic and Consular Service'', to be available only for emergency evacuations and rewards, as authorized.

(C) Funds appropriated under this heading are available for acquisition by exchange or purchase of passenger motor vehicles as authorized by law and, pursuant to 31 U.S.C. 1108(g), for the field examination of programs and activities in the United States funded from any account contained in this title.

(D) Not later than 45 days after the enactment of this Act, the Secretary of State shall submit to the Committees on Appropriations a report detailing planned expenditures for funds appropriated under this heading.

(7) PROPERTY INVENTORY.—Funds appropriated under this heading in this Act may not be made available to the Department of State for the purchase of vehicles, radios, cell phones, and other nonexpendable equipment unless the Secretary of State reports, in writing, to the Committees on Appropriations that the Department is taking steps to improve inventory procedures, including accounting for missing armored vehicles, and for the timely disposal of excess equipment.

CIVILIAN STABILIZATION INITIATIVE

For necessary expenses to support, maintain, mobilize, and deploy a civilian response corps in coordination with the United States Agency for International Development (USAID), and for related reconstruction and stabilization assistance to prevent or respond to conflict or civil strife in foreign countries or regions, or to enable transition from such strife, $35,000,000, to remain available until expended: *Provided*, That funds made available under this heading may be made available in fiscal year 2011 to provide administrative expenses for the Office of the Coordinator for Reconstruction and Stabilization: *Provided further*, That notwithstanding any other provision of law, and following consultation with the Committees on Appropriations, the President may exercise transfer authorities contained in the Foreign Assistance Act of 1961 for reconstruction and stabilization assistance managed by the Office of the Coordinator for Reconstruction and Stabilization only to support an actively deployed Civilian Response Corps, subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That not later than 45 days after enactment of this Act, the Secretary of State and the USAID Administrator shall submit a coordinated joint spending plan for funds made available under this heading and under the

heading ''Civilian Stabilization Initiative'' in title II of this Act.

CAPITAL INVESTMENT FUND

For necessary expenses of the Capital Investment Fund, $139,000,000, to remain available until expended, as authorized: *Provided,* That section 135(e) of Public Law 103–236 shall not apply to funds available under this heading.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, $115,000,000, notwithstanding section 209(a)(1) of the Foreign Service Act of 1980 (Public Law 96–465), as it relates to post inspections, of which $22,000,000 shall be for the Special Inspector General for Iraq Reconstruction for reconstruction oversight, and $30,287,000 shall be for the Special Inspector General for Afghanistan Reconstruction for reconstruction oversight.

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

For expenses of educational and cultural exchange programs, as authorized, $654,200,000, to remain available until expended: *Provided,* That not to exceed $5,000,000, to remain available until expended, may be credited to this appropriation from fees or other payments received from or in connection with English teaching, educational advising and counseling programs, and exchange visitor programs as authorized.

REPRESENTATION ALLOWANCES

For representation allowances as authorized, $8,175,000.

PROTECTION OF FOREIGN MISSIONS AND OFFICIALS

For expenses, not otherwise provided, to enable the Secretary of State to provide for extraordinary protective services, as authorized, $30,000,000, to remain available until September 30, 2012.

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

For necessary expenses for carrying out the Foreign Service Buildings Act of 1926 (22 U.S.C. 292–303), preserving, maintaining, repairing, and planning for buildings that are owned or directly leased by the Department of State, renovating, in addition to funds otherwise available, the Harry S Truman Building, and carrying out the Diplomatic Security Construction Program as authorized, $913,300,000, to remain available until expended as authorized, of which not to exceed $25,000 may be used for domestic and overseas representation as authorized: *Provided,* That none of the funds appropriated in this paragraph shall be available for acquisition of furniture, furnishings, or generators for other departments and agencies.

In addition, for the costs of worldwide security upgrades, acquisition, and construction as authorized, $925,000,000, to remain available until expended: *Provided*, That not later than 45 days after enactment of this Act, the Secretary of State shall submit to the Committees on Appropriations the proposed allocation of funds made available under this heading and the actual and anticipated proceeds of sales for all projects in fiscal year 2011.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to enable the Secretary of State to meet unforeseen emergencies arising in the Diplomatic and Consular Service, $10,500,000, to remain available until expended as authorized, of which not to exceed $1,000,000 may be transferred to, and merged with, funds appropriated by this Act under the heading ''Repatriation Loans Program Account'', subject to the same terms and conditions.

REPATRIATION LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, $739,000, as authorized: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

In addition, for administrative expenses necessary to carry out the direct loan program, $711,000, which may be transferred to, and merged with, funds made available under the heading ''Diplomatic and Consular Programs''.

PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN

For necessary expenses to carry out the Taiwan Relations Act (Public Law 96–8), $21,420,000.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the Foreign Service Retirement and Disability Fund, as authorized, $158,900,000.

INTERNATIONAL ORGANIZATIONS

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For necessary expenses, not otherwise provided for, to meet annual obligations of membership in international multilateral organizations, pursuant to treaties ratified pursuant to the advice and consent of the Senate, conventions or specific Acts of Congress, $1,545,430,000: *Provided*, That the Secretary of State shall, at the time of the submission of the President's budget to Congress under section 1105(a) of title 31, United States Code, transmit to the Committees on Appropriations the most recent biennial budget prepared by the United Nations for the operations of the United Nations: *Provided further*, That the Secretary of State shall notify the Committees on Appropriations at least 15 days in advance (or in an emergency, as far in advance as is practicable) of any United Nations action to increase funding for any United Nations program without identifying an offsetting decrease elsewhere in the United Nations budget: *Provided further,* That notwithstanding any other provision of law, credits to United States assessed contributions to the United Nations Tax Equalization Fund should be used to offset other assessed contributions to the United Nations, subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That any payment of arrearages under this heading shall be directed toward activities that are mutually agreed upon by the United States and the respective international organization: *Provided further*, That none of the funds appropriated under this heading shall be available for a United States contribution to an international organization for the United States share of interest costs made known to the United States Government by such organization for loans incurred on or after October 1, 1984, through external borrowings: *Provided further,* That the reporting requirement in section 7052 of division F of Public Law 111–117 shall continue to be in effect until September 30, 2011.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For necessary expenses to pay assessed and other expenses of international peacekeeping activities directed to the maintenance or restoration of international peace and security, $2,096,382,000, of which 15 percent shall remain available until September 30, 2012: *Provided*, That at least 15 days in advance of voting for a new or expanded mission in the United Nations Security Council (or in an emergency as far in advance as is practicable): (1) the Committees on Appropriations shall be notified of the estimated cost and length of the mission, the national interest that will be served, the planned exit strategy, and that the United Nations has taken appropriate measures to prevent United Nations employees, contractor personnel, and peacekeeping forces serving in the mission from trafficking in persons, exploiting victims of trafficking, or committing acts of illegal sexual exploitation, and to hold accountable individuals who engage in such acts while participating in the peacekeeping mission, including the prosecution in their home countries of such individuals in connection with such acts; and (2) notification pursuant to section 7015 of this Act is submitted, and the procedures therein followed, setting forth the source of funds that will be used to pay for the cost of the new or expanded mission: *Provided further*, That funds shall be available for peacekeeping expenses unless the Secretary of State determines that American manufacturers and suppliers are not being given opportunities to provide equipment, services, and material for United Nations peacekeeping activities equal to those being given to foreign manufacturers and suppliers: *Provided further*, That the Secretary of State should work with the United Nations and governments contributing peacekeeping troops to develop effective vetting procedures to ensure that troops have not been credibly alleged to have violated human rights: *Provided further,* That notwithstanding any other provision of law, credits to United States assessed contributions to the United Nations Tax Equalization Fund should be used to offset other assessed contributions to the United Nations, subject to the regular notification procedures of the Committees on Appropriations.

INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for, to meet obligations of the United States arising under treaties, or specific Acts of Congress, as follows:

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

For necessary expenses for the United States Section of the International Boundary and Water Commission, United States and Mexico, and to comply with laws applicable to the United States Section, including not to exceed $6,000 for representation; as follows:

SALARIES AND EXPENSES

For salaries and expenses, not otherwise provided for, $47,431,000.

CONSTRUCTION

For detailed plan preparation and construction of authorized projects, $26,900,000, to remain available until expended, as authorized.

AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided, for the International Joint Commission and the International Boundary Commission, United States and Canada, as authorized by treaties between the United States and Canada or Great Britain, and the Border Environment Cooperation Commission as authorized by Public Law 103–182, $12,655,000: *Provided,* That of the amount provided under this heading for the International Joint Commission, $9,000 may be made available for representation expenses.

INTERNATIONAL FISHERIES COMMISSIONS

For necessary expenses for international fisheries commissions, not otherwise provided for, as authorized by law, $51,000,000, of which $500,000 shall remain available until

September 30, 2012: *Provided*, That the United States share of such expenses may be advanced to the respective commissions pursuant to 31 U.S.C. 3324: *Provided further*, That in addition to other funds available for such purposes, funds available under this heading may be used to make payments necessary to fulfill the United States' obligations under the Pacific Salmon Treaty.

RELATED AGENCY

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

For necessary expenses to enable the Broadcasting Board of Governors (BBG), as authorized, to carry out international communication activities, including the purchase, rent, construction, and improvement of facilities for radio and television transmission and reception and purchase, lease, and installation of necessary equipment for radio and television transmission and reception to Cuba, and to make and supervise grants for radio and television broadcasting to the Middle East, $744,500,000: *Provided*, That of the total amount in this heading, not to exceed $16,000 may be used for official receptions within the United States as authorized, not to exceed $35,000 may be used for representation abroad as authorized, and not to exceed $39,000 may be used for official reception and representation expenses of Radio Free Europe/Radio Liberty: *Provided further*, That the authority provided by section 504(c) of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107–228; 22 U.S.C. 6206 note) shall remain in effect through September 30, 2011: *Provided further*, That the BBG shall notify the Committees on Appropriations within 15 days of any determination by the Board that any of its broadcast entities, including its grantee organizations, provides an open platform for international terrorists or those who support international terrorism, or is in violation of the principles and standards set forth in the United States International Broadcasting Act of 1994 (22 U.S.C. 6202(a) and (b)) or the entity's journalistic code of ethics: *Provided further*, That reductions and increases to BBG broadcast hours previously justified to Congress, including changes to transmission platforms (shortwave, medium wave, satellite, and television), for all BBG language services shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That in addition to funds made available under this heading, and notwithstanding any other provision of law, up to $2,000,000 in receipts from advertising and revenue from business ventures, up to $500,000 in receipts from cooperating international organizations, and up to $1,000,000 in receipts from privatization efforts of the Voice of America and the International Broadcasting Bureau, to remain available until expended for carrying out authorized purposes.

BROADCASTING CAPITAL IMPROVEMENTS

For the purchase, rent, construction, and improvement of facilities for radio and television transmission and reception, and purchase and installation of necessary equipment for radio and television transmission and reception as authorized, $6,875,000, to remain available until expended, as authorized.

RELATED PROGRAMS

THE ASIA FOUNDATION

For a grant to The Asia Foundation, as authorized by The Asia Foundation Act (22 U.S.C. 4402), $19,000,000, to remain available until expended, as authorized.

UNITED STATES INSTITUTE OF PEACE

For necessary expenses of the United States Institute of Peace, as authorized by the United States Institute of Peace Act, $44,050,000, to remain available until September 30, 2012, which shall not be used for construction activities.

CENTER FOR MIDDLE EASTERN-WESTERN DIALOGUE TRUST FUND

For necessary expenses of the Center for Middle Eastern-Western Dialogue Trust Fund, the total amount of the interest and earnings accruing to such Fund on or before September 30, 2011, to remain available until expended.

EISENHOWER EXCHANGE FELLOWSHIP PROGRAM

For necessary expenses of Eisenhower Exchange Fellowships, Incorporated, as authorized by sections 4 and 5 of the Eisenhower Exchange Fellowship Act of 1990 (20 U.S.C. 5204–5205), all interest and earnings accruing to the Eisenhower Exchange Fellowship Program Trust Fund on or before September 30, 2011, to remain available until expended: *Provided*, That none of the funds appropriated herein shall be used to pay any salary or other compensation, or to enter into any contract providing for the payment thereof, in excess of the rate authorized by 5 U.S.C. 5376; or for purposes which are not in accordance with OMB Circulars A–110 (Uniform Administrative Requirements) and A–122 (Cost Principles for Non-profit Organizations), including the restrictions on compensation for personal services.

ISRAELI ARAB SCHOLARSHIP PROGRAM

For necessary expenses of the Israeli Arab Scholarship Program, as authorized by section 214 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2452), all interest and earnings accruing to the Israeli Arab Scholarship Fund on or before September 30, 2011, to remain available until expended.

EAST-WEST CENTER

To enable the Secretary of State to provide for carrying out the provisions of the Center for Cultural and Technical Interchange Between East and West Act of 1960, by grant to the Center for Cultural and Technical Interchange Between East and West in the State of Hawaii, $23,100,000: *Provided*, That none of the funds appropriated herein shall be used to pay any salary, or enter into any contract providing for the payment thereof, in excess of the rate authorized by 5 U.S.C. 5376.

NATIONAL ENDOWMENT FOR DEMOCRACY

For grants made by the Department of State to the National Endowment for Democracy, as authorized by the National Endowment for Democracy Act, $118,000,000, to remain available until expended, of which $100,000,000 shall be allocated in the traditional and customary manner, including for the core institutes, and $18,000,000 shall be for democracy, human rights, and rule of law programs: *Provided*, That the President of the National Endowment for Democracy shall submit to the Committees on Appropriations not later than 45 days after the date of enactment of this Act a report on the proposed uses of funds under this heading on a regional and country basis.

In addition, for grants made by the Department of State to the National Endowment for Democracy, as authorized by the National Endowment for Democracy Act, $10,500,000 for small grants for democracy programs in Egypt, Pakistan, Cuba, North Korea, and the Democratic Republic of the Congo.

OTHER COMMISSIONS

COMMISSION FOR THE PRESERVATION OF AMERICA'S HERITAGE ABROAD

SALARIES AND EXPENSES

For necessary expenses for the Commission for the Preservation of America's Heritage Abroad, $647,000, as authorized by section 1303 of Public Law 99–83.

UNITED STATES COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

SALARIES AND EXPENSES

For necessary expenses for the United States Commission on International Religious Freedom, as authorized by title II of the International Religious Freedom Act of 1998 (Public Law 105–292), $4,350,000, to remain available until September 30, 2012: *Provided*, That notwithstanding the expenditure limitation specified in section 208(c)(1) of such Act (22 U.S.C. 6435a(c)(1)), the Commission may expend up to $250,000 of the funds made available under this heading to procure temporary and intermittent services under the authority of section 3109(b) of title 5, United States Code.

COMMISSION ON SECURITY AND COOPERATION IN EUROPE

SALARIES AND EXPENSES

For necessary expenses of the Commission on Security and Cooperation in Europe, as authorized by Public Law 94–304, $2,715,000, to remain available until September 30, 2012.

CONGRESSIONAL-EXECUTIVE COMMISSION ON THE PEOPLE'S REPUBLIC OF CHINA

SALARIES AND EXPENSES

For necessary expenses of the Congressional-Executive Commission on the People's Republic of China, as authorized, $2,000,000, including not more than $3,000 for the purpose of official representation, to remain available until September 30, 2012.

UNITED STATES-CHINA ECONOMIC AND SECURITY REVIEW COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the United States-China Economic and Security Review Commission, $3,625,000, including not more than $4,000 for the purpose of official representation, to remain available until September 30, 2012: *Provided*, That the second through sixth provisos under this heading in division F of Public Law 111–117 shall continue in effect during fiscal year 2011 and shall apply as if part of this Act.

TITLE II

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

FUNDS APPROPRIATED TO THE PRESIDENT

OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of section 667 of the Foreign Assistance Act of 1961, $1,392,000,000, of which up to $160,000,000 may remain available until September 30, 2012: *Provided*, That none of the funds appropriated under this heading and under the heading ''Capital Investment Fund'' in this title may be made available to finance the construction (including architect and engineering services), purchase, or long-term lease of offices for use by the United States Agency for International Development (USAID), unless the USAID Administrator has identified such proposed construction (including architect and engineering services), purchase, or long-term lease of offices in a report submitted to the Committees on Appropriations at least 15 days prior to the obligation of funds for such purposes: *Provided further*, That the previous proviso shall not apply when the total cost of construction (including architect and engineering services), purchase, or long-term lease of offices does not exceed $1,000,000: *Provided further*, That of the funds appropriated under this heading that are available for capital investments related to the Development Leadership Initiative, up to $37,457,000 may remain available until September 30, 2014: *Provided further*, That contracts or agreements

entered into with funds appropriated under this heading may entail commitments for the expenditure of such funds through the following fiscal year: *Provided further*, That any decision to open a new USAID mission or office or, except where there is a substantial security risk to mission personnel, to close or significantly reduce the number of personnel of any such mission or office, shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That the authority of sections 610 and 109 of the Foreign Assistance Act of 1961 may be exercised by the Secretary of State to transfer funds appropriated to carry out chapter 1 of part I of such Act to ''Operating Expenses'' in accordance with the provisions of those sections: *Provided further*, That of the funds appropriated or made available under this heading, not to exceed $250,000 may be available for representation and entertainment allowances, of which not to exceed $5,000 may be available for entertainment allowances, for USAID during the current fiscal year: *Provided further*, That no such entertainment funds may be used for the purposes listed in section 7020 of this Act: *Provided further*, That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars: *Provided further*, That not later than 45 days after enactment of this Act, the USAID Administrator shall submit to the Committees on Appropriations a report detailing planned expenditures for funds appropriated under this heading.

CIVILIAN STABILIZATION INITIATIVE

For necessary expenses to carry out section 667 of the Foreign Assistance Act of 1961 for the United States Agency for International Development (USAID) to support, maintain, mobilize, and deploy a Civilian Response Corps in coordination with the Department of State, and for related reconstruction and stabilization assistance to prevent or respond to conflict or civil strife in foreign countries or regions, or to enable transition from such strife, $15,000,000, to remain available until September 30, 2012: *Provided*, That not later than 45 days after enactment of this Act, the Secretary of State and the USAID Administrator shall submit a coordinated joint spending plan for funds made available under this heading and under the heading ''Civilian Stabilization Initiative'' in title I of this Act.

CAPITAL INVESTMENT FUND

For necessary expenses for overseas construction and related costs, and for the procurement and enhancement of information technology and related capital investments, pursuant to section 667 of the Foreign Assistance Act of 1961, $173,000,000, to remain available until expended, of which not more than $122,100,000 may be made available for the purpose of implementing the Capital Security Cost-Sharing Program: *Provided*, That this amount is in addition to funds otherwise available for such purposes: *Provided further*, That funds appropriated under this heading shall be available for obligation only pursuant to the regular notification procedures of the Committees on Appropriations.

OFFICE OF INSPECTOR GENERAL

For necessary expenses to carry out the provisions of section 667 of the Foreign Assistance Act of 1961, $46,500,000, to remain available until September 30, 2012, which shall be available for the Office of Inspector General of the United States Agency for International Development.

TITLE III

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

For necessary expenses to enable the President to carry out the provisions of the Foreign Assistance Act of 1961, and for other purposes, to remain available until September 30, 2012, unless otherwise specified herein, as follows:

GLOBAL HEALTH AND CHILD SURVIVAL

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of chapters 1 and 10 of part I of the Foreign Assistance Act of 1961, for global health activities, in addition to funds otherwise available for such purposes, $2,722,000,000, which shall be apportioned directly to the United States Agency for International Development (USAID): *Provided*, That this amount shall be made available for training, equipment, and technical assistance to build the capacity of public health institutions and organizations in developing countries, and for such activities as: (1) child survival and maternal health programs; (2) immunization and oral rehydration programs; (3) other health, nutrition, water and sanitation programs which directly address the needs of mothers and children, and related education programs; (4) assistance for children displaced or orphaned by causes other than AIDS; (5) programs for the prevention, treatment, control of, and research on HIV/AIDS, tuberculosis, polio, malaria, and other infectious diseases including neglected tropical diseases, and for assistance to communities severely affected by HIV/AIDS, including children infected or affected by AIDS; and (6) family planning/reproductive health: *Provided further*, That none of the funds appropriated under this paragraph may be made available for nonproject assistance, except that funds may be made available for such assistance for ongoing health activities: *Provided further*, That funds appropriated under this paragraph shall be made available for a United States contribution to the GAVI Alliance: *Provided further*, That none of the funds made available in this Act nor any unobligated balances from prior appropriations Acts may be made available to any organization or program which, as determined by the President of the United States, supports or participates in the management of a program of coercive abortion or involuntary sterilization: *Provided further*, That any determination made under the previous proviso must be accompanied by the evidence and criteria utilized to make the determination: *Provided further*, That none of the funds made available under this Act may be used to pay for the performance of abortion as a method of family planning or to motivate or coerce any person to practice abortions: *Provided further*, That nothing in this paragraph shall be construed to alter any existing statutory prohibitions against abortion under section 104 of the Foreign Assistance Act of 1961: *Provided further*, That none of the funds made available under this Act may be used to lobby for or against abortion: *Provided further*, That in order to reduce reliance on abortion in developing nations, funds shall be available only to voluntary family planning projects which offer, either directly or through referral to, or information about access to, a broad range of family planning methods and services, and that any such voluntary family planning project shall meet the following requirements: (1) service providers or referral agents in the project shall not implement or be subject to quotas, or other numerical targets, of total number of births, number of family planning acceptors, or acceptors of a particular method of family planning (this provision shall not be construed to include the use of quantitative estimates or indicators for budgeting and planning purposes); (2) the project shall not include payment of incentives, bribes, gratuities, or financial reward to: (A) an individual in exchange for becoming a family planning acceptor; or (B) program personnel for achieving a numerical target or quota of total number of births, number of family planning acceptors, or acceptors of a particular method of family planning; (3) the project shall not deny any right or benefit, including the right of access to participate in any program of general welfare or the right of access to health care, as a consequence of any individual's decision not to accept family planning services; (4) the project shall provide family planning acceptors comprehensible information on the health benefits and risks of the method chosen, including those conditions that might render the use of the method inadvisable and those adverse side effects known to be consequent to the use of the method; and (5) the project shall ensure that experimental contraceptive drugs and devices and medical procedures are provided only in the context of a scientific study in which participants are advised of potential risks and benefits; and, not less than 60 days after the date on which the USAID Administrator determines that there has been a violation of the requirements contained in paragraph (1), (2), (3), or (5) of this proviso, or a pattern or practice of violations of the requirements contained in paragraph (4) of this proviso, the Administrator shall submit to the Committees on Appropriations a report containing a description of such violation and the corrective action taken by the Agency: *Provided further*, That in awarding grants for natural family planning under section 104 of the Foreign Assistance Act of 1961 no applicant shall be discriminated against because of such applicant's religious or conscientious commitment to offer only natural family planning; and, additionally, all such applicants shall comply with the requirements of the previous proviso: *Provided further*, That for purposes of this or any other Act authorizing or appropriating funds for the Department of State, foreign operations, and related programs, the term ''motivate'', as it relates to family planning assistance, shall not be construed to prohibit the provision, consistent with local law, of information or counseling about all pregnancy options: *Provided further*, That information provided about the use of condoms as part of projects or activities that are funded from amounts appropriated by this Act shall be medically accurate and shall include the public health benefits and failure rates of such use.

In addition, for necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 for the prevention, treatment, and control of, and research on, HIV/AIDS, $5,500,000,000, to remain available until September 30, 2013, which shall be apportioned directly to the Department of State: *Provided*, That of the funds appropriated under this paragraph, not less than $825,000,000 shall be made available, notwithstanding any other provision of law, except for the United States Leadership Against HIV/AIDS, Tuberculosis and Malaria Act of 2003 (Public Law 108–25), as amended, for a United States contribution to the Global Fund to Fight AIDS, Tuberculosis and Malaria (Global Fund), and shall be expended at the minimum rate necessary to make timely payment for projects and activities: *Provided further*, That up to 5 percent of the aggregate amount of funds made available to the Global Fund in fiscal year 2011 may be made available to USAID for technical assistance related to the activities of the Global Fund: *Provided further*, That of the funds appropriated under this paragraph, up to $14,250,000 may be made available, in addition to amounts otherwise available for such purposes, for administrative expenses of the

Office of the United States Global AIDS Coordinator: *Provided further*, That funds appropriated for HIV/AIDS programs and activities under this paragraph in this Act and in prior acts making appropriations for the Department of State, foreign operations, and related programs shall be subject to the regular notification procedures of the Committees on Appropriations, including reprogramming requirements contained in sections 7015 and 7019 of this Act.

DEVELOPMENT ASSISTANCE

For necessary expenses to carry out the provisions of sections 103, 105, 106, 214, and sections 251 through 255, and chapter 10 of part I of the Foreign Assistance Act of 1961, $2,767,700,000: *Provided*, That relevant bureaus and offices of the United States Agency for International Development (USAID) that support cross-cutting development programs shall coordinate such programs on a regular basis: *Provided further*, That funds appropriated by this Act shall be made available for water and sanitation supply projects pursuant to the Paul Simon Water for the Poor Act of 2005 (Public Law 109–121): *Provided further*, That funds appropriated by this Act for food security and agricultural development programs may be made available notwithstanding any other provision of law and shall be made available for a United States contribution to the endowment of the Global Crop Diversity Trust pursuant to section 3202 of Public Law 110–246: *Provided further*, That the USAID Administrator should provide grants and cooperative agreements for private voluntary organizations and cooperatives to carry out agriculture, rural development and related programs authorized under the Foreign Assistance Act of 1961: *Provided further*, That of the funds appropriated in this Act for food security and agricultural development programs, up to $100,000,000 may be made available for payment by the Secretary of the Treasury for a United States contribution to a global food security fund: *Provided further*, That funds appropriated under this heading shall be made available for programs to improve women's leadership capacity in recipient countries.

INTERNATIONAL DISASTER ASSISTANCE

For necessary expenses to carry out the provisions of section 491 of the Foreign Assistance Act of 1961 for international disaster relief, rehabilitation, and reconstruction assistance, $851,000,000, to remain available until expended.

TRANSITION INITIATIVES

For necessary expenses for international disaster rehabilitation and reconstruction assistance pursuant to section 491 of the Foreign Assistance Act of 1961, $55,000,000, to remain available until expended, to support transition to democracy and to long-term development of countries in crisis: *Provided*, That such support may include assistance to develop, strengthen, or preserve democratic institutions and processes, revitalize basic infrastructure, and foster the peaceful resolution of conflict: *Provided further*, That the United States Agency for International Development shall submit a report to the Committees on Appropriations at least 5 days prior to beginning a new program of assistance: *Provided further*, That if the Secretary of State determines that it is important to the national interests of the United States to provide transition assistance in excess of the amount appropriated under this heading, up to $15,000,000 of the funds appropriated by this Act to carry out the provisions of part I of the Foreign Assistance Act of 1961 may be used for purposes of this heading and under the authorities applicable to funds appropriated under this heading: *Provided further*, That funds made available pursuant to the previous proviso shall be made available subject to prior consultation with the Committees on Appropriations.

COMPLEX CRISES FUND

For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 to enable the Administrator of the United States Agency for International Development (USAID), with the concurrence of the Secretary of State, to support programs and activities to prevent or respond to emerging or unforeseen complex crises overseas, $55,000,000, to remain available until expended: *Provided*, That the administrative authorities of the Foreign Assistance Act of 1961 shall be applicable to the funds appropriated under the heading: *Provided further*, That funds appropriated under this heading may be made available on such terms and conditions as the USAID Administrator may determine, in consultation with the Committees on Appropriations, for the purposes of preventing or responding to such crises, except that no funds shall be made available to respond to natural disasters: *Provided further*, That funds appropriated under this heading shall be made available notwithstanding section 10 of Public Law 91–672 and section 15 of the State Department Basic Authorities Act of 1956: *Provided further*, That funds appropriated under this heading may be made available notwithstanding any other provision of law, except sections 7007, 7008, and 7018 of this Act and section 620M of the Foreign Assistance Act of 1961, as amended by this Act: *Provided further*, That funds appropriated under this heading shall be subject to the regular notification procedures of the Committees on Appropriations, except that such notifications shall be transmitted at least 5 days in advance of the obligation of funds: *Provided further*, That the provisions of section 7015(e) of this Act shall apply to funds made available under this heading.

DEVELOPMENT CREDIT AUTHORITY

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans and loan guarantees provided by the United States Agency for International Development (USAID), as authorized by sections 256 and 635 of the Foreign Assistance Act of 1961, up to $35,000,000 may be derived by transfer from funds appropriated by this Act to carry out part I of such Act and under the heading ''Assistance for Europe, Eurasia and Central Asia'': *Provided*, That funds provided under this paragraph and funds provided as a gift pursuant to section 635(d) of the Foreign Assistance Act of 1961 shall be made available only for micro and small enterprise programs, urban programs, and other programs which further the purposes of part I of such Act: *Provided further*, That such costs, including the cost of modifying such direct and guaranteed loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That funds made available by this paragraph may be used for the cost of modifying any such guaranteed loans under this Act or prior Acts, and funds used for such costs shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That the provisions of section 107A(d) (relating to general provisions applicable to the Development Credit Authority) of the Foreign Assistance Act of 1961, as contained in section 306 of H.R. 1486 as reported by the House Committee on International Relations on May 9, 1997, shall be applicable to direct loans and loan guarantees provided under this heading: *Provided further*, That these funds are available to subsidize total loan principal, any portion of which is to be guaranteed, of up to $1,000,000,000.

In addition, for administrative expenses to carry out credit programs administered by USAID, $8,300,000, which may be transferred to, and merged with, funds made available under the heading ''Operating Expenses'' in title II of this Act: *Provided*, That funds made available under this heading shall remain available until September 30, 2013.

ECONOMIC SUPPORT FUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961, $6,787,589,000: *Provided*, That of the funds appropriated under this heading, $250,000,000 shall be available for assistance for Egypt, of which not less than $20,000,000 shall be made available for democracy, human rights and governance programs, and not less than $35,000,000 shall be made available for education programs, of which not less than $10,000,000 is for scholarships for Egyptian students with high financial need: *Provided further*, That of the funds appropriated under this heading, not more than $400,400,000 may be made available for assistance for the West Bank and Gaza, except that up to an additional $9,300,000 may be made available for such assistance from funds appropriated for the Middle East Partnership Initiative: *Provided further*, That not more than $200,000,000 of the funds provided for the West Bank and Gaza shall be for cash transfer assistance: *Provided further*, That funds appropriated under this heading that are made available for assistance for Cyprus shall be used only for scholarships, administrative support of the scholarship program, bicommunal projects, and measures aimed at reunification of the island and designed to reduce tensions and promote peace and cooperation between the two communities on Cyprus: *Provided further*, That $12,000,000 of the funds made available for assistance for Lebanon under this heading shall be for scholarships for students in Lebanon with high financial need: *Provided further*, That of the funds appropriated under this heading, not less than $360,000,000 shall be made available for assistance for Jordan: *Provided further*, That of the funds appropriated under this heading, $195,000,000 shall be apportioned directly to the United States Agency for International Development for alternative development/institution building programs in Colombia: *Provided further*, That of the funds appropriated under this heading that are available for assistance for Colombia, not less than $8,000,000 shall be transferred to, and merged with, funds appropriated under the heading ''Migration and Refugee Assistance'' and shall be made available only for assistance to nongovernmental and international organizations that provide assistance to Colombian refugees in neighboring countries.

DEMOCRACY FUND

For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 for the promotion of democracy globally, $115,000,000, of which $68,500,000 shall be made available for the Human Rights and Democracy Fund of the Bureau of Democracy, Human Rights and Labor, Department of State, and $46,500,000 shall be made available for the Office of Democracy and Governance of the Bureau for Democracy, Conflict, and Humanitarian Assistance, United States Agency for International Development.

ASSISTANCE FOR EUROPE, EURASIA AND CENTRAL ASIA

For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961, the FREEDOM Support Act, and the Support for East European Democracy (SEED) Act of 1989, $709,000,000, to remain available until September 30, 2012, which shall be available, notwithstanding any other provision of law, for assistance and for

related programs for countries identified in section 3 of the FREEDOM Support Act and section 3(c) of the SEED Act: *Provided*, That funds appropriated under this heading shall be considered to be economic assistance under the Foreign Assistance Act of 1961 for purposes of making available the administrative authorities contained in that Act for the use of economic assistance: *Provided further*, That notwithstanding any provision of this or any other Act, funds appropriated in prior years under the headings ''Independent States of the Former Soviet Union'' and similar headings and ''Assistance for Eastern Europe and the Baltic States'' and similar headings, and currencies generated by or converted from such funds, shall be available for use in any country for which funds are made available under this heading without regard to the geographic limitations of the heading under which such funds were originally appropriated: *Provided further*, That funds made available for the Southern Caucasus region may be used for confidence-building measures and other activities in furtherance of the peaceful resolution of conflicts, including in Nagorno-Karabakh.

DEPARTMENT OF STATE

MIGRATION AND REFUGEE ASSISTANCE

For necessary expenses, not otherwise provided for, to enable the Secretary of State to provide, as authorized by law, a contribution to the International Committee of the Red Cross, assistance to refugees, including contributions to the International Organization for Migration and the United Nations High Commissioner for Refugees, and other activities to meet refugee and migration needs; salaries and expenses of personnel and dependents as authorized by the Foreign Service Act of 1980; allowances as authorized by sections 5921 through 5925 of title 5, United States Code; purchase and hire of passenger motor vehicles; and services as authorized by section 3109 of title 5, United States Code, $1,685,000,000, to remain available until expended, of which not less than $25,000,000 shall be made available for refugees resettling in Israel, and not less than $35,000,000 shall be made available to respond to small-scale emergency humanitarian requirements of international and nongovernmental partners.

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

For necessary expenses to carry out the provisions of section 2(c) of the Migration and Refugee Assistance Act of 1962, as amended (22 U.S.C. 2601(c)), $45,000,000, to remain available until expended: *Provided*, That section 2(c) of the Migration and Refugee Assistance Act of 1962 (22 U.S.C. 2601(c)(2)) is amended in paragraph (1) by striking ''President'' and inserting ''Secretary of State'' and in paragraph (2) by striking ''$100,000,000'' and inserting ''$200,000,000''.

INDEPENDENT AGENCIES

PEACE CORPS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of the Peace Corps Act (22 U.S.C. 2501–2523), including the purchase of not to exceed five passenger motor vehicles for administrative purposes for use outside of the United States, $425,000,000, to remain available until September 30, 2012: *Provided*, That the Director of the Peace Corps may transfer to the Foreign Currency Fluctuations Account, as authorized by 22 U.S.C. 2515, an amount not to exceed $5,000,000: *Provided further*, That funds transferred pursuant to the previous proviso may not be derived from amounts made available for Peace Corps overseas operations: *Provided further*, That of the funds appropriated under this heading, not to exceed $4,000 may be made available for entertainment expenses: *Provided further*, That any decision to open, close, significantly reduce, or suspend a domestic or overseas office or country program shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations, except that prior consultation and regular notification procedures may be waived when there is a substantial security risk to volunteers or other Peace Corps personnel, pursuant to section 7015(e) of this Act: *Provided further*, That not later than 45 days after enactment of this Act, the Director shall submit a spending plan to the Committees on Appropriations on the proposed uses of funds under this heading: *Provided further*, That none of the funds appropriated under this heading shall be used to pay for abortions.

MILLENNIUM CHALLENGE CORPORATION

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of the Millennium Challenge Act of 2003, $1,105,000,000 to remain available until expended: *Provided*, That of the funds appropriated under this heading, up to $105,000,000 may be available for administrative expenses of the Millennium Challenge Corporation (the Corporation): *Provided further*, That up to 10 percent of the funds appropriated under this heading may be made available to carry out the purposes of section 616 of the Millennium Challenge Act of 2003 for fiscal year 2011: *Provided further*, That section 605(e)(4) of the Millennium Challenge Act of 2003 shall apply to funds appropriated under this heading: *Provided further*, That funds appropriated under this heading may be made available for a Millennium Challenge Compact entered into pursuant to section 609 of the Millennium Challenge Act of 2003 only if such Compact obligates, or contains a commitment to obligate subject to the availability of funds and the mutual agreement of the parties to the Compact to proceed, the entire amount of the United States Government funding anticipated for the duration of the Compact: *Provided further*, That the Chief Executive Officer of the Corporation shall notify the Committees on Appropriations not later than 15 days prior to signing any new country compact or new threshold country program; terminating or suspending any country compact or threshold country program; or commencing negotiations for any new compact or threshold country program: *Provided further*, That funds appropriated by this Act or any prior Act appropriating funds for the Department of State, foreign operations, and related programs that are made available for a Millennium Challenge Compact and that are suspended or terminated by the Chief Executive Officer of the Corporation shall be subject to the regular notification procedures of the Committees on Appropriations prior to reobligation: *Provided further*, That of the funds appropriated under this heading, not to exceed $100,000 may be available for representation and entertainment allowances, of which not to exceed $5,000 may be available for entertainment allowances.

INTER-AMERICAN FOUNDATION

For necessary expenses to carry out the functions of the Inter-American Foundation in accordance with the provisions of section 401 of the Foreign Assistance Act of 1969, $24,500,000: *Provided*, That of the funds appropriated under this heading, not to exceed $2,000 may be available for entertainment and representation allowances.

AFRICAN DEVELOPMENT FOUNDATION

For necessary expenses to carry out title V of the International Security and Development Cooperation Act of 1980 (Public Law 96–533), $30,500,000: *Provided*, That funds made available to grantees may be invested pending expenditure for project purposes when authorized by the Board of Directors of the Foundation: *Provided further*, That interest earned shall be used only for the purposes for which the grant was made: *Provided further*, That notwithstanding section 505(a)(2) of the African Development Foundation Act, in exceptional circumstances the Board of Directors of the Foundation may waive the $250,000 limitation contained in that section with respect to a project and a project may exceed the limitation by up to 10 percent if the increase is due solely to foreign currency fluctuation: *Provided further*, That the Foundation shall provide a report to the Committees on Appropriations after each time such waiver authority is exercised.

DEPARTMENT OF THE TREASURY

INTERNATIONAL AFFAIRS TECHNICAL ASSISTANCE

For necessary expenses to carry out the provisions of section 129 of the Foreign Assistance Act of 1961, $30,000,000, to remain available until September 30, 2013, which shall be available notwithstanding any other provision of law.

DEBT RESTRUCTURING

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of modifying loans and loan guarantees, as the President may determine, for which funds have been appropriated or otherwise made available for programs within the International Affairs Budget Function 150, including the cost of selling, reducing, or canceling amounts owed to the United States as a result of concessional loans made to eligible countries, pursuant to parts IV and V of the Foreign Assistance Act of 1961, of modifying concessional credit agreements with least developed countries, as authorized under section 411 of the Agricultural Trade Development and Assistance Act of 1954, as amended, of concessional loans, guarantees and credit agreements, as authorized under section 572 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989 (Public Law 100–461), and of canceling amounts owed, as a result of loans or guarantees made pursuant to the Export-Import Bank Act of 1945, by countries that are eligible for debt reduction pursuant to title V of H.R. 3425 as enacted into law by section 1000(a)(5) of Public Law 106–113, $56,000,000, to remain available until September 30, 2013: *Provided*, That not less than $20,000,000 of the funds appropriated under this heading shall be made available to carry out the provisions of part V of the Foreign Assistance Act of 1961: *Provided further*, That up to $36,000,000 of the funds appropriated under this heading may be for the United States share of an increase in the resources of the Fund for Special Operations of the Inter-American Development Bank in furtherance of providing debt relief to Haiti in view of the Cancun Declaration of March 21, 2010: *Provided further*, That amounts paid to the Heavily Indebted Poor Countries (HIPC) Trust Fund may be used only to fund debt reduction under the enhanced HIPC initiative by—

(1) the Inter-American Development Bank;

(2) the African Development Fund;

(3) the African Development Bank; and

(4) the Central American Bank for Economic Integration:

*Provided further*, That funds may not be paid to the HIPC Trust Fund for the benefit of any country if the Secretary of State has credible evidence that the central government of such country is engaged in a consistent pattern of gross violations of internationally recognized human rights or in

military or civil conflict that undermines its ability to develop and implement measures to alleviate poverty and to devote adequate human and financial resources to that end: *Provided further*, That on the basis of final appropriations, the Secretary of the Treasury shall consult with the Committees on Appropriations concerning which countries and international financial institutions are expected to benefit from a United States contribution to the HIPC Trust Fund during the fiscal year: *Provided further*, That the Secretary of the Treasury shall notify the Committees on Appropriations not less than 15 days in advance of the signature of an agreement by the United States to make payments to the HIPC Trust Fund of amounts for such countries and institutions: *Provided further*, That the Secretary of the Treasury may disburse funds designated for debt reduction through the HIPC Trust Fund only for the benefit of countries that—

(1) have committed, for a period of 24 months, not to accept new market-rate loans from the international financial institution receiving debt repayment as a result of such disbursement, other than loans made by such institutions to export-oriented commercial projects that generate foreign exchange which are generally referred to as ''enclave'' loans; and

(2) have documented and demonstrated their commitment to redirect their budgetary resources from international debt repayments to programs to alleviate poverty and promote economic growth that are additional to or expand upon those previously available for such purposes:

*Provided further*, That any limitation of subsection (e) of section 411 of the Agricultural Trade Development and Assistance Act of 1954 shall not apply to funds appropriated under this heading: *Provided further*, That none of the funds made available under this heading in this or any other appropriations Act shall be made available for Sudan or Burma unless the Secretary of the Treasury determines and notifies the Committees on Appropriations that a democratically elected government has taken office.

## TITLE IV

## INTERNATIONAL SECURITY ASSISTANCE

### DEPARTMENT OF STATE

### INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out section 481 of the Foreign Assistance Act of 1961, $1,590,000,000, to remain available until September 30, 2012: *Provided*, That during fiscal year 2011, the Department of State may also use the authority of section 608 of the Foreign Assistance Act of 1961, without regard to its restrictions, to receive excess property from an agency of the United States Government for the purpose of providing it to a foreign country or international organization under chapter 8 of part I of that Act subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That the Secretary of State shall provide to the Committees on Appropriations not later than 45 days after the date of enactment of this Act and prior to the initial obligation of funds appropriated under this heading, a report on the proposed uses of all funds under this heading on a country-by-country basis for each proposed program, project, or activity: *Provided further*, That section 482(b) of the Foreign Assistance Act of 1961 shall not apply to funds appropriated under this heading: *Provided further*, That assistance provided with funds appropriated under this heading that is made available notwithstanding section 482(b) of the Foreign Assistance Act of 1961 shall be made available subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That of the funds appropriated under this heading, $5,000,000 should be made available to combat piracy of United States copyrighted materials, consistent with the requirements of section 688(a) and (b) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2008 (division J of Public Law 110–161): *Provided further*, That of the funds appropriated under this heading, $15,000,000 shall be apportioned directly to the United States Agency for International Development (USAID) for institution building, judicial reform, anticorruption, rule of law activities, and sustainable development programs in Mexico and may be transferred to, and merged with, funds appropriated under the heading ''Economic Support Fund'' to continue programs administered by USAID: *Provided further*, That none of the funds appropriated under this heading for assistance for Colombia shall be made available for budget support or as cash payments: *Provided further*, That none of the funds appropriated under this heading shall be made available for assistance for the Bolivian military and police unless the Secretary of State determines and reports to the Committees on Appropriations that the Government of Bolivia is investigating, prosecuting, and punishing military and police personnel who have been credibly alleged to have violated internationally recognized human rights.

### NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

For necessary expenses for nonproliferation, anti-terrorism, demining and related programs and activities, $740,000,000, to carry out the provisions of chapter 8 of part II of the Foreign Assistance Act of 1961 for antiterrorism assistance, chapter 9 of part II of the Foreign Assistance Act of 1961, section 504 of the FREEDOM Support Act, section 23 of the Arms Export Control Act or the Foreign Assistance Act of 1961 for demining activities, the clearance of unexploded ordnance, the destruction of small arms, and related activities, notwithstanding any other provision of law, including activities implemented through nongovernmental and international organizations, and section 301 of the Foreign Assistance Act of 1961 for a voluntary contribution to the International Atomic Energy Agency, and for a United States contribution to the Comprehensive Nuclear Test Ban Treaty Preparatory Commission: *Provided*, That of the funds made available under this heading, not to exceed $57,000,000, to remain available until expended, may be made available for the Nonproliferation and Disarmament Fund, notwithstanding any other provision of law, to promote bilateral and multilateral activities relating to nonproliferation, disarmament and weapons destruction: *Provided further*, That such funds may also be used for such countries other than the Independent States of the former Soviet Union and international organizations when it is in the national security interest of the United States to do so: *Provided further*, That funds made available for the Nonproliferation and Disarmament Fund shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations: *Provided further*, That funds appropriated under this heading may be made available for the IAEA unless the Secretary of State determines that Israel is being denied its right to participate in the activities of that Agency: *Provided further*, That of the funds appropriated under this heading, not more than $500,000 may be made available for public-private partnerships for conventional weapons and mine action by grant, cooperative agreement or contract: *Provided further*, That of the funds made available for demining and related activities, not to exceed $700,000, in addition to funds otherwise available for such purposes, may be used for administrative expenses related to the operation and management of the demining program: *Provided further*, That funds appropriated under this heading that are available for ''Anti-terrorism Assistance'' and ''Export Control and Border Security'' shall remain available until September 30, 2012.

### PEACEKEEPING OPERATIONS

For necessary expenses to carry out the provisions of section 551 of the Foreign Assistance Act of 1961, $305,000,000: *Provided*, That funds appropriated under this heading may be used, notwithstanding section 660 of such Act, to provide assistance to enhance the capacity of foreign civilian security forces, including gendarmes, to participate in peacekeeping operations: *Provided further*, That of the funds appropriated under this heading, up to $81,918,000, to remain available until September 30, 2012, may be made available to pay assessed expenses of international peacekeeping activities in Somalia, subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations, except that such funds should not be made available unless the Secretary of State reports to the Committees on Appropriations that indiscriminate shelling and other abuses of civilians by African Union Mission troops are being addressed: *Provided further*, That funds appropriated under this heading should not be used to support any military training or operations that include child soldiers: *Provided further*, That of the funds appropriated under this heading, not less than $26,000,000 shall be made available for a United States contribution to the Multinational Force and Observers mission in the Sinai: *Provided further*, That none of the funds appropriated under this heading shall be obligated or expended except as provided through the regular notification procedures of the Committees on Appropriations.

### FUNDS APPROPRIATED TO THE PRESIDENT

### INTERNATIONAL MILITARY EDUCATION AND TRAINING

For necessary expenses to carry out the provisions of section 541 of the Foreign Assistance Act of 1961, $107,000,000, of which up to $3,500,000 may remain available until expended and may only be provided through the regular notification procedures of the Committees on Appropriations: *Provided*, That the civilian personnel for whom military education and training may be provided under this heading may include civilians who are not members of a government whose participation would contribute to improved civil-military relations, civilian control of the military, or respect for human rights: *Provided further*, That funds made available under this heading for assistance for Angola, Bangladesh, Cameroon, Central African Republic, Chad, Côte d'Ivoire, Democratic Republic of the Congo, Ethiopia, Guatemala, Guinea, Haiti, Indonesia, Kenya, Libya, Nepal, Nigeria, and Sri Lanka may only be provided through the regular notification procedures of the Committees on Appropriations and any such notification shall include a detailed description of proposed activities: *Provided further*, That of the funds appropriated under this heading, not to exceed $55,000 may be available for entertainment allowances.

### FOREIGN MILITARY FINANCING PROGRAM

For necessary expenses for grants to enable the President to carry out the provisions of section 23 of the Arms Export Control Act, $5,440,000,000: *Provided*, That to expedite the provision of assistance to foreign

countries and international organizations, the Secretary of State, following consultation with the Committees on Appropriations and subject to the regular notification procedures of such Committees, may use the funds appropriated under this heading to procure defense articles and services to enhance the capacity of foreign security forces: *Provided further*, That funds made available under this heading may be used, notwithstanding any other provision of law, for demining, the clearance of unexploded ordnance, and related activities, and may include activities implemented through nongovernmental and international organizations: *Provided further*, That of the funds appropriated under this heading, not less than $3,000,000,000 shall be available for grants only for Israel, and not less than $1,300,000,000 shall be made available for grants only for Egypt, including for border security programs and activities in the Sinai: *Provided further*, That the funds appropriated under this heading for assistance for Israel shall be disbursed within 30 days of enactment of this Act: *Provided further*, That to the extent that the Government of Israel requests that funds be used for such purposes, grants made available for Israel under this heading shall, as agreed by the United States and Israel, be available for advanced weapons systems, of which not less than $789,000,000 shall be available for the procurement in Israel of defense articles and defense services, including research and development: *Provided further*, That funds appropriated under this heading estimated to be outlayed for Egypt during fiscal year 2011 shall be transferred to an interest bearing account for Egypt in the Federal Reserve Bank of New York within 30 days of enactment of this Act: *Provided further*, That of the funds appropriated under this heading, $300,000,000 shall be made available for assistance for Jordan: *Provided further*, That none of the funds made available under this heading shall be made available to support or continue any program initially funded under the authority of section 1206 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3456) unless the Secretary of State, in coordination with the Secretary of Defense, has justified such program to the Committees on Appropriations: *Provided further*, That funds appropriated or otherwise made available under this heading shall be nonrepayable notwithstanding any requirement in section 23 of the Arms Export Control Act: *Provided further*, That funds made available under this heading shall be obligated upon apportionment in accordance with paragraph (5)(C) of title 31, United States Code, section 1501(a).

None of the funds made available under this heading shall be available to finance the procurement of defense articles, defense services, or design and construction services that are not sold by the United States Government under the Arms Export Control Act unless the foreign country proposing to make such procurement has first signed an agreement with the United States Government specifying the conditions under which such procurement may be financed with such funds: *Provided*, That all country and funding level increases in allocations shall be submitted through the regular notification procedures of section 7015 of this Act: *Provided further*, That none of the funds appropriated under this heading may be made available for assistance for Nepal, Sri Lanka, Pakistan, Bangladesh, Philippines, Indonesia, Bosnia and Herzegovina, Haiti, Guatemala, Ethiopia, Cambodia, Kenya, Chad, and the Democratic Republic of the Congo except pursuant to the regular notification procedures of the Committees on Appropriations: *Provided further*, That only those countries for which assistance was justified for the ''Foreign Military Sales Financing Program'' in the fiscal year 1989 congressional presentation for security assistance programs may utilize funds made available under this heading for procurement of defense articles, defense services or design and construction services that are not sold by the United States Government under the Arms Export Control Act: *Provided further*, That funds appropriated under this heading shall be expended at the minimum rate necessary to make timely payment for defense articles and services: *Provided further*, That not more than $56,583,000 of the funds appropriated under this heading may be obligated for necessary expenses, including the purchase of passenger motor vehicles for replacement only for use outside of the United States, for the general costs of administering military assistance and sales, except that this limitation may be exceeded only through the regular notification procedures of the Committees on Appropriations: *Provided further*, That of the funds appropriated under this heading for general costs of administering military assistance and sales, not to exceed $4,000 may be available for entertainment expenses and not to exceed $130,000 may be available for representation allowances: *Provided further*, That not more than $749,597,000 of funds realized pursuant to section 21(e)(1)(A) of the Arms Export Control Act may be obligated for expenses incurred by the Department of Defense during fiscal year 2011 pursuant to section 43(b) of the Arms Export Control Act, except that this limitation may be exceeded only through the regular notification procedures of the Committees on Appropriations.

PAKISTAN COUNTERINSURGENCY CAPABILITY FUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of chapter 8 of part I and chapters 2, 5, 6, and 8 of part II of the Foreign Assistance Act of 1961 and section 23 of the Arms Export Control Act, $1,000,000,000, to remain available until September 30, 2012, for the purpose of providing assistance for Pakistan to build and maintain the counterinsurgency capability of Pakistani security forces (including the Frontier Corps), to include program management, training in civil-military humanitarian assistance, human rights training, and the provision of equipment, supplies, services, training, and facility and infrastructure repair, renovation, and construction: *Provided*, That notwithstanding any other provision of law, such funds shall be available to the Secretary of State, with the concurrence of the Secretary of Defense: *Provided further*, That such funds may be transferred by the Secretary of State to the Department of Defense or other Federal departments or agencies to support counterinsurgency operations and may be merged with, and be available, for the same purposes and for the same time period as the appropriation or fund to which transferred or may be transferred pursuant to the authorities contained in the Foreign Assistance Act of 1961: *Provided further*, That the Secretary of State shall, not fewer than 15 days prior to making transfers from this appropriation, notify the Committees on Appropriations, in writing, of the details of any such transfer: *Provided further*, That the Secretary of State shall submit not later than 30 days after the end of each fiscal quarter to the Committees on Appropriations a report in writing summarizing, on a project-by-project basis, the uses of funds under this heading: *Provided further*, That upon determination by the Secretary of State, with the concurrence of the Secretary of Defense, that all or part of the funds so transferred from this appropriation are not necessary for the purposes herein, such amounts may be transferred by the head of the relevant Federal department or agency back to this appropriation and shall be available for the same purposes and for the same time period as originally appropriated: *Provided further*, That any required notification or report may be submitted in classified form.

TITLE V

MULTILATERAL ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

For necessary expenses to carry out the provisions of section 301 of the Foreign Assistance Act of 1961, and of section 2 of the United Nations Environment Program Participation Act of 1973, $395,500,000: *Provided*, That section 307(a) of the Foreign Assistance Act of 1961 shall not apply to contributions to the United Nations Democracy Fund.

INTERNATIONAL FINANCIAL INSTITUTIONS

GLOBAL ENVIRONMENT FACILITY

For payment to the International Bank for Reconstruction and Development as trustee for the Global Environment Facility by the Secretary of the Treasury, $143,750,000, to remain available until expended.

CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT ASSOCIATION

For payment to the International Development Association by the Secretary of the Treasury, $1,235,000,000, to remain available until expended.

CONTRIBUTION TO THE CLEAN TECHNOLOGY FUND

For payment to the International Bank for Reconstruction and Development as trustee for the Clean Technology Fund by the Secretary of the Treasury, $315,000,000, to remain available until expended.

CONTRIBUTION TO THE STRATEGIC CLIMATE FUND

For payment to the International Bank for Reconstruction and Development as trustee for the Strategic Climate Fund by the Secretary of the Treasury, $205,000,000, to remain available until expended.

GLOBAL FOOD SECURITY FUND

For payment as a contribution to a global food security fund by the Secretary of the Treasury, $215,000,000, to remain available until expended.

CONTRIBUTION TO THE INTER-AMERICAN DEVELOPMENT BANK

For payment to the Inter-American Investment Corporation by the Secretary of the Treasury, $21,000,000, to remain available until expended.

CONTRIBUTION TO THE ENTERPRISE FOR THE AMERICAS MULTILATERAL INVESTMENT FUND

For payment to the Enterprise for the Americas Multilateral Investment Fund by the Secretary of the Treasury, $25,000,000, to remain available until expended.

CONTRIBUTION TO THE ASIAN DEVELOPMENT BANK

For payment to the Asian Development Bank by the Secretary of the Treasury for the United States share of the paid-in portion of increase in capital stock, $106,586,000, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the Asian Development Bank may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital stock in an amount not to exceed $2,558,048,769.

CONTRIBUTION TO THE ASIAN DEVELOPMENT FUND

For payment to the Asian Development Bank's Asian Development Fund by the Secretary of the Treasury, $77,000,000, to remain available until expended.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT FUND

For payment to the African Development Fund by the Secretary of the Treasury, $150,000,000, to remain available until expended.

CONTRIBUTION TO THE INTERNATIONAL FUND FOR AGRICULTURAL DEVELOPMENT

For payment to the International Fund for Agricultural Development by the Secretary of the Treasury, $30,000,000, to remain available until expended.

TITLE VI

EXPORT AND INVESTMENT ASSISTANCE

EXPORT-IMPORT BANK OF THE UNITED STATES

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $3,000,000, to remain available until September 30, 2012.

PROGRAM ACCOUNT

The Export-Import Bank of the United States is authorized to make such expenditures within the limits of funds and borrowing authority available to such corporation, and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations, as provided by section 104 of the Government Corporation Control Act, as may be necessary in carrying out the program for the current fiscal year for such corporation: *Provided*, That none of the funds available during the current fiscal year may be used to make expenditures, contracts, or commitments for the export of nuclear equipment, fuel, or technology to any country, other than a nuclear-weapon state as defined in Article IX of the Treaty on the Non-Proliferation of Nuclear Weapons eligible to receive economic or military assistance under this Act, that has detonated a nuclear explosive after the date of the enactment of this Act: *Provided further*, That the use of the aggregate loan, guarantee, and insurance authority available to the Export-Import Bank during the current fiscal year should not result in greenhouse gas emissions from the extraction or production of fossil fuels and the use of fossil fuels in electricity generation exceeding the total amount of such emissions resulting from the use of such authority during fiscal year 2007, unless not less than 15 days prior to the use of such authority the Export-Import Bank provides written notification to the Committees on Appropriations that the use of such authority would result in greenhouse gas emissions exceeding such amount and indicating the amount of the increase, and posts such notification on the Bank's Web site: *Provided further*, That not less than 10 percent of such aggregate should be used for renewable energy technology and end-use energy efficiency technologies.

SUBSIDY APPROPRIATION

For the cost of direct loans, loan guarantees, insurance, and tied-aid grants as authorized by section 10 of the Export-Import Bank Act of 1945, as amended, not to exceed $82,000,000: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That such funds shall remain available until September 30, 2026, for the disbursement of direct loans, loan guarantees, insurance and tied-aid grants obligated in fiscal years 2011, 2012, 2013, and 2014: *Provided further*, That none of the funds appropriated by this Act or any prior Acts appropriating funds for the Department of State, foreign operations, and related programs for tied-aid credits or grants may be used for any other purpose except through the regular notification procedures of the Committees on Appropriations: *Provided further*, That funds appropriated by this paragraph are made available notwithstanding section 2(b)(2) of the Export-Import Bank Act of 1945, in connection with the purchase or lease of any product by any Eastern European country, any Baltic State or any agency or national thereof.

ADMINISTRATIVE EXPENSES

For administrative expenses to carry out the direct and guaranteed loan and insurance programs, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, and not to exceed $30,000 for official reception and representation expenses for members of the Board of Directors, not to exceed $99,000,000: *Provided*, That the Export-Import Bank may accept, and use, payment or services provided by transaction participants for legal, financial, or technical services in connection with any transaction for which an application for a loan, guarantee or insurance commitment has been made: *Provided further*, That project specific transaction costs, including direct and indirect costs incurred in claims settlements, and other costs for systems infrastructure directly supporting transactions, shall not be considered administrative expenses for the purposes of this heading: *Provided further*, That notwithstanding subsection (b) of section 117 of the Export Enhancement Act of 1992, subsection (a) thereof shall remain in effect until October 1, 2011.

RECEIPTS COLLECTED

Receipts collected pursuant to the Export-Import Bank Act of 1945, as amended, and the Federal Credit Reform Act of 1990, as amended, in an amount not to exceed the amount appropriated herein, shall be credited as offsetting collections to this account: *Provided*, That the sums herein appropriated from the General Fund shall be reduced on a dollar-for-dollar basis by such offsetting collections so as to result in a final fiscal year appropriation from the General Fund estimated at $0: *Provided further*, That amounts collected in fiscal year 2011 in excess of obligations shall become available on September 1, 2011 and shall remain available until September 30, 2014.

OVERSEAS PRIVATE INVESTMENT CORPORATION

NONCREDIT ACCOUNT

The Overseas Private Investment Corporation is authorized to make, without regard to fiscal year limitations, as provided by 31 U.S.C. 9104, such expenditures and commitments within the limits of funds available to it and in accordance with law as may be necessary: *Provided*, That the amount available for administrative expenses to carry out the credit and insurance programs (including an amount for official reception and representation expenses which shall not exceed $35,000) shall not exceed $53,946,000: *Provided further*, That project-specific transaction costs, including direct and indirect costs incurred in claims settlements, and other direct costs associated with services provided to specific investors or potential investors pursuant to section 234 of the Foreign Assistance Act of 1961, shall not be considered administrative expenses for the purposes of this heading.

PROGRAM ACCOUNT

For the cost of direct and guaranteed loans, $29,000,000, as authorized by section 234 of the Foreign Assistance Act of 1961, to be derived by transfer from the Overseas Private Investment Corporation Noncredit Account: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That such sums shall be available for direct loan obligations and loan guaranty commitments incurred or made during fiscal years 2011, 2012, and 2013: *Provided further*, That funds so obligated in fiscal year 2011 remain available for disbursement through 2019; funds obligated in fiscal year 2012 remain available for disbursement through 2020; and funds obligated in fiscal year 2013 remain available for disbursement through 2021: *Provided further*, That notwithstanding any other provision of law, the Overseas Private Investment Corporation is authorized to undertake any program authorized by title IV of the Foreign Assistance Act of 1961 in Iraq: *Provided further*, That funds made available pursuant to the authority of the previous proviso shall be subject to the regular notification procedures of the Committees on Appropriations.

In addition, such sums as may be necessary for administrative expenses to carry out the credit program may be derived from amounts available for administrative expenses to carry out the credit and insurance programs in the Overseas Private Investment Corporation Noncredit Account and merged with said account.

FUNDS APPROPRIATED TO THE PRESIDENT

TRADE AND DEVELOPMENT AGENCY

For necessary expenses to carry out the provisions of section 661 of the Foreign Assistance Act of 1961, $55,200,000, to remain available until September 30, 2012: *Provided*, That of the funds appropriated under this heading, not more than $4,000 may be available for representation and entertainment allowances.

TITLE VII

GENERAL PROVISIONS

ALLOWANCES AND DIFFERENTIALS

SEC. 7001. Funds appropriated under title I of this Act shall be available, except as otherwise provided, for allowances and differentials as authorized by subchapter 59 of title 5, United States Code; for services as authorized by 5 U.S.C. 3109; and for hire of passenger transportation pursuant to 31 U.S.C. 1343(b).

UNOBLIGATED BALANCES REPORT

SEC. 7002. Any department or agency of the United States Government to which funds are appropriated or otherwise made available by this Act shall provide to the Committees on Appropriations a quarterly accounting of cumulative balances by program, project, and activity of the funds received by such department or agency in this fiscal year or any previous fiscal year that remain unobligated and unexpended: *Provided*, That such report should disaggregate such funds by fiscal year as soon as practicable.

CONSULTING SERVICES

SEC. 7003. The expenditure of any appropriation under title I of this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

EMBASSY CONSTRUCTION

SEC. 7004. (a) Of funds provided under title I of this Act, except as provided in subsection (b), a project to construct a diplomatic facility of the United States may not include office space or other accommodations for an employee of a Federal agency or

department if the Secretary of State determines that such department or agency has not provided to the Department of State the full amount of funding required by subsection (e) of section 604 of the Secure Embassy Construction and Counterterrorism Act of 1999 (as enacted into law by section 1000(a)(7) of Public Law 106–113 and contained in appendix G of that Act; 113 Stat. 1501A–453), as amended by section 629 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2005.

(b) Notwithstanding the prohibition in subsection (a), a project to construct a diplomatic facility of the United States may include office space or other accommodations for members of the United States Marine Corps.

(c) Funds appropriated by this Act, and any prior Act making appropriations for the Department of State, foreign operations, and related programs, which may be made available for the acquisition of property for diplomatic facilities in Afghanistan, Pakistan, and Iraq, shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

(d) None of the funds appropriated under the heading ''Embassy Security, Construction, and Maintenance'' in title I of this Act may be made available for construction of the New London Embassy.

PERSONNEL ACTIONS

SEC. 7005. Any costs incurred by a department or agency funded under title I of this Act resulting from personnel actions taken in response to funding reductions included in this Act shall be absorbed within the total budgetary resources available under title I to such department or agency: *Provided*, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: *Provided further*, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 7015 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

LOCAL GUARD CONTRACTS

SEC. 7006. In evaluating proposals for local guard contracts, the Secretary of State shall award contracts in accordance with section 136 of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (22 U.S.C. 4864), except that the Secretary may grant authorization to award such contracts on the basis of best value as determined by a cost-technical tradeoff analysis (as described in Federal Acquisition Regulation part 15.101) in Iraq, Afghanistan, and Pakistan, notwithstanding subsection (c)(3) of such section: *Provided*, That the authority in this section shall apply to any options for renewal that may be exercised under such contracts that are awarded during the current fiscal year: *Provided further*, That prior to issuing a solicitation for a contract to be awarded pursuant to the authority under this section, the Secretary of State shall consult with the Committees on Appropriations.

PROHIBITION AGAINST DIRECT FUNDING FOR CERTAIN COUNTRIES

SEC. 7007. None of the funds appropriated or otherwise made available pursuant to titles III through VI of this Act shall be obligated or expended to finance directly any assistance or reparations for the governments of Cuba, North Korea, Iran, or Syria: *Provided*, That for purposes of this section, the prohibition on obligations or expenditures shall include direct loans, credits, insurance and guarantees of the Export-Import Bank or its agents.

COUPS D'ÉTAT

SEC. 7008. None of the funds appropriated or otherwise made available pursuant to titles III through VI of this Act shall be obligated or expended to finance directly any assistance to the government of any country whose duly elected head of government is deposed by coup d'état or decree: *Provided*, That assistance may be resumed to such government if the President determines and certifies to the Committees on Appropriations that subsequent to the termination of assistance a democratically elected government has taken office: *Provided further*, That the provisions of this section shall not apply to assistance to promote democratic elections or public participation in democratic processes: *Provided further*, That funds made available pursuant to the previous provisos shall be subject to the regular notification procedures of the Committees on Appropriations.

TRANSFER AUTHORITY

SEC. 7009. (a) DEPARTMENT OF STATE AND BROADCASTING BOARD OF GOVERNORS.—

(1) Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of State under title I of this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers.

(2) Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Broadcasting Board of Governors under title I of this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers.

(3) Any transfer pursuant to this section shall be treated as a reprogramming of funds under section 7015(a) and (b) of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

(b) EXPORT FINANCING TRANSFER AUTHORITIES.—Not to exceed 5 percent of any appropriation other than for administrative expenses made available for fiscal year 2011, for programs under title VI of this Act may be transferred between such appropriations for use for any of the purposes, programs, and activities for which the funds in such receiving account may be used, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 25 percent by any such transfer: *Provided*, That the exercise of such authority shall be subject to the regular notification procedures of the Committees on Appropriations.

(c) LIMITATION ON TRANSFERS BETWEEN AGENCIES.—

(1) None of the funds made available under titles II through V of this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

(2) Notwithstanding paragraph (1), in addition to transfers made by, or authorized elsewhere in, this Act, funds appropriated by this Act to carry out the purposes of the Foreign Assistance Act of 1961 may be allocated or transferred to agencies of the United States Government pursuant to the provisions of sections 109, 610, and 632 of the Foreign Assistance Act of 1961.

(3) Any agreement entered into by the United States Agency for International Development (USAID) or the Department of State with any department, agency, or instrumentality of the United States Government pursuant to section 632(b) of the Foreign Assistance Act of 1961 valued in excess of $1,000,000 and any agreement made pursuant to section 632(a) of such Act, with funds appropriated by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs under the headings ''Global Health and Child Survival'', ''Development Assistance'', and ''Economic Support Fund'' shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided*, That the requirement in the previous sentence shall not apply to agreements entered into between USAID and the Department of State.

(d) TRANSFERS BETWEEN ACCOUNTS.—None of the funds made available under titles II through V of this Act may be obligated under an appropriation account to which they were not appropriated, except for transfers specifically provided for in this Act, unless the President, not less than 5 days prior to the exercise of any authority contained in the Foreign Assistance Act of 1961 to transfer funds, consults with and provides a written policy justification to the Committees on Appropriations.

(e) AUDIT OF INTER-AGENCY TRANSFERS.—Any agreement for the transfer or allocation of funds appropriated by this Act, or prior Acts, entered into between the Department of State or USAID and another agency of the United States Government under the authority of section 632(a) of the Foreign Assistance Act of 1961 or any comparable provision of law, shall expressly provide that the Inspector General for the agency receiving the transfer or allocation of such funds shall perform periodic program and financial audits of the use of such funds: *Provided*, That funds transferred under such authority may be made available for the cost of such audits.

REPORTING REQUIREMENT

SEC. 7010. The Secretary of State shall provide the Committees on Appropriations, not later than April 1, 2011, and for each fiscal quarter, a report in writing on the uses of funds made available under the headings ''Foreign Military Financing Program'', ''International Military Education and Training'', and ''Peacekeeping Operations'': *Provided*, That such report shall include a description of the obligation and expenditure of funds, and the specific country in receipt of, and the use or purpose of the assistance provided by such funds.

AVAILABILITY OF FUNDS

SEC. 7011. No part of any appropriation contained in this Act shall remain available for obligation after the expiration of the current fiscal year unless expressly so provided in this Act: *Provided*, That funds appropriated for the purposes of chapters 1, 8, 11, and 12 of part I, section 661, section 667, chapters 4, 5, 6, 8, and 9 of part II of the Foreign Assistance Act of 1961, section 23 of the Arms Export Control Act, and funds provided under the headings ''Assistance for Europe, Eurasia and Central Asia'', ''Democracy Fund'', ''Pakistan Counterinsurgency Capability Fund'', and ''Development Credit Authority'', shall remain available for an additional 4 years from the date on which the availability of such funds would otherwise have expired, if such funds are initially obligated before the expiration of their respective periods of availability contained in this Act: *Provided further*, That notwithstanding any other provision of this Act, any funds made available for the purposes of chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961 which are allocated or obligated for cash disbursements in order to address balance of payments or economic policy reform objectives, shall remain available until expended.

LIMITATION ON ASSISTANCE TO COUNTRIES IN DEFAULT

SEC. 7012. No part of any appropriation provided under titles III through VI in this Act shall be used to furnish assistance to the government of any country which is in default during a period in excess of one calendar year in payment to the United States of principal or interest on any loan made to the government of such country by the United States pursuant to a program for which funds are appropriated under this Act unless the President determines, following consultations with the Committees on Appropriations, that assistance for such country is in the national interest of the United States.

PROHIBITION ON TAXATION OF UNITED STATES ASSISTANCE

SEC. 7013. (a) PROHIBITION ON TAXATION.—None of the funds appropriated under titles III through VI of this Act may be made available to provide assistance for a foreign country under a new bilateral agreement governing the terms and conditions under which such assistance is to be provided unless such agreement includes a provision stating that assistance provided by the United States shall be exempt from taxation, or reimbursed, by the foreign government, and the Secretary of State shall expeditiously seek to negotiate amendments to existing bilateral agreements, as necessary, to conform with this requirement.

(b) REIMBURSEMENT OF FOREIGN TAXES.—An amount equivalent to 200 percent of the total taxes assessed during fiscal year 2011 on funds appropriated by this Act by a foreign government or entity against commodities financed under United States assistance programs for which funds are appropriated by this Act, either directly or through grantees, contractors and subcontractors shall be withheld from obligation from funds appropriated for assistance for fiscal year 2012 and allocated for the central government of such country and for the West Bank and Gaza program to the extent that the Secretary of State certifies and reports in writing to the Committees on Appropriations that such taxes have not been reimbursed to the Government of the United States.

(c) DE MINIMIS EXCEPTION.—Foreign taxes of a de minimis nature shall not be subject to the provisions of subsection (b).

(d) REPROGRAMMING OF FUNDS.—Funds withheld from obligation for each country or entity pursuant to subsection (b) shall be reprogrammed for assistance to countries which do not assess taxes on United States assistance or which have an effective arrangement that is providing substantial reimbursement of such taxes.

(e) DETERMINATIONS.—

(1) The provisions of this section shall not apply to any country or entity the Secretary of State determines—

(A) does not assess taxes on United States assistance or which has an effective arrangement that is providing substantial reimbursement of such taxes; or

(B) the foreign policy interests of the United States outweigh the purpose of this section to ensure that United States assistance is not subject to taxation.

(2) The Secretary of State shall consult with the Committees on Appropriations at least 15 days prior to exercising the authority of this subsection with regard to any country or entity.

(f) IMPLEMENTATION.—The Secretary of State shall issue rules, regulations, or policy guidance, as appropriate, to implement the prohibition against the taxation of assistance contained in this section.

(g) DEFINITIONS.—As used in this section—

(1) the terms ''taxes'' and ''taxation'' refer to value added taxes and customs duties imposed on commodities financed with United States assistance for programs for which funds are appropriated by this Act; and

(2) the term ''bilateral agreement'' refers to a framework bilateral agreement between the Government of the United States and the government of the country receiving assistance that describes the privileges and immunities applicable to United States foreign assistance for such country generally, or an individual agreement between the Government of the United States and such government that describes, among other things, the treatment for tax purposes that will be accorded the United States assistance provided under that agreement.

RESERVATIONS OF FUNDS

SEC. 7014. (a) Funds appropriated under titles II through VI of this Act which are specifically designated may be reprogrammed for other programs within the same account notwithstanding the designation if compliance with the designation is made impossible by operation of any provision of this or any other Act: *Provided*, That any such reprogramming shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That assistance that is reprogrammed pursuant to this subsection shall be made available under the same terms and conditions as originally provided.

(b) In addition to the authority contained in subsection (a), the original period of availability of funds appropriated by this Act and administered by the United States Agency for International Development (USAID) that are specifically designated for particular programs or activities by this or any other Act shall be extended for an additional fiscal year if the USAID Administrator determines and reports promptly to the Committees on Appropriations that the termination of assistance to a country or a significant change in circumstances makes it unlikely that such designated funds can be obligated during the original period of availability: *Provided*, That such designated funds that continue to be available for an additional fiscal year shall be obligated only for the purpose of such designation.

(c) Ceilings and specifically designated funding levels contained in this Act shall not be applicable to funds or authorities appropriated or otherwise made available by any subsequent Act unless such Act specifically so directs: *Provided*, That specifically designated funding levels or minimum funding requirements contained in any other Act shall not be applicable to funds appropriated by this Act.

REPROGRAMMING NOTIFICATION REQUIREMENTS

SEC. 7015. (a) None of the funds made available in title I of this Act, or in prior appropriations Acts to the agencies and departments funded by this Act that remain available for obligation or expenditure in fiscal year 2011, or provided from any accounts in the Treasury of the United States derived by the collection of fees or of currency reflows or other offsetting collections, or made available by transfer, to the agencies and departments funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that: (1) creates new programs; (2) eliminates a program, project, or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates an office or employees; (5) closes or opens a mission or post; (6) establishes, reorganizes, or renames offices or bureaus; (7) reorganizes programs or activities; or (8) contracts out or privatizes any functions or activities presently performed by Federal employees; unless the Committees on Appropriations are notified 15 days in advance of such reprogramming of funds.

(b) For the purposes of providing the executive branch with the necessary administrative flexibility, none of the funds provided under title I of this Act, or provided under previous appropriations Acts to the agency or department funded under title I of this Act that remain available for obligation or expenditure in fiscal year 2011, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agency or department funded under title I of this Act, shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of $1,000,000 or 10 percent, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or (3) results from any general savings, including savings from a reduction in personnel, which would result in a change in existing programs, activities, or projects as approved by Congress; unless the Committees on Appropriations are notified 15 days in advance of such reprogramming of funds.

(c) For the purposes of providing the executive branch with the necessary administrative flexibility, none of the funds made available under titles II through VI in this Act under the headings ''Global Health and Child Survival'', ''Development Assistance'', ''International Organizations and Programs'', ''Trade and Development Agency'', ''International Narcotics Control and Law Enforcement'', ''Assistance for Europe, Eurasia and Central Asia'', ''Economic Support Fund'', ''Democracy Fund'', ''Peacekeeping Operations'', ''Capital Investment Fund'', ''Operating Expenses'', ''Civilian Stabilization Initiative'', ''Office of Inspector General'', ''Nonproliferation, Anti-terrorism, Demining and Related Programs'', ''Millennium Challenge Corporation'', ''Foreign Military Financing Program'', ''International Military Education and Training'', and ''Peace Corps'', shall be available for obligation for activities, programs, projects, type of materiel assistance, countries, or other operations not justified or in excess of the amount justified to the Committees on Appropriations for obligation under any of these specific headings unless the Committees on Appropriations are notified 15 days in advance: *Provided*, That the President shall not enter into any commitment of funds appropriated for the purposes of section 23 of the Arms Export Control Act for the provision of major defense equipment, other than conventional ammunition, or other major defense items defined to be aircraft, ships, missiles, or combat vehicles, not previously justified to Congress or 20 percent in excess of the quantities justified to Congress unless the Committees on Appropriations are notified 15 days in advance of such commitment: *Provided further*, That requirements of this subsection or any similar provision of this or any other Act shall not apply to any reprogramming for an activity, program, or project for which funds are appropriated under titles II through IV of this Act of less than 10 percent of the amount previously justified to the Congress for obligation for such activity, program, or project for the current fiscal year.

(d) Notwithstanding any other provision of law, with the exception of funds transferred to, and merged with, funds appropriated under title I of this Act, funds transferred by the Department of Defense to the Department of State and the United States Agency for International Development for assistance for foreign countries and international organizations (including for infrastructure projects in Afghanistan), and funds made

available for programs authorized by section 1206 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163), shall be subject to the regular notification procedures of the Committees on Appropriations.

(e) The requirements of this section or any similar provision of this Act or any other Act, including any prior Act requiring notification in accordance with the regular notification procedures of the Committees on Appropriations, may be waived if failure to do so would pose a substantial risk to human health or welfare: *Provided*, That in case of any such waiver, notification to the Committees on Appropriations shall be provided as early as practicable, but in no event later than 3 days after taking the action to which such notification requirement was applicable, in the context of the circumstances necessitating such waiver: *Provided further*, That any notification provided pursuant to such a waiver shall contain an explanation of the emergency circumstances.

(f) None of the funds appropriated under titles III through VI of this Act shall be obligated or expended for assistance for Serbia, Sudan, Zimbabwe, Afghanistan, Pakistan, Dominican Republic, Cuba, Iran, Haiti, Libya, Ethiopia, Nepal, Colombia, Burma, Yemen, Mexico, Kazakhstan, Somalia, Sri Lanka, or Cambodia and countries listed in section 7044(c)(3) of this Act except as provided through the regular notification procedures of the Committees on Appropriations.

NOTIFICATION ON EXCESS DEFENSE EQUIPMENT

SEC. 7016. Prior to providing excess Department of Defense articles in accordance with section 516(a) of the Foreign Assistance Act of 1961, the Department of Defense shall notify the Committees on Appropriations to the same extent and under the same conditions as other committees pursuant to subsection (f) of that section: *Provided*, That before issuing a letter of offer to sell excess defense articles under the Arms Export Control Act, the Department of Defense shall notify the Committees on Appropriations in accordance with the regular notification procedures of such Committees if such defense articles are significant military equipment (as defined in section 47(9) of the Arms Export Control Act) or are valued (in terms of original acquisition cost) at $7,000,000 or more, or if notification is required elsewhere in this Act for the use of appropriated funds for specific countries that would receive such excess defense articles: *Provided further*, That such Committees shall also be informed of the original acquisition cost of such defense articles.

LIMITATION ON AVAILABILITY OF FUNDS FOR INTERNATIONAL ORGANIZATIONS AND PROGRAMS

SEC. 7017. Subject to the regular notification procedures of the Committees on Appropriations, funds appropriated under titles III through VI of this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs, which are returned or not made available for organizations and programs because of the implementation of section 307(a) of the Foreign Assistance Act of 1961, shall remain available for obligation until September 30, 2012.

PROHIBITION ON FUNDING FOR ABORTIONS AND INVOLUNTARY STERILIZATION

SEC. 7018. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of abortions as a method of family planning or to motivate or coerce any person to practice abortions. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of involuntary sterilization as a method of family planning or to coerce or provide any financial incentive to any person to undergo sterilizations. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for any biomedical research which relates in whole or in part, to methods of, or the performance of, abortions or involuntary sterilization as a means of family planning. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be obligated or expended for any country or organization if the President certifies that the use of these funds by any such country or organization would violate any of the above provisions related to abortions and involuntary sterilizations.

ALLOCATIONS

SEC. 7019. (a) Funds provided in this Act for the following accounts shall be made available for programs and countries in the amounts contained in the respective tables included in the explanatory statement accompanying this Act:

''Diplomatic and Consular Programs'';

''Educational and Cultural Exchange Programs'';

''International Fisheries Commissions'';

''International Broadcasting Operations'';

''Operating Expenses'';

''Global Health and Child Survival'';

''Development Assistance'';

''Democracy Fund'';

''Economic Support Fund'';

''Assistance for Europe, Eurasia and Central Asia'';

''International Narcotics Control and Law Enforcement'';

''Nonproliferation, Anti-terrorism, Demining and Related Programs'';

''Peacekeeping Operations'';

''International Military Education and Training'';

''Foreign Military Financing Program''; and

''International Organizations and Programs''.

(b) For the purposes of implementing this section and only with respect to the tables included in the explanatory statement accompanying this Act, the Secretary of State, the Administrator of the United States Agency for International Development and the Broadcasting Board of Governors, as appropriate, may propose deviations to the amounts referenced in subsection (a), subject to the regular notification procedures of the Committees on Appropriations.

(c) The requirements contained in subsection (a) shall apply to the tables under the headings ''Bilateral Economic Assistance'' and ''General Provisions'' in the explanatory statement.

(d) For the purposes of division K of this Act and unless otherwise specified, the term ''explanatory statement'' shall mean the matter in division K of the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act).

PROHIBITION OF PAYMENT OF CERTAIN EXPENSES

SEC. 7020. None of the funds appropriated or otherwise made available by this Act under the headings ''International Military Education and Training'' or ''Foreign Military Financing Program'' for Informational Program activities or under the headings ''Global Health and Child Survival'', ''Development Assistance'', and ''Economic Support Fund'' may be obligated or expended to pay for—

(1) alcoholic beverages; or

(2) entertainment expenses for activities that are substantially of a recreational character, including but not limited to entrance fees at sporting events, theatrical and musical productions, and amusement parks.

PROHIBITION ON ASSISTANCE TO GOVERNMENTS SUPPORTING INTERNATIONAL TERRORISM

SEC. 7021. (a) LETHAL MILITARY EQUIPMENT EXPORTS.—

(1) None of the funds appropriated or otherwise made available by titles III through VI of this Act may be available to any foreign government which provides lethal military equipment to a country the government of which the Secretary of State has determined supports international terrorism for purposes of section 6(j) of the Export Administration Act of 1979: *Provided*, That the prohibition under this section with respect to a foreign government shall terminate 12 months after that government ceases to provide such military equipment: *Provided further*, That this section applies with respect to lethal military equipment provided under a contract entered into after October 1, 1997.

(2) Assistance restricted by paragraph (1) or any other similar provision of law, may be furnished if the President determines that to do so is important to the national interests of the United States.

(3) Whenever the President makes a determination pursuant to paragraph (2), the President shall submit to the Committees on Appropriations a report with respect to the furnishing of such assistance, including a detailed explanation of the assistance to be provided, the estimated dollar amount of such assistance, and an explanation of how the assistance furthers United States national interests.

(b) BILATERAL ASSISTANCE.—

(1) Funds appropriated for bilateral assistance in titles III through VI of this Act and funds appropriated under any such title in prior acts making appropriations for the Department of State, foreign operations, and related programs, shall not be made available to any foreign government which the President determines—

(A) grants sanctuary from prosecution to any individual or group which has committed an act of international terrorism; or

(B) otherwise supports international terrorism.

(2) The President may waive the application of paragraph (1) to a government if the President determines that national security or humanitarian reasons justify such waiver: *Provided*, That the President shall publish each such waiver in the Federal Register and, at least 15 days before the waiver takes effect, shall notify the Committees on Appropriations of the waiver (including the justification for the waiver) in accordance with the regular notification procedures of the Committees on Appropriations.

LIMITATION ON USE OF FUNDS IN CONTRAVENTION OF CERTAIN LAWS

SEC. 7022. None of the funds made available in this Act or prior Acts may be used in contravention of any provision of, or amendment made by, this Act, unless such authority is expressly provided in statute: *Provided*, That if a determination is made on constitutional grounds by the executive branch that any provision of law covered by the preceding sentence shall not apply, the head of the relevant Federal agency shall notify the Committees on Appropriations in writing within 5 days of such determination, the basis for such determination and any resulting changes to program and policy.

AUTHORIZATION REQUIREMENTS

SEC. 7023. Funds appropriated by this Act, except funds appropriated under the heading ''Trade and Development Agency'', may be obligated and expended notwithstanding section 10 of Public Law 91–672, section 15 of the

State Department Basic Authorities Act of 1956, section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

DEFINITION OF PROGRAM, PROJECT, AND ACTIVITY

SEC. 7024. For the purpose of titles II through VI of this Act ''program, project, and activity'' shall be defined at the appropriations Act account level and shall include all appropriations and authorizations Acts funding directives, ceilings, and limitations with the exception that for the following accounts: ''Economic Support Fund'' and ''Foreign Military Financing Program'', ''program, project, and activity'' shall also be considered to include country, regional, and central program level funding within each such account; for the development assistance accounts of the United States Agency for International Development ''program, project, and activity'' shall also be considered to include central, country, regional, and program level funding, either as: (1) justified to the Congress; or (2) allocated by the executive branch in accordance with a report, to be provided to the Committees on Appropriations within 30 days of the enactment of this Act, as required by section 653(a) of the Foreign Assistance Act of 1961.

AUTHORITIES FOR THE PEACE CORPS, INTER-AMERICAN FOUNDATION AND AFRICAN DEVELOPMENT FOUNDATION

SEC. 7025. Unless expressly provided to the contrary, provisions of this or any other Act, including provisions contained in prior Acts authorizing or making appropriations for the Department of State, foreign operations, and related programs, shall not be construed to prohibit activities authorized by or conducted under the Peace Corps Act, the Inter-American Foundation Act or the African Development Foundation Act: *Provided*, That the agency shall promptly report to the Committees on Appropriations whenever it is conducting activities or is proposing to conduct activities in a country for which assistance is prohibited.

COMMERCE, TRADE AND SURPLUS COMMODITIES

SEC. 7026. (a) None of the funds appropriated or made available pursuant to titles III through VI of this Act for direct assistance and none of the funds otherwise made available to the Export-Import Bank and the Overseas Private Investment Corporation shall be obligated or expended to finance any loan, any assistance or any other financial commitments for establishing or expanding production of any commodity for export by any country other than the United States, if the commodity is likely to be in surplus on world markets at the time the resulting productive capacity is expected to become operative and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity: *Provided*, That such prohibition shall not apply to the Export-Import Bank if in the judgment of its Board of Directors the benefits to industry and employment in the United States are likely to outweigh the injury to United States producers of the same, similar, or competing commodity, and the Chairman of the Board so notifies the Committees on Appropriations.

(b) None of the funds appropriated by this or any other Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 shall be available for any testing or breeding feasibility study, variety improvement or introduction, consultancy, publication, conference, or training in connection with the growth or production in a foreign country of an agricultural commodity for export which would compete with a similar commodity grown or produced in the United States: *Provided*, That this subsection shall not prohibit—

(1) activities designed to increase food security in developing countries where such activities will not have a significant impact on the export of agricultural commodities of the United States; or

(2) research activities intended primarily to benefit American producers.

(c)(1) The Secretary of the Treasury shall instruct the United States executive directors of the international financial institutions to use the voice and vote of the United States to oppose any assistance by such institutions, using funds appropriated or made available pursuant to titles III through VI of this Act, for the production or extraction of any commodity or mineral for export, if it is in surplus on world markets and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity.

(2) For the purposes of this Act the term ''international financial institutions'' shall mean the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the International Monetary Fund, the Asian Development Bank, the Asian Development Fund, the Inter-American Investment Corporation, the North American Development Bank, the European Bank for Reconstruction and Development, the African Development Bank, and the African Development Fund.

SEPARATE ACCOUNTS

SEC. 7027. (a) SEPARATE ACCOUNTS FOR LOCAL CURRENCIES.—

(1) If assistance is furnished to the government of a foreign country under chapters 1 and 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961 under agreements which result in the generation of local currencies of that country, the Administrator of the United States Agency for International Development (USAID) shall—

(A) require that local currencies be deposited in a separate account established by that government;

(B) enter into an agreement with that government which sets forth—

(i) the amount of the local currencies to be generated; and

(ii) the terms and conditions under which the currencies so deposited may be utilized, consistent with this section; and

(C) establish by agreement with that government the responsibilities of USAID and that government to monitor and account for deposits into and disbursements from the separate account.

(2) USES OF LOCAL CURRENCIES.—As may be agreed upon with the foreign government, local currencies deposited in a separate account pursuant to subsection (a), or an equivalent amount of local currencies, shall be used only—

(A) to carry out chapter 1 or 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961 (as the case may be), for such purposes as—

(i) project and sector assistance activities; or

(ii) debt and deficit financing; or

(B) for the administrative requirements of the United States Government.

(3) PROGRAMMING ACCOUNTABILITY.—USAID shall take all necessary steps to ensure that the equivalent of the local currencies disbursed pursuant to subsection (a)(2)(A) from the separate account established pursuant to subsection (a)(1) are used for the purposes agreed upon pursuant to subsection (a)(2).

(4) TERMINATION OF ASSISTANCE PROGRAMS.—Upon termination of assistance to a country under chapter 1 or 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961 (as the case may be), any unencumbered balances of funds which remain in a separate account established pursuant to subsection (a) shall be disposed of for such purposes as may be agreed to by the government of that country and the United States Government.

(5) REPORTING REQUIREMENT.—The USAID Administrator shall report on an annual basis as part of the justification documents submitted to the Committees on Appropriations on the use of local currencies for the administrative requirements of the United States Government as authorized in subsection (a)(2)(B), and such report shall include the amount of local currency (and United States dollar equivalent) used and/or to be used for such purpose in each applicable country.

(b) SEPARATE ACCOUNTS FOR CASH TRANSFERS.—

(1) If assistance is made available to the government of a foreign country, under chapter 1 or 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961, as cash transfer assistance or as nonproject sector assistance, that country shall be required to maintain such funds in a separate account and not commingle them with any other funds.

(2) APPLICABILITY OF OTHER PROVISIONS OF LAW.—Such funds may be obligated and expended notwithstanding provisions of law which are inconsistent with the nature of this assistance including provisions which are referenced in the Joint Explanatory Statement of the Committee of Conference accompanying House Joint Resolution 648 (House Report No. 98–1159).

(3) NOTIFICATION.—At least 15 days prior to obligating any such cash transfer or nonproject sector assistance, the President shall submit a notification through the regular notification procedures of the Committees on Appropriations, which shall include a detailed description of how the funds proposed to be made available will be used, with a discussion of the United States interests that will be served by the assistance (including, as appropriate, a description of the economic policy reforms that will be promoted by such assistance).

(4) EXEMPTION.—Nonproject sector assistance funds may be exempt from the requirements of subsection (b)(1) only through the regular notification procedures of the Committees on Appropriations.

ASSISTANCE FOR NONGOVERNMENTAL ORGANIZATIONS

SEC. 7028. (a) Section 123 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151u) is amended at the end by adding the following new subsection:

''(i)(1) Restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance in support of programs of nongovernmental organizations from—

''(A) funds made available to carry out this chapter and chapters 10, 11, and 12 of part I and chapter 4 of part II; or

''(B) funds made available for economic assistance activities under the Support for East European Democracy (SEED) Act of 1989 (22 U.S.C. 5401 et seq.).

''(2) The President shall submit to Congress, in accordance with section 634A, advance notice of an intent to obligate funds under the authority of this subsection to furnish assistance in support of programs of nongovernmental organizations.

''(3) Assistance may not be furnished through nongovernmental organizations to the central government of a country under the authority of this subsection, but assistance may be furnished to local, district, or

subnational government entities under such authority.''.

''(4) EXCEPTION.—This subsection shall not apply—

''(A) with respect to section 620A of this Act or any comparable provision of law prohibiting assistance to countries that support international terrorism; or

''(B) with respect to section 116 of this Act or any comparable provision of law prohibiting assistance to the government of a country that violates internationally recognized human rights.''.

(b) PUBLIC LAW 480.—During fiscal year 2011, restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance under the Agricultural Trade Development and Assistance Act of 1954: *Provided*, That none of the funds appropriated to carry out title I of such Act and made available pursuant to this subsection may be obligated or expended except as provided through the regular notification procedures of the Committees on Appropriations.

IMPACT ON JOBS IN THE UNITED STATES

SEC. 7029. None of the funds appropriated under titles III through VI of this Act may be obligated or expended to provide—

(1) any financial incentive to a business enterprise currently located in the United States for the purpose of inducing such an enterprise to relocate outside the United States if such incentive or inducement is likely to reduce the number of employees of such business enterprise in the United States because United States production is being replaced by such enterprise outside the United States; or

(2) assistance for any program, project, or activity that contributes to the violation of internationally recognized workers rights, as defined in section 507(4) of the Trade Act of 1974, of workers in the recipient country, including any designated zone or area in that country: *Provided*, That the application of section 507(4)(D) and (E) of such Act should be commensurate with the level of development of the recipient country and sector, and shall not preclude assistance for the informal sector in such country, micro and small-scale enterprise, and smallholder agriculture.

INTERNATIONAL FINANCIAL INSTITUTIONS

SEC. 7030. (a) None of the funds appropriated in title V of this Act may be made as payment to any international financial institution while the United States executive director to such institution is compensated by the institution at a rate which, together with whatever compensation such executive director receives from the United States, is in excess of the rate provided for an individual occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, or while any alternate United States executive director to such institution is compensated by the institution at a rate in excess of the rate provided for an individual occupying a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(b) The Secretary of the Treasury shall instruct the United States executive director of each international financial institution to oppose any loan, grant, strategy or policy of such institution that would require user fees or service charges on poor people for primary education or primary healthcare, including prevention, care and treatment for HIV/AIDS, malaria, tuberculosis, and infant, child, and maternal health, in connection with such institution's financing programs.

(c) The Secretary of the Treasury shall instruct the United States Executive Director of the International Monetary Fund (the Fund) to use the voice and vote of the United States to oppose any loan, project, agreement, memorandum, instrument, plan, or other program of the Fund to a Heavily Indebted Poor Country that imposes budget caps or restraints that do not allow the maintenance of or an increase in governmental spending on health care or education; and to promote government spending on healthcare, education, food aid, or other critical safety net programs in all of the Fund's activities with respect to Heavily Indebted Poor Countries.

DEBT-FOR-DEVELOPMENT

SEC. 7031. In order to enhance the continued participation of nongovernmental organizations in debt-for-development and debt-for-nature exchanges, a nongovernmental organization which is a grantee or contractor of the United States Agency for International Development may place in interest bearing accounts local currencies which accrue to that organization as a result of economic assistance provided under title III of this Act and, subject to the regular notification procedures of the Committees on Appropriations, any interest earned on such investment shall be used for the purpose for which the assistance was provided to that organization.

AUTHORITY TO ENGAGE IN DEBT BUYBACKS OR SALES

SEC. 7032. (a) LOANS ELIGIBLE FOR SALE, REDUCTION, OR CANCELLATION.—

(1) AUTHORITY TO SELL, REDUCE, OR CANCEL CERTAIN LOANS.—Notwithstanding any other provision of law, the President may, in accordance with this section, sell to any eligible purchaser any concessional loan or portion thereof made before January 1, 1995, pursuant to the Foreign Assistance Act of 1961, to the government of any eligible country as defined in section 702(6) of that Act or on receipt of payment from an eligible purchaser, reduce or cancel such loan or portion thereof, only for the purpose of facilitating—

(A) debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps; or

(B) a debt buyback by an eligible country of its own qualified debt, only if the eligible country uses an additional amount of the local currency of the eligible country, equal to not less than 40 percent of the price paid for such debt by such eligible country, or the difference between the price paid for such debt and the face value of such debt, to support activities that link conservation and sustainable use of natural resources with local community development, and child survival and other child development, in a manner consistent with sections 707 through 710 of the Foreign Assistance Act of 1961, if the sale, reduction, or cancellation would not contravene any term or condition of any prior agreement relating to such loan.

(2) TERMS AND CONDITIONS.—Notwithstanding any other provision of law, the President shall, in accordance with this section, establish the terms and conditions under which loans may be sold, reduced, or canceled pursuant to this section.

(3) ADMINISTRATION.—The Facility, as defined in section 702(8) of the Foreign Assistance Act of 1961, shall notify the administrator of the agency primarily responsible for administering part I of the Foreign Assistance Act of 1961 of purchasers that the President has determined to be eligible, and shall direct such agency to carry out the sale, reduction, or cancellation of a loan pursuant to this section: *Provided*, That such agency shall make adjustment in its accounts to reflect the sale, reduction, or cancellation.

(4) LIMITATION.—The authorities of this subsection shall be available only to the extent that appropriations for the cost of the modification, as defined in section 502 of the Congressional Budget Act of 1974, are made in advance.

(b) DEPOSIT OF PROCEEDS.—The proceeds from the sale, reduction, or cancellation of any loan sold, reduced, or canceled pursuant to this section shall be deposited in the United States Government account or accounts established for the repayment of such loan.

(c) ELIGIBLE PURCHASERS.—A loan may be sold pursuant to subsection (a)(1)(A) only to a purchaser who presents plans satisfactory to the President for using the loan for the purpose of engaging in debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps.

(d) DEBTOR CONSULTATIONS.—Before the sale to any eligible purchaser, or any reduction or cancellation pursuant to this section, of any loan made to an eligible country, the President should consult with the country concerning the amount of loans to be sold, reduced, or canceled and their uses for debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps.

(e) AVAILABILITY OF FUNDS.—The authority provided by subsection (a) may be used only with regard to funds appropriated by this Act under the heading ''Debt Restructuring''.

SPECIAL DEBT RELIEF FOR THE POOREST

SEC. 7033. (a) AUTHORITY TO REDUCE DEBT.—The President may reduce amounts owed to the United States (or any agency of the United States) by an eligible country as a result of—

(1) guarantees issued under sections 221 and 222 of the Foreign Assistance Act of 1961;

(2) credits extended or guarantees issued under the Arms Export Control Act; or

(3) any obligation or portion of such obligation, to pay for purchases of United States agricultural commodities guaranteed by the Commodity Credit Corporation under export credit guarantee programs authorized pursuant to section 5(f) of the Commodity Credit Corporation Charter Act of June 29, 1948, as amended, section 4(b) of the Food for Peace Act of 1966, as amended (Public Law 89–808), or section 202 of the Agricultural Trade Act of 1978, as amended (Public Law 95–501).

(b) LIMITATIONS.—

(1) The authority provided by subsection (a) may be exercised only to implement multilateral official debt relief and referendum agreements, commonly referred to as ''Paris Club Agreed Minutes''.

(2) The authority provided by subsection (a) may be exercised only in such amounts or to such extent as is provided in advance by appropriations Acts.

(3) The authority provided by subsection (a) may be exercised only with respect to countries with heavy debt burdens that are eligible to borrow from the International Development Association, but not from the International Bank for Reconstruction and Development, commonly referred to as ''IDA-only'' countries.

(c) CONDITIONS.—The authority provided by subsection (a) may be exercised only with respect to a country whose government—

(1) does not have an excessive level of military expenditures;

(2) has not repeatedly provided support for acts of international terrorism;

(3) is not failing to cooperate on international narcotics control matters;

(4) (including its military or other security forces) does not engage in a consistent pattern of gross violations of internationally recognized human rights; and

(5) is not ineligible for assistance because of the application of section 527 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995.

(d) AVAILABILITY OF FUNDS.—The authority provided by subsection (a) may be used only

with regard to the funds appropriated by this Act under the heading ''Debt Restructuring''.

(e) CERTAIN PROHIBITIONS INAPPLICABLE.—A reduction of debt pursuant to subsection (a) shall not be considered assistance for the purposes of any provision of law limiting assistance to a country: *Provided*, That the authority provided by subsection (a) may be exercised notwithstanding section 620(r) of the Foreign Assistance Act of 1961 or section 321 of the International Development and Food Assistance Act of 1975.

SPECIAL PROVISIONS

SEC. 7034. (a) AFGHANISTAN, PAKISTAN, IRAQ, LEBANON, VICTIMS OF WAR, DISPLACED CHILDREN, AND DISPLACED BURMESE.—Funds appropriated under titles III through VI of this Act that are made available for assistance for Afghanistan may be made available notwithstanding section 7012 of this Act or any similar provision of law and section 660 of the Foreign Assistance Act of 1961, and funds appropriated under titles III and VI of this Act that are made available for assistance for Pakistan, Iraq, and Lebanon and for victims of war, displaced children, displaced Burmese, and to assist victims of trafficking in persons and, subject to the regular notification procedures of the Committees on Appropriations, to combat such trafficking, may be made available notwithstanding any other provision of law.

(b) WAIVER.—

(1) The President may waive the provisions of section 1003 of Public Law 100–204 if the President determines and certifies in writing to the Speaker of the House of Representatives, the President pro tempore of the Senate, and the Committees on Appropriations that it is important to the national security interests of the United States.

(2) PERIOD OF APPLICATION OF WAIVER.—Any waiver pursuant to paragraph (1) shall be effective for no more than a period of 6 months at a time and shall not apply beyond 12 months after the enactment of this Act.

(c) SMALL BUSINESS.—In entering into multiple award indefinite-quantity contracts with funds appropriated by this Act, the United States Agency for International Development (USAID) may provide an exception to the fair opportunity process for placing task orders under such contracts when the order is placed with any category of small or small disadvantaged business.

(d) AUTHORITY REPEALED.—Section 564(g)(4) of Public Law 106–429 and section 3204(f) of division B of Public Law 106–246, as amended, are hereby repealed.

(e) RECONSTITUTING CIVILIAN POLICE AUTHORITY.—In providing assistance with funds appropriated by this Act under section 660(b)(6) of the Foreign Assistance Act of 1961, support for a nation emerging from instability may be deemed to mean support for regional, district, municipal, or other subnational entity emerging from instability, as well as a nation emerging from instability.

(f) EXTENSION OF AUTHORITY.—The Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990 (Public Law 101–167) is amended—

(1) In section 599D (8 U.S.C. 1157 note)—

(A) in subsection (b)(3), by striking ''and 2010'' and inserting ''2010, and 2011''; and

(B) in subsection (e), by striking ''2010'' each place it appears and inserting ''2011''; and

(2) in section 599E (8 U.S.C. 1255 note) in subsection (b)(2), by striking ''2010'' and inserting ''2011''.

(g) WORLD FOOD PROGRAM.—Of the funds managed by the Bureau for Democracy, Conflict, and Humanitarian Assistance, USAID, from this or any other Act, $10,000,000 shall be made available as a general contribution to the World Food Program, notwithstanding any other provision of law.

(h) DISARMAMENT, DEMOBILIZATION AND REINTEGRATION.—Notwithstanding any other provision of law, regulation or Executive order, funds appropriated by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs under the headings ''Economic Support Fund'', ''Peacekeeping Operations'', ''International Disaster Assistance'', and ''Transition Initiatives'' may be made available to support programs to disarm, demobilize, and reintegrate into civilian society former members of foreign terrorist organizations: *Provided*, That the Secretary of State shall consult with the Committees on Appropriations prior to the obligation of funds pursuant to this subsection: *Provided further*, That for the purposes of this subsection the term ''foreign terrorist organization'' means an organization designated as a terrorist organization under section 219 of the Immigration and Nationality Act.

(i) PERSONNEL.—The authority provided by section 1113 of Public Law 111–32 shall remain in effect through fiscal year 2011: *Provided*, That none of the funds appropriated or otherwise made available by this Act or any other Act making appropriations for the Department of State, foreign operations, and related programs may be used to implement phase 3 of such authority.

(j) CONTINGENCIES.—During fiscal year 2011, the President may use up to $75,000,000 under the authority of section 451 of the Foreign Assistance Act of 1961, notwithstanding any other provision of law.

(k) CONSOLIDATION OF REPORTS.—The Secretary of State, in coordination with the USAID Administrator, shall submit to the Committees on Appropriations not later than 90 days after enactment of this Act recommendations for the consolidation or combination of reports (including plans and strategies) that are called for by any provision of law to be submitted to the Congress and that are substantially duplicative of others called for by any other provision of law: *Provided*, That reports are considered ''substantially duplicative'' if they are required to address at least more than half of the same substantive factors, criteria and issues that are required to be addressed by any other report, and any such consolidated report must address all the substantive factors, criteria and issues required to be addressed in each of the individual reports: *Provided further*, That reports affected by this subsection are those within the purview of, or prepared primarily by, the Department of State and USAID and that relate to matters addressed under this Act or any other Act authorizing or appropriating funds for use by, or actions of, the Department of State or USAID.

(l) PROGRAM FOR RESEARCH AND TRAINING ON EASTERN EUROPE AND THE INDEPENDENT STATES OF THE FORMER SOVIET UNION.—Of the funds appropriated by this Act under the heading, ''Economic Support Fund'', not less than $5,000,000 shall be made available to carry out the Program for Research and Training on Eastern Europe and the Independent States of the Former Soviet Union (title VIII) as authorized by the Soviet-Eastern European Research and Training Act of 1983 (22 U.S.C. 4501–4508, as amended).

(m) INTERNATIONAL FUND FOR IRELAND.—Of the funds appropriated under the heading ''Economic Support Fund'' in this Act, $15,000,000 shall be made available for the United States contribution to the International Fund for Ireland to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961 in accordance with the provisions of the Anglo-Irish Agreement Support Act of 1986 (Public Law 99–415): *Provided*, That such amount shall be expended at the minimum rate necessary to make timely payment for projects and activities.

(n) DEMOCRACY PROMOTION.—

(1) Funds made available by this Act that are made available for the promotion of democracy may be made available notwithstanding any other provision of law, and with regard to the National Endowment for Democracy, any regulation.

(2) For the purposes of funds appropriated by this Act, the term ''promotion of democracy'' means programs that support good governance, human rights, independent media, and the rule of law, and otherwise strengthen the capacity of democratic political parties, governments, nongovernmental organizations and institutions, and citizens to support the development of democratic states, institutions, and practices that are responsive and accountable to citizens.

(3) Any contract, grant, or cooperative agreement (or any amendment to any contract, grant or cooperative agreement) in excess of $1,000,000 of funds under the heading ''Democracy Fund'', and in excess of $1,000,000 under other headings in this Act for the promotion of democracy, with the exception of programs and activities of the National Endowment for Democracy, shall be subject to the regular notification procedures of the Committees on Appropriations.

(4) With respect to the provision of assistance for democracy, human rights and governance activities in this Act, the organizations implementing such assistance and the specific nature of that assistance shall not be subject to the prior approval by the government of any foreign country.

(5) Of the funds appropriated under title III of this Act that are made available for the promotion of democracy, up to $20,000,000 shall be made available to expand access to information and communications through the Internet, and shall be used for programs that provide unmonitored and uncensored access to the Internet for large numbers of users living in closed societies that have acutely hostile Internet environments: *Provided*, That such funds, and any unobligated funds appropriated in prior Acts making appropriations for the Department of State, foreign operations and related programs for Internet freedom, shall not be obligated until the Secretary of State, in coordination with the USAID Administrator and the Broadcasting Board of Governors, submits to the Committees on Appropriations, in classified form if necessary, a detailed, multi-year strategy to promote Internet freedom abroad, including goals and objectives, funding data by Federal agency, program and fiscal year, and a detailed description of the following—

(A) mechanisms and tools, inluding censorship circumvention technology, to be used to promote expanded access and freedom via the Internet and other forms of connection technology, especially for people living in countries whose governments censor, monitor, distort, and restrict the Internet and other forms of media;

(B) the countries which will be focal points for such strategy, and an assessment of options to reach the largest number of people in each country;

(C) projected outcomes and metrics for measuring the impact and sustainability of programs established by such funds; and

(D) an assessment of the effectiveness of the uses of previously appropriated funds for this purpose.

(o) ACCOUNTABILITY REVIEW BOARDS.—The authority provided by section 301(a)(3) of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (22 U.S.C.

4831(a)(3)) shall remain in effect through September 30, 2011.

(p) PARTNER VETTING.—Funds appropriated by this Act may be used to implement a Partner Vetting System (PVS) pilot program, including necessary rulemaking: *Provided*, That any such PVS pilot program shall apply equally to the programs and activities of the Department of State and USAID: *Provided further*, That the Secretary of State and the USAID Administrator shall jointly consult with the Committees on Appropriations not later than 30 days after enactment of this Act on progress implementing the PVS pilot program, and preliminary results: *Provided further*, That such funds shall be subject to the regular notification procedures of the Committees on Appropriations.

(q) MODIFICATION DATE OF REPORT.—Section 102(b)(1) of the International Religious Freedom Act of 1998 (22 U.S.C. 6412(b)(1) is amended by striking ''September 1'' and inserting ''April 1''.

(r) PROTECTIONS AND REMEDIES FOR EMPLOYEES OF DIPLOMATIC MISSIONS AND INTERNATIONAL ORGANIZATIONS.—The Secretary of State shall implement section 203(a)(2) of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (Public Law 110–457): *Provided*, That in determining whether to suspend the issuance of A–3 or G–5 visas to applicants seeking to work for officials of a diplomatic mission or international organization, the Secretary shall consider whether a final court judgment has been issued against a current or former employee of such mission or organization (and the time period for a final appeal has expired) or whether the Department of State has requested that immunity of individual diplomats or family members be waived to permit criminal prosecution: *Provided further*, That the Secretary should continue to assist in obtaining payment of final court judgments awarded to A–3 and G–5 visa holders, including encouraging the sending states to provide compensation directly to victims: *Provided further*, That the Secretary shall include, in a manner the Secretary deems appropriate, all trafficking cases involving A–3 or G–5 visa holders in the Trafficking in Persons annual report for which a final civil judgment has been issued (and the time period for final appeal has expired) or the Department of Justice has determined that the United States Government would seek to indict the diplomat or a family member but for diplomatic immunity.

(s) MODIFICATION OF AMENDMENT.—Section 620J of the Foreign Assistance Act of 1961 (Limitation on Assistance to Security Forces) is amended as follows:

(1) by redesignating the section as section 620M;

(2) in subsection (a), by striking ''evidence'' and inserting ''information'' and by striking ''gross violations'' and inserting ''a gross violation''; and

(3) by adding the following subsection:

''(d) CREDIBLE INFORMATION.—Not later than 180 days after the enactment of this section, the Secretary shall establish procedures to—

''(1) ensure that information about gross violations of human rights by units of the security forces of a foreign country is gathered and received (including from United States Government sources and from individuals and organizations outside the United States Government), maintained, and evaluated; and

''(2) identify the unit involved when credible information of a gross violation exists but the identity of the unit is lacking.''

(t) SECTIONS REPEALED.—Sections 494, 495, and 495B through 495K of the Foreign Assistance Act of 1961, and section 1511 of the Foreign Affairs Agencies Consolidation Act of 1998 (Public Law 105–277), are hereby repealed.

(u) MID-CAREER PILOT PROGRAM.—Notwithstanding any other provision of law, funds appropriated under the heading ''Diplomatic and Consular Programs'' shall be made available for a pilot program to recruit, hire, and train up to 25 mid-career professionals for the Foreign Service: *Provided*, That the Secretary of State shall consult with the Committees on Appropriations on the parameters of such a pilot program.

(v) VIDEOCONFERENCE INTERVIEWS.—

(1) The Secretary of State shall develop and conduct a pilot program for the processing of tourist visas using secure remote videoconferencing technology as a method for conducting visa interviews of applicants, and shall work with other Federal agencies that use such secure communications to help ensure security of the videoconferencing transmission and encryption.

(2) Not later than 90 days after the end of the pilot program the Secretary of State shall submit a report to the Committees on Appropriations detailing the results of such program including recommendations on whether it should be continued, broadened, or modified.

(3) The Secretary of State may waive the requirement of paragraph (1) if the Secretary determines and reports to the Committees on Appropriations that such program poses an undue security risk, such that it cannot be done in a manner consistent with maintaining security controls.

(w) ANNUITANT WAIVER.—

(1) Section 824(g) of the Foreign Service Act of 1980 (22 U.S.C. 4064(g)) is amended—

(A) in paragraph (1)(B), by striking ''to facilitate the'' and all that follows through ''Afghanistan,'';

(B) by striking paragraph (2); and

(C) by redesignating paragraph (3) as paragraph (2).

(2) Section 61 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2733) is amended in subsection (a)(2) by striking ''2010'' and inserting ''2012''.

(3) Section 625 of the Foreign Assistance Act of 1961 (22 U.S.C. 2385) is amended in subsection (j)(1)(B) by striking ''2010'' and inserting ''2012''.

(x) FEES.—

(1) Section 1(b)(2) of the Passport Act of June 4, 1920 (22 U.S.C. 214(b)(2)) is amended by striking ''2010'' and inserting instead ''2011''.

(2) Section 410(a)(1)(A) of title IV of the Department of State and Related Agencies Appropriations Act, 1999 (contained in division A of Public Law 105–277) is amended by striking ''a fee of $13'' and inserting ''a fee of not to exceed half the amount of the fee that would otherwise apply for processing a machine readable combined border crossing identification card and non-immigrant visa, and may be increased not more than 50 percent in a fiscal year''.

(y) VICTIMS COMPENSATION.—Of the funds appropriated under the heading ''Diplomatic and Consular Programs'' in this Act, up to $4,000,000 may be made available for the purposes described in the sixth proviso, under the terms and conditions of the seventh proviso, under such heading in division J of Public Law 110–161: *Provided*, That these funds are in addition to the amount previously appropriated for such purposes.

(z) TROPICAL FOREST PROGRAMS.—The second proviso of section 7081(d) of Public Law 111–117 is amended to read as follows: ''*Provided further*, That Funds appropriated under title III of this Act for tropical forest programs shall be used for purposes including to implement and enforce section 8204 of Public Law 110–246, shall not be used to support or promote the expansion of industrial scale logging into primary tropical forests, and shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations:''.

ARAB LEAGUE BOYCOTT OF ISRAEL

SEC. 7035. It is the sense of the Congress that—

(1) the Arab League boycott of Israel, and the secondary boycott of American firms that have commercial ties with Israel, is an impediment to peace in the region and to United States investment and trade in the Middle East and North Africa;

(2) the Arab League boycott, which was regrettably reinstated in 1997, should be immediately and publicly terminated, and the Central Office for the Boycott of Israel immediately disbanded;

(3) all Arab League states should normalize relations with their neighbor Israel;

(4) the President and the Secretary of State should continue to vigorously oppose the Arab League boycott of Israel and find concrete steps to demonstrate that opposition by, for example, taking into consideration the participation of any recipient country in the boycott when determining to sell weapons to said country; and

(5) the President should report to Congress annually on specific steps being taken by the United States to encourage Arab League states to normalize their relations with Israel to bring about the termination of the Arab League boycott of Israel, including those to encourage allies and trading partners of the United States to enact laws prohibiting businesses from complying with the boycott and penalizing businesses that do comply.

PALESTINIAN STATEHOOD

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—

(A) termination of all claims or states of belligerency;

(B) respect for and acknowledgment of the sovereignty, territorial integrity, and political independence of every state in the area through measures including the establishment of demilitarized zones;

(C) their right to live in peace within secure and recognized boundaries free from threats or acts of force;

(D) freedom of navigation through international waterways in the area; and

(E) a framework for achieving a just settlement of the refugee problem.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the governing entity should enact a constitution assuring the rule of law, an independent judiciary, and respect for

human rights for its citizens, and should enact other laws and regulations assuring transparent and accountable governance.

(c) WAIVER.—The President may waive subsection (a) if he determines that it is important to the national security interests of the United States to do so.

(d) EXEMPTION.—The restriction in subsection (a) shall not apply to assistance intended to help reform the Palestinian Authority and affiliated institutions, or the governing entity, in order to help meet the requirements of subsection (a), consistent with the provisions of section 7040 of this Act (''Limitation on Assistance to the Palestinian Authority'').

RESTRICTIONS CONCERNING THE PALESTINIAN AUTHORITY

SEC. 7037. None of the funds appropriated under titles II through VI of this Act may be obligated or expended to create in any part of Jerusalem a new office of any department or agency of the United States Government for the purpose of conducting official United States Government business with the Palestinian Authority over Gaza and Jericho or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles: *Provided*, That this restriction shall not apply to the acquisition of additional space for the existing Consulate General in Jerusalem: *Provided further*, That meetings between officers and employees of the United States and officials of the Palestinian Authority, or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles, for the purpose of conducting official United States Government business with such authority should continue to take place in locations other than Jerusalem: *Provided further*, That as has been true in the past, officers and employees of the United States Government may continue to meet in Jerusalem on other subjects with Palestinians (including those who now occupy positions in the Palestinian Authority), have social contacts, and have incidental discussions.

PROHIBITION ON ASSISTANCE TO THE PALESTINIAN BROADCASTING CORPORATION

SEC. 7038. None of the funds appropriated or otherwise made available by this Act may be used to provide equipment, technical support, consulting services, or any other form of assistance to the Palestinian Broadcasting Corporation.

ASSISTANCE FOR THE WEST BANK AND GAZA

SEC. 7039. (a) OVERSIGHT.—For fiscal year 2011, 30 days prior to the initial obligation of funds for the bilateral West Bank and Gaza Program, the Secretary of State shall certify to the Committees on Appropriations that procedures have been established to assure the Comptroller General of the United States will have access to appropriate United States financial information in order to review the uses of United States assistance for the Program funded under the heading ''Economic Support Fund'' for the West Bank and Gaza.

(b) VETTING.—Prior to the obligation of funds appropriated by this Act under the heading ''Economic Support Fund'' for assistance for the West Bank and Gaza, the Secretary of State shall take all appropriate steps to ensure that such assistance is not provided to or through any individual, private or government entity, or educational institution that the Secretary knows or has reason to believe advocates, plans, sponsors, engages in, or has engaged in, terrorist activity nor, with respect to private entities or educational institutions, those that have as a principal officer of the entity's governing board or governing board of trustees any individual that has been determined to be involved in, or advocating terrorist activity or determined to be a member of a designated foreign terrorist organization: *Provided*, That the Secretary of State shall, as appropriate, establish procedures specifying the steps to be taken in carrying out this subsection and shall terminate assistance to any individual, entity, or educational institution which the Secretary has determined to be involved in or advocating terrorist activity.

(c) PROHIBITION.—

(1) None of the funds appropriated under titles III through VI of this Act for assistance under the West Bank and Gaza Program may be made available for the purpose of recognizing or otherwise honoring individuals who commit, or have committed acts of terrorism.

(2) Notwithstanding any other provision of law, none of the funds made available by this or prior appropriations act, including funds made available by transfer, may be made available for obligation for security assistance for the West Bank and Gaza until the Secretary of State reports to the Committees on Appropriations on the benchmarks that have been established for security assistance for the West Bank and Gaza and reports on the extent of Palestinian compliance with such benchmarks.

(d) AUDITS.—

(1) The Administrator of the United States Agency for International Development (USAID) shall ensure that Federal or non-Federal audits of all contractors and grantees, and significant subcontractors and subgrantees, under the West Bank and Gaza Program, are conducted at least on an annual basis to ensure, among other things, compliance with this section.

(2) Of the funds appropriated by this Act up to $500,000 may be used by the Office of Inspector General of USAID for audits, inspections, and other activities in furtherance of the requirements of this subsection: *Provided*, That such funds are in addition to funds otherwise available for such purposes.

(e) Subsequent to the certification specified in subsection (a), the Comptroller General of the United States shall conduct an audit and an investigation of the treatment, handling, and uses of all funds for the bilateral West Bank and Gaza Program, including all funds provided as cash transfer assistance, in fiscal year 2011 under the heading ''Economic Support Fund'', and such audit shall address—

(1) the extent to which such Program complies with the requirements of subsections (b) and (c); and

(2) an examination of all programs, projects, and activities carried out under such Program, including both obligations and expenditures.

(f) Funds made available in this Act for West Bank and Gaza shall be subject to the regular notification procedures of the Committees on Appropriations.

(g) Not later than 180 days after enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations updating the report contained in section 2106 of chapter 2 of title II of Public Law 109–13.

LIMITATION ON ASSISTANCE FOR THE PALESTINIAN AUTHORITY

SEC. 7040. (a) PROHIBITION OF FUNDS.—None of the funds appropriated by this Act to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961 may be obligated or expended with respect to providing funds to the Palestinian Authority.

(b) WAIVER.—The prohibition included in subsection (a) shall not apply if the President certifies in writing to the Speaker of the House of Representatives, the President pro tempore of the Senate, and the Committees on Appropriations that waiving such prohibition is important to the national security interests of the United States.

(c) PERIOD OF APPLICATION OF WAIVER.—Any waiver pursuant to subsection (b) shall be effective for no more than a period of 6 months at a time and shall not apply beyond 12 months after the enactment of this Act.

(d) REPORT.—Whenever the waiver authority pursuant to subsection (b) is exercised, the President shall submit a report to the Committees on Appropriations detailing the justification for the waiver, the purposes for which the funds will be spent, and the accounting procedures in place to ensure that the funds are properly disbursed: *Provided*, That the report shall also detail the steps the Palestinian Authority has taken to arrest terrorists, confiscate weapons and dismantle the terrorist infrastructure.

(e) CERTIFICATION.—If the President exercises the waiver authority under subsection (b), the Secretary of State must certify and report to the Committees on Appropriations prior to the obligation of funds that the Palestinian Authority has established a single treasury account for all Palestinian Authority financing and all financing mechanisms flow through this account, no parallel financing mechanisms exist outside of the Palestinian Authority treasury account, and there is a single comprehensive civil service roster and payroll.

(f) PROHIBITION TO HAMAS AND THE PALESTINE LIBERATION ORGANIZATION.—

(1) None of the funds appropriated in titles III through VI of this Act may be obligated for salaries of personnel of the Palestinian Authority located in Gaza or may be obligated or expended for assistance to Hamas or any entity effectively controlled by Hamas or any power-sharing government of which Hamas is a member.

(2) Notwithstanding the limitation of subsection (1), assistance may be provided to a power-sharing government only if the President certifies and reports to the Committees on Appropriations that such government, including all of its ministers or such equivalent, has publicly accepted and is complying with the principles contained in section 620K(b)(1)(A) and (B) of the Foreign Assistance Act of 1961, as amended.

(3) The President may exercise the authority in section 620K(e) of the Foreign Assistance Act as added by the Palestinian Anti-Terrorism Act of 2006 (Public Law 109–446) with respect to this subsection.

(4) Whenever the certification pursuant to paragraph (2) is exercised, the Secretary of State shall submit a report to the Committees on Appropriations within 120 days of the certification and every quarter thereafter on whether such government, including all of its ministers or such equivalent are continuing to comply with the principles contained in section 620K(b)(1)(A) and (B) of the Foreign Assistance Act of 1961, as amended: *Provided*, That the report shall also detail the amount, purposes and delivery mechanisms for any assistance provided pursuant to the abovementioned certification and a full accounting of any direct support of such government.

(5) None of the funds appropriated under titles III through VI of this Act may be obligated for assistance for the Palestine Liberation Organization.

NEAR EAST

SEC. 7041. (a) IRAQ.—

(1) Funds appropriated or otherwise made available by this Act for assistance for Iraq shall be made available in a manner that utilizes Iraqi entities to the maximum extent practicable, and in accordance with the Department of State's April 9, 2009 ''Guidelines for Government of Iraq Financial Participation in United States Government-Funded

Civilian Foreign Assistance Programs and Projects''.

(2) None of the funds appropriated or otherwise made available by this Act may be used by the Government of the United States to enter into a permanent basing rights agreement between the United States and Iraq.

(3) Funds appropriated or otherwise made available by this Act for security-related programs in Iraq may only be made available if the Secretary of State certifies to the Committees on Appropriations that the Government of Iraq has committed to contributing to, and sustaining, such programs, including details on the manner in which such contributions and sustainment will be achieved.

(4) Of the funds appropriated by this Act for assistance for Iraq under the heading ''Economic Support Fund'', not less than $10,000,000 shall be made available for programs and activities for which policy justifications and decisions shall be the responsibility of the United States Chief of Mission in Iraq.

(5) Not later than 45 days after enactment of this Act, and prior to the initial obligation of funds, the Secretary of State, in consultation with the Administrator of the United States Agency for International Development, shall submit to the Committees on Appropriations a spending plan for funds appropriated or otherwise made available by this Act for assistance for Iraq, which shall include clear and achievable goals and objectives, indicators and benchmarks for measuring progress, and expected results: *Provided*, That such plan shall not be considered as meeting the notification requirements under section 7015 of this Act or under section 634A of the Foreign Assistance Act of 1961.

(b) LEBANON.—Funds appropriated under the heading ''Foreign Military Financing Program'' in this Act for assistance for Lebanon shall be made available only to professionalize the Lebanese Armed Forces and to strengthen border security and combat terrorism, including training and equipping the Lebanese Armed Forces to secure Lebanon's borders, interdicting arms shipments, preventing the use of Lebanon as a safe haven for terrorist groups, and to implement United Nations Security Council Resolution 1701: *Provided*, That funds may not be made available for obligation until the Secretary of State provides the Committees on Appropriations a detailed spending plan: *Provided further*, That such plan shall not be considered as meeting the notification requirements under section 7015 of this Act or under section 634A of the Foreign Assistance Act of 1961.

(c) MIDDLE EAST PEACE.—Not later than 90 days after the date of enactment of this Act, the Secretary of State shall submit to the Committees on Appropriations a strategy for curbing incitement and promoting tolerance in the Middle East region: *Provided*, That funds appropriated or otherwise made available in this Act for the Middle East Partnership Initiative should be made available to implement such strategy, subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

(d) SAUDI ARABIA.—Section 7041 in division F of Public Law 111–117 shall continue in effect during fiscal year 2011 and shall apply as if part of this Act.

(e) WEST BANK AND GAZA.—The reporting requirements regarding the United Nations Relief and Works Agency contained in the joint explanatory statement accompanying the Supplemental Appropriations Act, 2009 (Public Law 111–32) under the heading ''Migration and Refugee Assistance'' in title XI shall apply to funds made available by this Act under such heading.

IRAN SANCTIONS

SEC. 7042. (a) The declaration of policy in section 3 of the Iran Sanctions Act of 1996 (Public Law 104–172) is incorporated herein.

(b) None of the funds appropriated or otherwise made available in title VI of this Act under the heading ''Export-Import Bank of the United States'' may be used by the Export-Import Bank of the United States to provide any new financing (including loans, guarantees, other credits, insurance, and reinsurance) to any person that is subject to sanctions under paragraph (2) or (3) of section 5(a) of the Iran Sanctions Act of 1996 (Public Law 104–172).

(c) The reporting requirement in section 7043(c)(2) in division F of Public Law 111–117 shall continue in effect during fiscal year 2011 as if part of this Act.

AIRCRAFT TRANSFER AND COORDINATION

SEC. 7043. (a) TRANSFER AUTHORITY.—Notwithstanding any other provision of law or regulation, aircraft procured with funds appropriated by this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs under the headings ''Diplomatic and Consular Programs'', ''International Narcotics Control and Law Enforcement'', ''Andean Counterdrug Initiative'' and ''Andean Counterdrug Programs'' may be used for any other program and in any region, including for the transportation of active and standby Civilian Response Corps personnel and equipment during a deployment: *Provided*, That the responsibility for policy decisions and justification for the use of such transfer authority shall be the responsibility of the Secretary of State and the Deputy Secretary of State and this responsibility shall not be delegated.

(b) PROPERTY DISPOSAL.—The authority provided in subsection (a) shall apply only after a determination by the Secretary of State to the Committees on Appropriations that the equipment is no longer required to meet programmatic purposes in the designated country or region: *Provided*, That any such transfer shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

(c) AIRCRAFT COORDINATION.—

(1) Aircraft purchased or leased by the Department of State and the United States Agency for International Development (USAID) with funds made available in this Act or prior Acts making appropriations for the Department of State, foreign operations, and related programs shall be coordinated under the authority of the appropriate Chief of Mission: *Provided*, That such aircraft may be used to transport, on a reimbursable or non-reimbursable basis, Federal and non-Federal personnel supporting the Department of State and USAID programs and activities: *Provided further*, That official travel for other agencies for other purposes may be supported on a reimbursable basis, or without reimbursement when traveling on a space available basis.

(2) The requirement and authorities of this subsection shall only apply to aircraft, the primary purpose of which is the transportation of personnel.

WESTERN HEMISPHERE

SEC. 7044. (a) TRADE CAPACITY.—Of the funds appropriated by this Act, not less than $10,000,000 under the heading ''Development Assistance'' and not less than $10,000,000 under the heading ''Economic Support Fund'' shall be made available for labor and environmental capacity building activities relating to free trade agreements with countries of Central America, Peru and the Dominican Republic.

(b) ASSISTANCE FOR HAITI.—

(1) The Government of Haiti shall be eligible to purchase defense articles and services under the Arms Export Control Act (22 U.S.C. 2751 et seq.), for the Coast Guard.

(2) Funds appropriated under the heading ''Economic Support Fund'' in this Act that are made available for assistance for Haiti shall be made available, to the maximum extent practicable, in a manner that emphasizes the participation and leadership of Haitian civil society organizations and directly improves the security, economic and social well-being, and political status, of Haitian women and girls.

(3) None of the funds made available by this Act under the heading ''International Narcotics Control and Law Enforcement'' may be used to transfer excess weapons or ammunition of an agency of the United States Government to any individual or unit of the Haitian National Police if the Secretary of State has credible information that such individual or unit has committed a gross violation of internationally recognized human rights or other serious crime.

(c) CARIBBEAN BASIN SECURITY INITIATIVE.—

(1) Of the funds appropriated by this Act, not more than $59,900,000 shall be made available for the Caribbean Basin Security Initiative (CBSI), of which not more than $16,000,000 shall be funds appropriated under the heading ''Foreign Military Financing Program'' to support military reform and air and maritime operations: *Provided*, That a priority of the CBSI should be to build the capacity and professionalism of civilian police and judicial institutions: *Provided further*, That none of the funds made available under this subsection shall be made available for budget support or as cash payments.

(2) SPENDING PLAN.—Not later than 45 days after the date of the enactment of this Act and prior to the initial obligation of funds, the Secretary of State shall submit to the Committees on Appropriations a detailed spending plan for the countries of the Caribbean Basin which shall include clear and achievable goals and objectives, indicators and benchmarks for measuring progress, and expected results: *Provided*, That such plan shall not be considered as meeting the notification requirements under section 7015 of this Act or under section 634A of the Foreign Assistance Act of 1961.

(3) DEFINITION.—For the purposes of this subsection, ''Caribbean Basin Security Initiative'' and ''countries of the Caribbean Basin'' include Antigua and Barbuda, The Bahamas, Barbados, Belize, Dominica, Dominican Republic, Grenada, Guyana, Haiti, Jamaica, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Suriname, and Trinidad and Tobago.

(d) ASSISTANCE FOR GUATEMALA.—

(1) Of the funds appropriated in this Act under the heading ''International Narcotics Control and Law Enforcement'' not less than $4,000,000 shall be made available for a United States contribution to the International Commission Against Impunity in Guatemala.

(2) None of the funds appropriated under the headings ''International Military Education and Training'' and ''Foreign Military Financing Program'' may be made available for assistance for the Guatemalan Army, except that such funds may be made available for the Army Corps of Engineers only to improve disaster response capabilities and to participate in international peacekeeping operations.

(e) ASSISTANCE FOR MEXICO.—

(1) PROHIBITION.—None of the funds made available in this Act for assistance for Mexico may be made available for budget support or as cash payments.

(2) APPLICABILITY OF FISCAL YEAR 2009 PROVISIONS.—The provisions of paragraphs (1) through (3) of section 7045(e) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2009 (division H of Public Law 111–8) shall apply to funds appropriated or otherwise made available by this Act for assistance for Mexico, and the report required in that section shall be based on a written determination by the Secretary of State of compliance with each of the requirements in those paragraphs: *Provided,* That the spending plan required in that section shall not be considered as meeting the notification requirements under section 7015 of this Act or under section 634A of the Foreign Assistance Act of 1961.

(f) ASSISTANCE FOR THE COUNTRIES OF CENTRAL AMERICA.—

(1) PROHIBITION.—None of the funds made available in this Act for the countries of Central America may be made available for budget support or as cash payments.

(2) APPLICABILITY OF FISCAL YEAR 2009 PROVISIONS.—

(A) IN GENERAL.—Except as provided in subparagraph B, the provisions of paragraphs (1) through (3) of section 7045(f) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2009 (division H of Public Law 111–8) shall apply to funds appropriated or otherwise made available by this Act for assistance for countries of Central America.

(B) EXCEPTION.—Section 7045(f)(1) of division H of Public Law 111–8 is amended by striking ''and 'Foreign Military Financing Program' ''.

(3) DEFINITION.—For the purposes of this subsection, the term ''countries of Central America'' means Belize, Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, and Panama.

(g) AIRCRAFT OPERATIONS AND MAINTENANCE.—To the maximum extent practicable, the costs of operations and maintenance, including fuel, of aircraft funded by this Act should be borne by the recipient country.

COLOMBIA

SEC. 7045. (a) ASSISTANCE.—

(1) Funds appropriated by this Act and made available to the Department of State for counter-narcotics or other law enforcement assistance for the Government of Colombia may be used to support a unified campaign against narcotics trafficking and organizations designated as Foreign Terrorist Organizations and successor organizations, and to take actions to protect human health and welfare in emergency circumstances, including undertaking rescue operations: *Provided,* That no United States Armed Forces personnel or United States civilian contractor employed by the United States will participate in any combat operation in connection with assistance made available by this Act for Colombia: *Provided further,* That rotary and fixed-wing aircraft supported with funds appropriated under the heading ''International Narcotics Control and Law Enforcement'' for assistance for Colombia may be used for aerial or manual drug eradication and interdiction, including to transport personnel and supplies and to provide security for such operations, if the Secretary of State determines that voluntary eradication, combined with alternative development programs, including access to land, markets and social services, is not feasible in such areas: *Provided further,* That such aircraft may also be used to provide transport in support of alternative development programs and investigations by civilian judicial authorities: *Provided further,* That the President shall ensure that if any helicopter procured with funds in this Act or prior Acts making appropriations for the Department of State, foreign operations, and related programs, is used to aid or abet the operations of any illegal self-defense group, paramilitary organization, illegal security cooperative or successor organizations in Colombia, such helicopter shall be immediately returned to the United States: *Provided further,* That none of the funds appropriated by this Act or prior Acts making appropriations for the Department of State, foreign operations, and related programs may be made available for assistance for the Colombian Departamento Administrativo de Seguridad or successor organizations.

(2) Of the funds available under the heading ''International Narcotics Control and Law Enforcement'' for the Colombian national police for the procurement of chemicals for aerial coca and poppy eradication programs, not more than 20 percent of such funds may be made available for such eradication programs unless the Secretary of State certifies to the Committees on Appropriations that: (1) the herbicide is being used in accordance with Environmental Protection Agency label requirements for comparable use in the United States and with Colombian laws; and (2) the herbicide, in the manner it is being used, does not pose unreasonable risks or adverse effects to humans or the environment, including endemic species: *Provided*, That such funds may not be made available unless the Secretary of State certifies to the Committees on Appropriations that any complaints of harm to health or licit crops caused by such aerial eradication are thoroughly investigated and evaluated, and fair compensation is being paid in a timely manner for meritorious claims: *Provided further*, That such funds may not be made available for such purposes unless programs are being implemented by the United States Agency for International Development, the Government of Colombia, or other organizations, in consultation and coordination with local communities, to provide alternative sources of income in areas where security permits for small-acreage growers and communities whose illicit crops are targeted for aerial eradication: *Provided further*, That none of the funds appropriated by this Act for assistance for Colombia shall be made available for the cultivation or processing of African oil palm, if doing so would contribute to significant loss of native species, disrupt or contaminate natural water sources, reduce local food security, or cause the forced displacement of local people: *Provided further*, That funds appropriated by this Act may not be used for aerial eradication in Colombia's national parks or reserves unless the Secretary of State certifies to the Committees on Appropriations on a case-by-case basis that there are no effective alternatives and the eradication is conducted in accordance with Colombian laws.

(b) APPLICABILITY OF FISCAL YEAR 2009 PROVISIONS.—

(1) IN GENERAL.—Except as provided in paragraph (2), the provisions of subsections (b) through (f) of section 7046 of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2009 (division H of Public Law 111–8), as amended by section 7046 (b)(2)(A) of division F of Public Law 111–117, shall apply to funds appropriated or otherwise made available by this Act for assistance for Colombia.

(2) EXCEPTIONS.—The following provisions of section 7046 of division H of Public Law 111–8 shall apply to funds appropriated or otherwise made available by this Act for assistance for Colombia as follows:

(A) Subsection (b)(1)(B) is amended as follows:

(i) By striking clause (i) and inserting the following:

''(i) The Colombian Armed Forces are suspending those members, of whatever rank, who have been credibly alleged to have violated internationally recognized human rights, or to have aided, abetted or benefitted from paramilitary organizations or successor armed groups; all such cases are promptly referred to civilian jurisdiction for investigation and prosecution, and the Colombian Armed Forces are no longer opposing civilian judicial jurisdiction in such cases; and the Colombian Armed Forces are cooperating fully with civilian prosecutors and judicial authorities.''.

(ii) By striking clause (iv) and inserting the following:

''(iv) The Government of Colombia is respecting the rights of human rights defenders, journalists, trade unionists, and other social activists, and the rights and territory of indigenous and Afro-Colombian communities; and the Colombian Armed Forces are implementing procedures to distinguish between civilians, including displaced persons, and combatants, in their operations.''.

(B) Subsection (b)(2) shall be applied by substituting ''July 31, 2011'' for the date contained therein;

(C) Subsection (c) shall be applied by substituting ''September 30, 2011'' for the date contained therein; and

(D) Subsection (d)(1) shall be applied—

(i) by substituting ''18,000,000'' for the dollar amount contained therein; and

(ii) by substituting ''fiscal year 2011'' for the fiscal year contained therein.

SERBIA

SEC. 7046. (a) Funds appropriated by this Act may be made available for assistance for the central Government of Serbia after May 31, 2011, if the Secretary of State has submitted the report required in subsection (c).

(b) After May 31, 2011, the Secretary of the Treasury should instruct the United States executive directors of the international financial institutions to support loans and assistance to the Government of Serbia subject to the condition in subsection (c).

(c) The report referred to in subsection (a) is a report by the Secretary of State to the Committees on Appropriations that the Government of Serbia is cooperating with the International Criminal Tribunal for the former Yugoslavia including access to investigators, the provision of documents, timely information on the location, movement, and sources of financial support of indictees, and the surrender and transfer of indictees or assistance in their apprehension, including Ratko Mladic and Goran Hadzic.

(d) This section shall not apply to humanitarian assistance or assistance to promote democracy.

COMMUNITY-BASED POLICE ASSISTANCE

SEC. 7047. (a) AUTHORITY.—Funds made available by titles III and IV of this Act to carry out the provisions of chapter 1 of part I and chapters 4 and 6 of part II of the Foreign Assistance Act of 1961, may be used, notwithstanding section 660 of that Act, to enhance the effectiveness and accountability of civilian police authority through training and technical assistance in human rights, prevention and response to gender-based violence, rule of law, anti-corruption, strategic planning, and through assistance to foster civilian police roles that support democratic governance including assistance for programs to prevent conflict, respond to disasters, address gender-based violence, and foster improved police relations with the communities they serve.

(b) NOTIFICATION.—Assistance provided under subsection (a) shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

PROHIBITION OF PAYMENTS TO UNITED NATIONS MEMBERS

SEC. 7048. None of the funds appropriated or made available pursuant to titles III through VI of this Act for carrying out the Foreign Assistance Act of 1961, may be used to pay in whole or in part any assessments, arrearages, or dues of any member of the United Nations or, from funds appropriated by this Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961, the costs for participation of another country's delegation at international conferences held under the auspices of multilateral or international organizations.

WAR CRIMES TRIBUNALS DRAWDOWN

SEC. 7049. If the President determines that doing so will contribute to a just resolution of charges regarding genocide or other violations of international humanitarian law, the President may direct a drawdown pursuant to section 552(c) of the Foreign Assistance Act of 1961 of up to $30,000,000 of commodities and services for the United Nations War Crimes Tribunal established with regard to the former Yugoslavia by the United Nations Security Council or such other tribunals or commissions as the Council may establish or authorize to deal with such violations, without regard to the ceiling limitation contained in paragraph (2) thereof: *Provided,* That the determination required under this section shall be in lieu of any determinations otherwise required under section 552(c): *Provided further,* That funds made available pursuant to this section shall be made available subject to the regular notification procedures of the Committees on Appropriations.

PEACEKEEPING

SEC. 7050. (a) MISSIONS.—None of the funds appropriated or otherwise made available by title I of this Act may be used for any United Nations peacekeeping mission that will involve United States Armed Forces under the command or operational control of a foreign national, unless the President's military advisors have submitted to the President a recommendation that such involvement is in the national interests of the United States and the President has submitted to the Congress such a recommendation.

(b) ASSESSMENT.—Section 404(b)(2)(B)(vi) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 287e note) is amended to read as follows:

''(vi) For assessments made during calendar year 2010 and 2011, 27.3 percent.''.

ATTENDANCE AT INTERNATIONAL CONFERENCES

SEC. 7051. None of the funds made available in this Act may be used to send or otherwise pay for the attendance of more than 50 employees of agencies or departments of the United States Government who are stationed in the United States, at any single international conference occurring outside the United States, unless the Secretary of State reports to the Committees on Appropriations that such attendance is in the national interest: *Provided,* That for purposes of this section the term ''international conference'' shall mean a conference attended by representatives of the United States Government and of foreign governments, international organizations, or nongovernmental organizations.

RESTRICTIONS ON UNITED NATIONS DELEGATIONS

SEC. 7052. None of the funds made available under title I of this Act may be used to pay expenses for any United States delegation to any specialized agency, body, or commission of the United Nations if such commission is chaired or presided over by a country, the government of which the Secretary of State has determined, for purposes of section 6(j)(1) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(1)), supports international terrorism.

PARKING FINES AND REAL PROPERTY TAXES OWED BY FOREIGN GOVERNMENTS

SEC. 7053. (a) Subject to subsection (c), of the funds appropriated under titles III through VI of this Act that are made available for assistance for a foreign country, an amount equal to 110 percent of the total amount of the unpaid fully adjudicated parking fines and penalties and unpaid property taxes owed by the central government of such country shall be withheld from obligation for assistance for the central government of such country until the Secretary of State submits a certification to the Committees on Appropriations stating that such parking fines and penalties and unpaid property taxes are fully paid.

(b) Funds withheld from obligation pursuant to subsection (a) may be made available for other programs or activities funded by this Act, after consultation with and subject to the regular notification procedures of the Committees on Appropriations, provided that no such funds shall be made available for assistance for the central government of a foreign country that has not paid the total amount of the fully adjudicated parking fines and penalties and unpaid property taxes owed by such country.

(c) Subsection (a) shall not include amounts that have been withheld under any other provision of law.

(d)(1) The Secretary of State may waive the requirements set forth in subsection (a) with respect to parking fines and penalties no sooner than 60 days from the date of enactment of this Act, or at any time with respect to a particular country, if the Secretary determines that it is in the national interests of the United States to do so.

(2) The Secretary of State may waive the requirements set forth in subsection (a) with respect to the unpaid property taxes if the Secretary of State determines that it is in the national interests of the United States to do so.

(e) Not later than 6 months after the initial exercise of the waiver authority in subsection (d), the Secretary of State, after consultations with the City of New York, shall submit a report to the Committees on Appropriations describing a strategy, including a timetable and steps currently being taken, to collect the parking fines and penalties and unpaid property taxes and interest owed by nations receiving foreign assistance under this Act.

(f) In this section:

(1) The term ''fully adjudicated'' includes circumstances in which the person to whom the vehicle is registered—

(A)(i) has not responded to the parking violation summons; or

(ii) has not followed the appropriate adjudication procedure to challenge the summons; and

(B) the period of time for payment of or challenge to the summons has lapsed.

(2) The term ''parking fines and penalties'' means parking fines and penalties—

(A) owed to—

(i) the District of Columbia; or

(ii) New York, New York; and

(B) incurred during the period April 1, 1997, through September 30, 2010.

(3) The term ''unpaid property taxes'' means the amount of unpaid taxes and interest determined to be owed by a foreign country on real property in the District of Columbia or New York, New York in a court order or judgment entered against such country by a court of the United States or any State or subdivision thereof.

LANDMINES AND CLUSTER MUNITIONS

SEC. 7054. (a) LANDMINES.—Notwithstanding any other provision of law, demining equipment available to the United States Agency for International Development and the Department of State and used in support of the clearance of landmines and unexploded ordnance for humanitarian purposes may be disposed of on a grant basis in foreign countries, subject to such terms and conditions as the President may prescribe.

(b) CLUSTER MUNITIONS.—No military assistance shall be furnished for cluster munitions, no defense export license for cluster munitions may be issued, and no cluster munitions or cluster munitions technology shall be sold or transferred, unless—

(1) the submunitions of the cluster munitions, after arming, do not result in more than 1 percent unexploded ordnance across the range of intended operational environments; and

(2) the agreement applicable to the assistance, transfer, or sale of such cluster munitions or cluster munitions technology specifies that the cluster munitions will only be used against clearly defined military targets and will not be used where civilians are known to be present or in areas normally inhabited by civilians.

PROHIBITION ON PUBLICITY OR PROPAGANDA

SEC. 7055. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes within the United States not authorized before the date of the enactment of this Act by the Congress: *Provided,* That not to exceed $25,000 may be made available to carry out the provisions of section 316 of Public Law 96–533.

LIMITATION ON RESIDENCE EXPENSES

SEC. 7056. Of the funds appropriated or made available pursuant to title II of this Act, not to exceed $100,500 shall be for official residence expenses of the United States Agency for International Development during the current fiscal year: *Provided*, That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT MANAGEMENT

(INCLUDING TRANSFER OF FUNDS)

SEC. 7057. (a) AUTHORITY.—Up to $93,000,000 of the funds made available in title III of this Act to carry out the provisions of part I of the Foreign Assistance Act of 1961, including funds appropriated under the heading ''Assistance for Europe, Eurasia and Central Asia'', may be used by the United States Agency for International Development (USAID) to hire and employ individuals in the United States and overseas on a limited appointment basis pursuant to the authority of sections 308 and 309 of the Foreign Service Act of 1980.

(b) RESTRICTIONS.—

(1) The number of individuals hired in any fiscal year pursuant to the authority contained in subsection (a) may not exceed 175.

(2) The authority to hire individuals contained in subsection (a) shall expire on September 30, 2012.

(c) CONDITIONS.—The authority of subsection (a) should only be used to the extent that an equivalent number of positions that are filled by personal services contractors or other nondirect hire employees of USAID, who are compensated with funds appropriated to carry out part I of the Foreign Assistance Act of 1961, including funds appropriated under the heading ''Assistance for Europe, Eurasia and Central Asia'', are eliminated.

(d) PRIORITY SECTORS.—In exercising the authority of this section, primary emphasis

shall be placed on enabling USAID to meet personnel positions in technical skill areas currently encumbered by contractor or other nondirect hire personnel.

(e) CONSULTATIONS.—The USAID Administrator shall consult with the Committees on Appropriations on a quarterly basis concerning the implementation of this section.

(f) PROGRAM ACCOUNT CHARGED.—The account charged for the cost of an individual hired and employed under the authority of this section shall be the account to which such individual's responsibilities primarily relate: *Provided*, That funds made available to carry out this section may be transferred to, and merged with, funds appropriated by this Act in title II under the heading ''Operating Expenses''.

(g) FOREIGN SERVICE LIMITED EXTENSIONS.—Individuals hired and employed by USAID, with funds made available in this Act or prior Acts making appropriations for the Department of State, foreign operations, and related programs, pursuant to the authority of section 309 of the Foreign Service Act of 1980, may be extended for a period of up to 4 years notwithstanding the limitation set forth in such section.

(h) JUNIOR OFFICER PLACEMENT AUTHORITY.—Of the funds made available in subsection (a), USAID may use, in addition to funds otherwise available for such purposes, up to $15,000,000 to fund overseas support costs of members of the Foreign Service with a Foreign Service rank of four or below: *Provided,* That such authority is only used to reduce USAID's reliance on overseas personal services contractors or other nondirect hire employees compensated with funds appropriated to carry out part I of the Foreign Assistance Act of 1961, including funds appropriated under the heading ''Assistance for Europe, Eurasia and Central Asia''.

(i) DISASTER SURGE CAPACITY.—Funds appropriated under title III of this Act to carry out part I of the Foreign Assistance Act of 1961, including funds appropriated under the heading ''Assistance for Europe, Eurasia and Central Asia'', may be used, in addition to funds otherwise available for such purposes, for the cost (including the support costs) of individuals detailed to or employed by USAID whose primary responsibility is to carry out programs in response to natural disasters.

(j) TECHNICAL ADVISORS.—Up to $13,500,000 of the funds made available in title III of this Act for assistance under the heading ''Global Health and Child Survival'', may be used to reimburse United States Government agencies, agencies of State governments, institutions of higher learning, and private and voluntary organizations for the full cost of individuals (including for the personal services of such individuals) detailed or assigned to, or contracted by USAID for the purpose of carrying out activities under that heading: *Provided*, That up to $3,500,000 of the funds made available by this Act for assistance under the heading ''Development Assistance'' may be used to reimburse such agencies, institutions, and organizations for such costs of such individuals carrying out other development assistance activities.

(k) PERSONAL SERVICES CONTRACTORS.—Funds appropriated by this Act to carry out chapter 1 of part I, chapter 4 of part II, and section 667 of the Foreign Assistance Act of 1961, and title II of the Agricultural Trade Development and Assistance Act of 1954, may be used by USAID to employ up to 40 personal services contractors in the United States, notwithstanding any other provision of law, for the purpose of providing direct, interim support for new or expanded overseas programs and activities managed by the agency until permanent direct hire personnel are hired and trained: *Provided*, That not more than 10 of such contractors shall be assigned to any bureau or office: *Provided further*, That not more than 15 of such contractors shall be for activities related to USAID's Afghanistan or Pakistan program: *Provided further*, That such funds appropriated to carry out title II of the Agricultural Trade Development and Assistance Act of 1954, may be made available only for personal services contractors assigned to the Office of Food for Peace.

(l) HIRING AUTHORITY.—Notwithstanding section 307 of the Foreign Service Act of 1980, the USAID Administrator may hire up to 85 individuals under the Development Leadership Initiative: *Provided*, That the authority contained in this subsection shall expire on September 30, 2012.

(m) LOCALLY EMPLOYED STAFF.—Of the funds appropriated under title II of this Act, up to $1,000,000, in addition to funds otherwise made available for such purposes, may be made available for special compensation for overseas, locally employed staff.

(n) SENIOR FOREIGN SERVICE LIMITED APPOINTMENTS.—Individuals hired pursuant to the authority provided by section 7059(o) of division F of Public Law 111–117 may be assigned to or support programs in Iraq, Afghanistan, or Pakistan with funds made available in this Act and prior Acts making appropriations for the Department of State, foreign operations, and related programs.

GLOBAL HEALTH ACTIVITIES

SEC. 7058. Funds appropriated by title III of this Act that are made available for bilateral assistance for child survival activities or disease programs including activities relating to research on, and the prevention, treatment and control of, HIV/AIDS may be made available notwithstanding any other provision of law except for the provisions under the heading ''Global Health and Child Survival'' and the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (117 Stat. 711; 22 U.S.C. 7601 et seq.), as amended: *Provided*, That of the funds appropriated under title III of this Act, not less than $710,000,000 shall be made available for family planning/reproductive health, including in areas where population growth threatens biodiversity or endangered species.

DEVELOPMENT GRANTS PROGRAM

SEC. 7059. Of the funds appropriated in title III of this Act, not less than $45,000,000 shall be made available for the Development Grants Program established pursuant to section 674 of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2008 (division J of Public Law 110–161), a significant portion of which is for unsolicited proposals, to support grants of not more than $2,000,000 to small nongovernmental organizations: *Provided,* That funds made available under this section are in addition to other funds available for such purposes including funds designated by this Act by section 7063.

WOMEN IN DEVELOPMENT

SEC. 7060. (a) Programs funded under title III of this Act shall include, where appropriate, gender considerations in the planning, assessment, implementation, monitoring and evaluation of such programs.

(b) Funds made available under title III of this Act shall be made available to support programs to enhance economic opportunities for poor women in developing countries, including increasing the number and capacity of women-owned enterprises, improving property rights for women, increasing access to financial services, and improving women's ability to participate in the global economy.

(c) Funds made available under title III of this Act for food security and agricultural development shall take into consideration the unique needs of women, and technical assistance for women farmers should be a priority.

GENDER-BASED VIOLENCE

SEC. 7061. (a) Funds appropriated under the headings ''Development Assistance'', ''Economic Support Fund'', and ''International Narcotics Control and Law Enforcement'' in this Act shall be made available for programs to address sexual and gender-based violence.

(b) Funds appropriated under the headings ''International Disaster Assistance'' and ''Migration and Refugee Assistance'' should be made available for gender-based violence prevention and response efforts, and to strengthen the capacity of nongovernmental organizations to address such violence.

(c) Programs and activities funded under titles III and IV of this Act to train foreign police, judicial, and military personnel, including for international peacekeeping operations, shall include, where appropriate, prevention and response to gender-based violence.

(d) The Secretary of State should seek to ensure that programs funded under titles III and IV of this Act are consistent with United Nations Security Council resolutions 1325, 1820 and 1888 in their design and implementation, as appropriate.

(e) The Secretary of State, in consultation with the Administrator of the United States Agency for International Development, shall identify critical or widespread incidents of violence against women and girls in situations of armed conflict, develop emergency response measures, and consult with Congress on implementation plans.

EDUCATION

SEC. 7062. (a) BASIC EDUCATION.—

(1) Of the funds appropriated by title III of this Act, not less than $925,000,000 should be made available for assistance for basic education, of which not less than $355,000,000 shall be made available under the heading ''Development Assistance'': *Provided*, That funding provided under the headings ''Development Assistance'' and ''Economic Support Fund'' should be used to provide a continuity of assistance for basic education in humanitarian and other emergency situations.

(2) The United States Agency for International Development (USAID) shall ensure that programs supported by funding appropriated for basic education in this Act, and prior Acts, are integrated, as appropriate, with other health, agriculture and economic development funding, and provide a quality education: *Provided,* That schools supported by funding in this Act and in prior Acts should serve as ''Communities of Learning'' and should be the focal point for health, education and development activities, as appropriate.

(3) Of the funds appropriated by title III of this Act for basic education, up to $25,000,000 shall be made available as a contribution to the Fast Track Initiative's Catalytic Fund.

(4) USAID shall serve as the coordinating agency for United States Government basic education programs globally.

(b) HIGHER EDUCATION.—Of the funds appropriated by title III of this Act, not less than $225,000,000 shall be made available for assistance for higher education.

RECONCILIATION PROGRAMS

SEC. 7063. Of the funds appropriated by title III of this Act under the headings ''Economic Support Fund'' and ''Development Assistance'', $27,000,000 shall be made available to support people to people reconciliation programs which bring together individuals of different ethnic, religious and political backgrounds from areas of civil strife and war, of which $11,000,000 shall be made available for

such programs in the Middle East: *Provided*, That the Administrator of the United States Agency for International Development shall consult with the Committees on Appropriations, prior to the initial obligation of funds, on the most effective uses of such funds.

COMPREHENSIVE EXPENDITURES REPORT

SEC. 7064. Not later than 180 days after the date of enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations detailing the total amount of United States Government expenditures in fiscal years 2009 and 2010, by Federal agency, for assistance programs and activities in each foreign country, identifying the line item as presented in the President's Budget Appendix and the purpose for which the funds were provided: *Provided*, That if required, information may be submitted in classified form.

REQUESTS FOR DOCUMENTS

SEC. 7065. None of the funds appropriated or made available pursuant to titles III through VI of this Act shall be available to a nongovernmental organization, including any contractor, which fails to provide upon timely request any document, file, or record necessary to the auditing requirements of the United States Agency for International Development.

PROHIBITION ON USE OF TORTURE

SEC. 7066. (a) None of the funds made available in this Act shall be used in any way whatsoever to support or justify the use of torture, cruel or inhumane treatment by any official or contract employee of the United States Government.

(b) Not later than 90 days after enactment of this Act, the Secretary of State shall submit to the Committees on Appropriations a report identifying those countries whose police, military, or other security forces use torture, as determined by the Assistant Secretary of State for Democracy, Human Rights and Labor based on the Department of State's most recent Human Rights Report and other relevant information.

(c) Funds appropriated by this Act to carry out the provisions of chapters 1, 10, 11, and 12 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961, and the Support for East European Democracy (SEED) Act of 1989, shall be made available, notwithstanding section 660 of the Foreign Assistance Act of 1961, for assistance to help eliminate torture by foreign police, military or other security forces.

AFRICA

SEC. 7067. (a) EXPANDED INTERNATIONAL MILITARY EDUCATION AND TRAINING.—

(1) Funds appropriated under the heading ''International Military Education and Training'' in this Act that are made available for assistance for Angola, Cameroon, Central African Republic, Chad, Côte d'Ivoire, Guinea and Zimbabwe may be made available only for training related to international peacekeeping operations and expanded international military education and training.

(2) None of the funds appropriated under the heading ''International Military Education and Training'' in this Act may be made available for assistance for Equatorial Guinea or Somalia.

(b) ETHIOPIA.—

(1) None of the funds appropriated by this Act under the heading ''Foreign Military Financing Program'' that are available for assistance for Ethiopia may be made available unless the Secretary of State—

(A) certifies to the Committees on Appropriations that the Government of Ethiopia is making significant efforts to respect due process and the rights of its citizens to peaceful expression and association, and is permitting access to independent human rights and humanitarian organizations to the Somalia region of Ethiopia; and

(B) submits a report to such Committees on the types and amounts of United States training and equipment proposed to be provided to the Ethiopian military including steps that will be taken to ensure that such assistance is not provided to military units or personnel that have violated internationally recognized human rights, and steps taken by the Government of Ethiopia to investigate and prosecute members of the Ethiopian military who have been credibly alleged to have violated such rights.

(2) The restriction in paragraph (1) shall not apply to assistance to Ethiopian military efforts in support of international peacekeeping operations and for assistance to the Ethiopian Defense Command and Staff College.

(c) CONFLICT MINERALS.—

(1) None of the funds appropriated by this Act under the heading ''Foreign Military Financing Program'' may be made available for assistance for Rwanda or Uganda if the Secretary of State has credible evidence that the Government of Rwanda or the Government of Uganda is providing political, military or financial support to armed groups in the Democratic Republic of the Congo (DRC) that are involved in the illegal exportation of minerals out of the DRC or have committed violations of internationally recognized human rights, including rape.

(2) The restriction in paragraph (1) shall not apply to assistance to improve border controls to prevent the illegal exportation of minerals out of the DRC by such groups, to protect relief efforts, or to support the training and deployment of members of the Rwandan or Ugandan militaries in international peacekeeping operations.

(d) SUDAN LIMITATION ON ASSISTANCE.—

(1) Subject to paragraph (2):

(A) Notwithstanding any other provision of law, none of the funds appropriated by this Act may be made available for assistance for the Government of Sudan.

(B) None of the funds appropriated by this Act may be made available for the cost, as defined in section 502, of the Congressional Budget Act of 1974, of modifying loans and loan guarantees held by the Government of Sudan, including the cost of selling, reducing, or canceling amounts owed to the United States, and modifying concessional loans, guarantees, and credit agreements.

(2) Paragraph (1) shall not apply if the Secretary of State determines and certifies to the Committees on Appropriations that:

(A) The Government of Sudan honors its pledges to cease attacks upon civilians and disarms and demobilizes the Janjaweed and other government-supported militias;

(B) The Government of Sudan and all government-supported militia groups are honoring their commitments made in all previous cease-fire agreements; and

(C) The Government of Sudan is allowing unimpeded access to Darfur to humanitarian aid organizations, the human rights investigation and humanitarian teams of the United Nations, including protection officers, and an international monitoring team that is based in Darfur and has the support of the United States.

(3) The provisions of paragraph (1) shall not apply to—

(A) humanitarian assistance;

(B) assistance for the Darfur region, Southern Sudan, Southern Kordofan/Nuba Mountains State, Blue Nile State, and Abyei; and

(C) assistance to support implementation of the Comprehensive Peace Agreement and the Darfur Peace Agreement or any other internationally recognized viable peace agreement in Sudan.

(4) For the purposes of this Act, the term ''Government of Sudan'' shall not include the Government of Southern Sudan.

(5) Notwithstanding any other provision of law, assistance in this Act may be made available to the Government of Southern Sudan to provide non-lethal military assistance, military education and training, and defense services controlled under the International Traffic in Arms Regulations (22 CFR 120.1 et seq.) if the Secretary of State—

(A) determines that the provision of such items is in the national interest of the United States; and

(B) not later than 15 days before the provision of any such assistance, notifies the Committees on Appropriations of such determination.

(e) SOUTHERN SUDAN.—The Secretary of State shall obtain regular audits of the financial accounts of the Government of Southern Sudan to ensure transparency and accountability of funds, including revenues from the extraction of oil and gas, and the public disclosure of such audits in a timely manner: *Provided*, That in determining amounts and types of United States assistance to make available to the Government of Southern Sudan, the Secretary shall consider the extent to which such government is ensuring transparency and accountability of funds: *Provided further*, That the Secretary shall, as appropriate, assist the Government of Southern Sudan in conducting such audits, and shall submit a report not later than 90 days after enactment of this Act to the Committees on Appropriations detailing the steps that will be taken by the Government of Southern Sudan, which are additional to those which were taken in the previous fiscal year, to improve resource management and ensure transparency and accountability of funds.

(f) THE GAMBIA.—The Secretary of the Treasury shall instruct the United States executive directors of the international financial institutions to vote against any loan, agreement, or other financial support for The Gambia, except to meet basic human needs, unless the Secretary of State certifies to the Committees on Appropriations that the Government of The Gambia is making significant efforts to release and account for political prisoners, including Ebrimah Manneh.

(g) WAR CRIMES IN AFRICA.—

(1) The Congress reaffirms its support for the efforts of the International Criminal Tribunal for Rwanda (ICTR) and the Special Court for Sierra Leone (SCSL) to bring to justice individuals responsible for war crimes and crimes against humanity in a timely manner.

(2) Funds appropriated by this Act, including funds for debt restructuring, may be made available for assistance for the central government of a country in which individuals indicted by ICTR and SCSL are credibly alleged to be living, if the Secretary of State determines and reports to the Committees on Appropriations that such government is cooperating with ICTR and SCSL, including the surrender and transfer of indictees in a timely manner: *Provided*, That this subsection shall not apply to assistance provided under section 551 of the Foreign Assistance Act of 1961 or to project assistance under title VI of this Act: *Provided further*, That the United States shall use its voice and vote in the United Nations Security Council to fully support efforts by ICTR and SCSL to bring to justice individuals indicted by such tribunals in a timely manner.

(3) The prohibition in paragraph (2) may be waived on a country-by-country basis if the President determines that doing so is in the national security interest of the United States: *Provided*, That prior to exercising

such waiver authority, the President shall submit a report to the Committees on Appropriations, in classified form if necessary, on—

(A) the steps being taken to obtain the cooperation of the government in surrendering the indictee in question to the court of jurisdiction;

(B) a strategy, including a timeline, for bringing the indictee before such court; and

(C) the justification for exercising the waiver authority.

(h) ZIMBABWE.—

(1) The Secretary of the Treasury shall instruct the United States executive director of each international financial institution to vote against any extension by the respective institution of any loans or grants to the Government of Zimbabwe, except to meet basic human needs or to promote democracy, unless the Secretary of State determines and reports in writing to the Committees on Appropriations that the rule of law has been restored in Zimbabwe, including respect for ownership and title to property, freedom of speech and association.

(2) None of the funds appropriated by this Act shall be made available for assistance for the central Government of Zimbabwe, except for health, education, and macroeconomic growth assistance, unless the Secretary of State makes the determination pursuant to paragraph (1).

ASIA

SEC. 7068. (a) TIBET.—

(1) The Secretary of the Treasury should instruct the United States executive director of each international financial institution to use the voice and vote of the United States to support projects in Tibet if such projects do not provide incentives for the migration and settlement of non-Tibetans into Tibet or facilitate the transfer of ownership of Tibetan land and natural resources to non-Tibetans; are based on a thorough needs-assessment; foster self-sufficiency of the Tibetan people and respect Tibetan culture and traditions; and are subject to effective monitoring.

(2) Notwithstanding any other provision of law, not less than $7,500,000 of the funds appropriated by this Act under the heading ''Economic Support Fund'' should be made available to nongovernmental organizations to support activities which preserve cultural traditions and promote sustainable development and environmental conservation in Tibetan communities in the Tibetan Autonomous Region and in other Tibetan communities in China.

(b) BURMA.—

(1) The Secretary of the Treasury shall instruct the United States executive director of each international financial institution to oppose and vote against the extension by such institution of any loan or financial or technical assistance or any other utilization of funds of the respective bank to and for Burma.

(2) Funds appropriated by this Act may be made available for assistance for Burma notwithstanding any other provision of law, except no such funds shall be made available to the State Peace and Development Council, or its successor, and its affiliated organizations: *Provided*, That such funds shall be made available to support programs in Burma, along Burma's borders, and for Burmese groups and organizations located outside Burma: *Provided further*, That not less than $5,000,000 shall be made available for community-based organizations operating in Thailand to provide food, medical, and other humanitarian assistance to internally displaced persons in eastern Burma, in addition to assistance for Burmese refugees appropriated under the heading ''Migration and Refugee Assistance'' in this Act: *Provided further*, That any new program or activity initiated with funds made available by this Act shall be subject to prior consultation with the Committees on Appropriations, and all such funds shall be subject to the regular notification procedures of the Committees on Appropriations.

(c) CAMBODIA.—

(1) Funds made available in this Act for a United States contribution to a Khmer Rouge tribunal may only be made available if the Secretary of State certifies to the Committees on Appropriations that the United Nations and the Government of Cambodia are taking effective steps to address allegations of corruption and mismanagement within the tribunal.

(2) Not later than 30 days after enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations listing Cambodian officials known to have been involved in the decision to repatriate 20 Uigher asylum seekers from Cambodia to the People's Republic of China in December 2009: *Provided*, That such report shall be posted on the Department of State's public Web site not more than 7 days after such report is transmitted to Congress.

(d) INDONESIA.—

(1) Of the funds appropriated by this Act under the heading ''Foreign Military Financing Program'' that are available for assistance for Indonesia, $2,000,000 may not be obligated until the Secretary of State submits to the Committees on Appropriations the report on Indonesia detailed under such heading in Senate Report 111–237: *Provided*, That such report shall include steps taken by the Government of Indonesia to guarantee freedom of expression in Papua and the southern Moluccan Islands.

(2) Of the funds appropriated by this Act under the heading ''Economic Support Fund'' that are available for assistance for Indonesia, not less than $400,000 should be made available for grants for capacity building of Indonesian human rights organizations, including in Papua.

(e) NORTH KOREA.—

(1) Funds appropriated under the heading ''Migration and Refugee Assistance'' in this Act should be made available for assistance for refugees from North Korea.

(2) Funds made available by this Act under the heading ''Economic Support Fund'' for assistance for countries in the North Asia region may be made available for programs and activities pursuant to section 4 of Public Law 108–333, as amended, and subject to the regular notification procedures of the Committees on Appropriations: *Provided*, That for the purposes of this subsection, such programs and activities shall be considered democracy promotion.

(f) PEOPLE'S REPUBLIC OF CHINA.—

(1) None of the funds appropriated under the heading ''Diplomatic and Consular Programs'' in this Act may be obligated or expended for processing licenses for the export of satellites of United States origin (including commercial satellites and satellite components) to the People's Republic of China unless, at least 15 days in advance, the Committees on Appropriations are notified of such proposed action.

(2) The terms and requirements of section 620(h) of the Foreign Assistance Act of 1961 shall apply to foreign assistance projects or activities of the People's Liberation Army (PLA) of the People's Republic of China, to include such projects or activities by any entity that is owned or controlled by, or an affiliate of, the PLA: *Provided*, That none of the funds appropriated or otherwise made available pursuant to this Act may be used to finance any grant, contract, or cooperative agreement with the PLA, or any entity that the Secretary of State has reason to believe is owned or controlled by, or an affiliate of, the PLA.

(3) Notwithstanding any other provision of law and subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations, of the funds appropriated by this Act under the heading ''Development Assistance'', not less than $15,000,000 shall be made available to United States educational institutions and nongovernmental organizations for programs and activities in the People's Republic of China relating to the environment, governance, and the rule of law.

(g) PHILIPPINES.—Of the funds appropriated by this Act under the heading ''Foreign Military Financing Program'' that are available for assistance for the Philippines, $3,000,000 may not be obligated until the Secretary of State submits to the Committees on Appropriations the report on the Philippines detailed under such heading in Senate Report 111–237.

(h) TIMOR-LESTE.—Of the funds appropriated by this Act under the heading ''Economic Support Fund'', not less than $1,000,000, in addition to funds otherwise made available for such purposes, shall be made available for democracy programs and activities in Timor-Leste, and not less than $2,000,000 shall be made available for higher education scholarships.

(i) VIETNAM.—Funds appropriated by this Act that are made available for assistance for Vietnam for remediation of dioxin contaminated sites and related health activities may be made available for assistance for the Government of Vietnam, including the military, for such purposes.

INDEPENDENT STATES OF THE FORMER SOVIET UNION

SEC. 7069. (a) None of the funds appropriated under the heading ''Assistance for Europe, Eurasia and Central Asia'' may be made available for assistance for a government of an Independent State of the former Soviet Union if that government directs any action in violation of the territorial integrity or national sovereignty of any other Independent State of the former Soviet Union, such as those violations included in the Helsinki Final Act, unless the Secretary of State determines that to do so is in the national security interests of the United States.

(b) Funds appropriated under the heading ''Assistance for Europe, Eurasia and Central Asia'' for the Russian Federation, Armenia, Kazakhstan, and Uzbekistan shall be subject to the regular notification procedures of the Committees on Appropriations.

(c)(1) Of the funds appropriated under the heading ''Assistance for Europe, Eurasia and Central Asia'' that are available for assistance for the Government of the Russian Federation, 60 percent shall be withheld from obligation until the Secretary of State certifies to the Committees on Appropriations that the Government of the Russian Federation—

(A) has terminated implementation of arrangements to provide Iran with technical expertise, training, technology, or equipment necessary to develop a nuclear reactor, related nuclear research facilities or programs, or ballistic missile capability; and

(B) is providing full access to international non-government organizations providing humanitarian relief to refugees and internally displaced persons in the North Caucasus.

(2) Paragraph (1) shall not apply to—

(A) assistance to combat infectious diseases, child survival activities, or assistance for victims of trafficking in persons; and

(B) activities authorized under title V (Nonproliferation and Disarmament Programs and Activities) of the FREEDOM Support Act.

(d) Section 907 of the FREEDOM Support Act shall not apply to—

(1) activities to support democracy or assistance under title V of the FREEDOM Support Act and section 1424 of Public Law 104–201 or nonproliferation assistance;

(2) any assistance provided by the Trade and Development Agency under section 661 of the Foreign Assistance Act of 1961 (22 U.S.C. 2421);

(3) any activity carried out by a member of the United States and Foreign Commercial Service while acting within his or her official capacity;

(4) any insurance, reinsurance, guarantee or other assistance provided by the Overseas Private Investment Corporation under title IV of chapter 2 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2191 et seq.);

(5) any financing provided under the Export-Import Bank Act of 1945; or

(6) humanitarian assistance.

CENTRAL ASIA

SEC. 7070. The terms and conditions of sections 7075(a) and (b) and 7076(a) through (e) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2009 (division H of Public Law 111–8) shall apply to funds appropriated by this Act: *Provided*, That for the purposes of the application of section 7076(e) to this Act, the term ''assistance'' shall not include expanded international military education and training.

SOUTH ASIA

SEC. 7071. (a) AFGHANISTAN.—

(1) LIMITATION.—None of the funds appropriated or otherwise made available by this Act under the headings ''Economic Support Fund'' and ''International Narcotics Control and Law Enforcement'' may be obligated for assistance for Afghanistan until the Secretary of State, in consultation with the Administrator of the United States Agency for International Development (USAID), certifies and reports to the Committees on Appropriations that—

(A) The Government of Afghanistan is—

(i) demonstrating a commitment to reduce corruption and improve governance, including by investigating, prosecuting, sanctioning and/or removing corrupt officials from office and to implement financial transparency and accountability measures for government institutions and officials (including the Central Bank) as well as to conduct oversight of public resources;

(ii) taking significant steps to facilitate active public participation in governance and oversight; and

(iii) taking credible steps to protect the internationally recognized human rights of Afghan women.

(B) There is a unified United States Government anti-corruption strategy for Afghanistan that is adequately funded, and is being implemented in conjunction with relevant Afghan authorities.

(C) Funds will be programmed to support and strengthen the capacity of Afghan public and private institutions and entities to reduce corruption and to improve transparency and accountability of national, provincial and local governments, such as—

(i) the High Office of Oversight;

(ii) the Control and Audit Office;

(iii) the Afghan Criminal Justice Task Force;

(iv) the Afghan Judicial Security Unit;

(v) the Anti-Corruption Tribunal, and the Attorney General's Anti-Corruption Unit;

(vi) the training and mentoring of judicial personnel;

(vii) the training and mentoring of Afghan Government personnel in financial management, budgeting, and independent oversight of public funds; and

(viii) Afghan civil society organizations and media institutions that play an important role in government oversight.

(D) Representatives of Afghan national, provincial or local governments, local communities and civil society organizations, as appropriate, will be consulted and participate in the design of programs, projects, and activities, including participation in implementation and oversight, and the development of specific benchmarks to measure progress and outcomes.

(E) Funds will be used to train and deploy additional United States Government direct-hire personnel to improve monitoring and control of assistance to ensure that funds are used for the intended purpose and do not support illicit and/or corrupt activities.

(F) A framework and methodology is being utilized to assess national, provincial, local and sector level fiduciary risks relating to public financial management of United States Government assistance.

(2) DIRECT GOVERNMENT-TO-GOVERNMENT ASSISTANCE.—

(A) Funds appropriated or otherwise made available by this Act for assistance for Afghanistan may not be made available for direct government-to-government assistance unless the Secretary of State certifies to the Committees on Appropriations that the relevant Afghan implementing agency has been assessed and considered qualified to manage such funds and the Government of the United States and the Government of Afghanistan have agreed, in writing, to clear and achievable goals and objectives for the use of such funds, and have established mechanisms within each implementing agency to ensure that such funds are used for the purposes for which they were intended: *Provided*, That the Secretary of State should suspend any direct government-to-government assistance to an implementing agency if the Secretary has credible information of misuse of such funds by any such agency: *Provided further*, That any such assistance shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

(B) Funds appropriated or otherwise made available by this Act for assistance for Afghanistan may be made available as a United States contribution to the Afghanistan Reconstruction Trust Fund (ARTF) unless the Secretary of State determines and reports to the Committees on Appropriations that the World Bank Monitoring Agent of the ARTF is unable to conduct its financial control and audit responsibilities due to restrictions on security personnel by the Government of Afghanistan.

(3) ASSISTANCE AND OPERATIONS.—

(A) Funds appropriated under the headings ''Economic Support Fund'' and ''International Narcotics Control and Law Enforcement'' in this Act that are available for assistance for Afghanistan—

(i) shall be made available, to the maximum extent practicable, in a manner that emphasizes the participation of Afghan women, and directly improves the security, economic and social well-being, and political status, and protects the rights of, Afghan women and girls and complies with sections 7060 and 7061 of this Act, including support for the Afghan Independent Human Rights Commission, the Afghan Ministry of Women's Affairs, and women-led nongovernmental organizations.

(ii) may be made available for a United States contribution to an internationally-managed fund to support the reconciliation and disarmament, demobilization and reintegration into Afghan society of former combatants who have renounced violence against the Government of Afghanistan: *Provided*, That funds may be made available to support reconciliation and reintegration activities only if: (1) Afghan women are participating at national, provincial and local levels of government in the design, policy formulation and implementation of the reconciliation or reintegration process, and such process upholds steps taken by the Government of Afghanistan to protect the internationally recognized human rights of Afghan women; and (2) such funds will not be used to support any pardon or immunity from prosecution, or any position in the Government of Afghanistan or security forces, for any leader of an armed group responsible for crimes against humanity, war crimes, or other violations of internationally recognized human rights;

(iii) may be made available for a United States contribution to the North Atlantic Treaty Organization/International Security Assistance Force Post-Operations Humanitarian Relief Fund; and

(iv) should be made available, notwithstanding any provision of law that restricts assistance to foreign countries, for cross border stabilization and development programs between Afghanistan and Pakistan or between either country and the Central Asian republics.

(B) Programs and activities funded under titles III and IV of this Act that provide training for foreign police, judicial, and military personnel shall address, where appropriate, gender-based violence.

(C) The authority contained in section 1102(c) of Public Law 111–32 shall continue in effect during fiscal year 2011 and shall apply as if part of this Act.

(D) The Coordinator for Rule of Law at the United States Embassy in Kabul, Afghanistan shall be consulted on the use of all funds appropriated by this Act for rule of law programs in Afghanistan.

(E) None of the funds made available by this Act may be used by the United States Government to enter into a permanent basing rights agreement between the United States and Afghanistan.

(F) The Secretary of State, after consultation with the USAID Administrator, shall submit to the Committees on Appropriations not later than 45 days after enactment of this Act, and prior to the initial obligation of funds, a detailed spending plan for assistance for Afghanistan which shall include clear and achievable goals, benchmarks for measuring progress, and expected results: *Provided*, That such plan shall not be considered as meeting the notification requirements under section 7015 of this Act or under section 634A of the Foreign Assistance Act of 1961.

(G) Any significant modification to the scope, objectives or implementation mechanisms of United States assistance programs in Afghanistan shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations, except that the prior consultation requirement may be waived in a manner consistent with section 7015(e) of this Act.

(4) OVERSIGHT.—

(A) The Special Inspector General for Afghanistan Reconstruction, the Inspector General of the Department of State and the Inspector General of USAID, shall jointly develop and submit to the Committees on Appropriations within 45 days of enactment of this Act a coordinated audit and inspection plan of United States assistance for, and civilian operations in, Afghanistan.

(B) Of the funds appropriated in this Act under the heading ''Economic Support Fund'' for assistance for Afghanistan, $3,000,000 shall be transferred to, and merged with, funds made available under the heading ''Office of Inspector General'' in title I of this Act, for increased oversight of programs

in Afghanistan and shall be in addition to funds otherwise available for such purposes: *Provided,* That $1,500,000 shall be for the Special Inspector General for Afghanistan Reconstruction.

(C) Of the funds appropriated in this Act under the heading ''Economic Support Fund'' for assistance for Afghanistan, $1,500,000 shall be transferred to, and merged with, funds appropriated under the heading ''Office of Inspector General'' in title II of this Act for increased oversight of programs in Afghanistan and shall be in addition to funds otherwise available for such purposes.

(5) MODIFICATION TO PRIOR PROVISIONS.—

(A) Section 1004(c)(1)(C) of Public Law 111–212 is amended to read as follows:

''(C) taking credible steps to protect the internationally recognized human rights of Afghan women.''.

(B) Section 1004(d)(1) of Public Law 111–212 is amended to read as follows:

''(1) Afghan women are participating at national, provincial and local levels of government in the design, policy formulation and implementation of the reconciliation or reintegration process, and such process upholds steps taken by the Government of Afghanistan to protect the internationally recognized human rights of Afghan women; and.''.

(C) Section 1004(e)(1) of Public Law 111–212 is amended to read as follows:

''(1) based on information available to the Secretary, the Independent Electoral Commission has no members or other employees who participated in, or helped to cover up, acts of fraud in the 2009 presidential election in Afghanistan, and the Electoral Complaints Commission is a genuinely independent body with all the authorities that were invested in it under Afghan law as of December 31, 2009.''.''.

(b) NEPAL.—

(1) Funds appropriated by this Act under the headings ''Foreign Military Financing Program'' and ''Peacekeeping Operations'' may be made available for assistance for Nepal only if the Secretary of State certifies to the Committees on Appropriations that the Nepal Army is—

(A) cooperating fully with investigations and prosecutions by civilian judicial authorities of violations of internationally recognized human rights, including the 2004 murder of Maina Sunuwar; and

(B) working constructively to redefine the Nepal Army's mission and adjust its size accordingly, implement reforms including strengthening the capacity of the civilian ministry of defense to improve budget transparency and accountability, and facilitate the integration of former rebel combatants into the security forces including the Nepal Army, consistent with the goals of reconciliation, peace and stability.

(2) The conditions in paragraph (1) shall not apply to assistance for humanitarian relief and reconstruction activities in Nepal.

(c) PAKISTAN.—

(1) IN GENERAL.—Funds appropriated by this Act that are available for assistance for Pakistan shall be made available, to the maximum extent practicable, in a manner that utilizes Pakistani entities and directly improves the security, economic and social well-being of Pakistani women and girls.

(2) DIRECT GOVERNMENT-TO-GOVERNMENT ASSISTANCE.—Funds appropriated by this Act for assistance for Pakistan may be made available for direct government-to-government assistance only if the Secretary of State certifies to the Committees on Appropriations that the Government of the United States and the Government of Pakistan have agreed, in writing, to clear and achievable goals and objectives for the use of such funds, and have established mechanisms within each implementing agency to ensure that such funds are used for the purposes for which they were intended: *Provided,* That the Secretary of State should suspend any direct government-to-government assistance to an implementing agency if the Secretary has credible information of misuse of such funds by any such agency: *Provided further,* That funds made available pursuant to this subparagraph shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

(3) CROSS BORDER ASSISTANCE.—Funds appropriated under the heading ''Economic Support Fund'' in this Act for assistance for Pakistan should be provided notwithstanding any provision of law that restricts assistance to foreign countries for cross border stabilization and development programs between Afghanistan and Pakistan or between either country and the Central Asian republics.

(4) INFRASTRUCTURE PROJECTS.—Funds appropriated under the heading ''Economic Support Fund'' in this Act that are made available for assistance for infrastructure projects in Pakistan shall be implemented in a manner consistent with section 507(6) of the Trade Act of 1974 (19 U.S.C. 2467(6)).

(5) HUMAN RIGHTS.—

(A) Funds appropriated under the headings ''Foreign Military Financing Program'' and ''Pakistan Counterinsurgency Capability Fund'' in this Act that are available for assistance for Pakistan shall be made available—

(i) in a manner that promotes unimpeded access by humanitarian organizations to detainees, internally displaced persons, and other Pakistani civilians adversely affected by the conflict; and

(ii) in accordance with section 620M of the Foreign Assistance Act of 1961, as amended by this Act.

(B) Funds appropriated under the heading ''Economic Support Fund'' in this Act for assistance for Pakistan shall be made available through the Bureau of Democracy, Human Rights and Labor, Department of State, for human rights programs in Pakistan, including training of government officials and security forces, and assistance for human rights organizations.

(6) CHIEF OF MISSION.—Of the funds appropriated under the heading ''Economic Support Fund'' in this Act for assistance for Pakistan, up to $10,000,000 may be made available to the Chief of Mission to address unanticipated humanitarian and conflict related needs: *Provided,* That such funds shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations, except that the prior consultation requirement may be waived in a manner consistent with section 7015(e) of this Act.

(7) SPENDING PLAN.—The Secretary of State, in consultation with the Administrator of the United States Agency for International Development, shall submit to the Committees on Appropriations not later than 45 days after enactment of this Act, and prior to the initial obligation of funds, a detailed spending plan for assistance for Pakistan which shall include clear and achievable goals, benchmarks for measuring progress, and expected results: *Provided,* That such plan shall not be considered as meeting the notification requirements under section 7015 of this Act or under section 634A of the Foreign Assistance Act of 1961.

(8) MODIFICATION TO PROGRAM.—Any significant modification to the scope, objectives or implementation mechanisms of United States assistance programs in Pakistan shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations, except that the prior consultation requirement may be waived if it is determined that failure to do so would pose a substantial risk to human health or welfare: *Provided,* That in case of any such waiver, notification to the Committees on Appropriations shall be provided as early as practicable, but in no event later than 3 days after taking the action to which such consultation requirement was applicable.

(d) SRI LANKA.—

(1) Funds appropriated in title III of this Act that are available for assistance for Sri Lanka shall be made available for programs that promote reconciliation between ethnic Sinhalese and Tamil populations, support post-conflict reconstruction, and advance the participation of Tamils and other minorities in the political and economic life of the country, and shall be subject to the regular notification procedures of the Committees on Appropriations.

(2) None of the funds appropriated by this Act under the heading ''Foreign Military Financing Program'' may be made available for assistance for Sri Lanka, no defense export license may be issued, and no military equipment or technology shall be sold or transferred to Sri Lanka pursuant to the authorities contained in this Act or any other Act, unless the Secretary of State certifies to the Committees on Appropriations that the Government of Sri Lanka is—

(A) investigating alleged violations of internationally recognized human rights and international humanitarian law by government forces and the Liberation Tigers of Tamil Eelam, including the assassination of Lasantha Wickrematunge;

(B) bringing to justice individuals who have been credibly alleged to have committed such violations;

(C) supporting and cooperating with any United Nations advisory panel or investigation of alleged violations of international humanitarian law;

(D) respecting due process and the rights of its citizens to peaceful expression and association;

(E) providing access to detainees and conflict-affected areas and populations by humanitarian organizations; and

(F) implementing policies to promote reconciliation and justice including devolution of power as provided for in the Constitution of Sri Lanka.

(3) Paragraph (2) shall not apply to assistance for humanitarian demining and aerial and maritime surveillance.

(4) If the Secretary makes the certification required in paragraph (2), funds appropriated under the heading ''Foreign Military Financing Program'' that are made available for assistance for Sri Lanka should be used to support the recruitment and training of Tamils into the Sri Lankan military, Tamil language training for Sinhalese military personnel, and human rights training for all military personnel.

(5) The Secretary of the Treasury shall instruct the United States executive directors of the international financial institutions to vote against any loan, agreement, or other financial support for Sri Lanka except to meet basic human needs, unless the Secretary of State certifies to the Committees on Appropriations that the Government of Sri Lanka is meeting the requirements in paragraph (2)(E) and (F) of this subsection.

ENTERPRISE FUNDS

SEC. 7072. (a) Prior to the distribution of any assets resulting from any liquidation, dissolution, or winding up of an Enterprise Fund, in whole or in part, the President shall

submit to the Committees on Appropriations, in accordance with the regular notification procedures of the Committees on Appropriations, a plan for the distribution of the assets of the Enterprise Fund.

(b) Funds made available under titles III through VI of this Act for Enterprise Funds shall be expended at the minimum rate necessary to make timely payment for projects and activities and shall be subject to the regular notification procedures of the Committees on Appropriations.

UNITED NATIONS POPULATION FUND

SEC. 7073. (a) CONTRIBUTION.—Of the funds made available under the heading ''International Organizations and Programs'' in this Act for fiscal year 2011, $57,500,000 shall be made available for the United Nations Population Fund (UNFPA).

(b) AVAILABILITY OF FUNDS.—Funds appropriated by this Act for UNFPA, that are not made available for UNFPA because of the operation of any provision of law, shall be transferred to the ''Global Health and Child Survival'' account and shall be made available for family planning, maternal, and reproductive health activities, subject to the regular notification procedures of the Committees on Appropriations.

(c) PROHIBITION ON USE OF FUNDS IN CHINA.—None of the funds made available by this Act may be used by UNFPA for a country program in the People's Republic of China.

(d) CONDITIONS ON AVAILABILITY OF FUNDS.—Funds made available by this Act for UNFPA may not be made available unless—

(1) UNFPA maintains funds made available by this Act in an account separate from other accounts of UNFPA and does not commingle such funds with other sums; and

(2) UNFPA does not fund abortions.

(e) REPORT TO CONGRESS AND DOLLAR-FOR-DOLLAR WITHHOLDING OF FUNDS.—

(1) Not later than 4 months after the date of enactment of this Act, the Secretary of State shall submit a report to the Committees on Appropriations indicating the amount of funds that the UNFPA is budgeting for the year in which the report is submitted for a country program in the People's Republic of China.

(2) If a report under paragraph (1) indicates that the UNFPA plans to spend funds for a country program in the People's Republic of China in the year covered by the report, then the amount of such funds the UNFPA plans to spend in the People's Republic of China shall be deducted from the funds made available to the UNFPA after March 1 for obligation for the remainder of the fiscal year in which the report is submitted.

OVERSEAS PRIVATE INVESTMENT CORPORATION

(INCLUDING TRANSFER OF FUNDS)

SEC. 7074. (a) Whenever the President determines that it is in furtherance of the purposes of the Foreign Assistance Act of 1961, up to a total of $20,000,000 of the funds appropriated under title III of this Act may be transferred to, and merged with, funds appropriated by this Act for the Overseas Private Investment Corporation Program Account, to be subject to the terms and conditions of that account: *Provided*, That such funds shall not be available for administrative expenses of the Overseas Private Investment Corporation: *Provided further*, That designated funding levels in this Act shall not be transferred pursuant to this section: *Provided further*, That the exercise of such authority shall be subject to the regular notification procedures of the Committees on Appropriations.

(b) Notwithstanding section 235(a)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2195(a)(2)), the authority of subsections (a) through (c) of section 234 of such Act shall remain in effect through September 30, 2013.

EXTRADITION

SEC. 7075. (a) None of the funds appropriated in this Act may be used to provide assistance (other than funds provided under the headings ''International Narcotics Control and Law Enforcement'', ''Migration and Refugee Assistance'', ''Emergency Migration and Refugee Assistance'', and ''Nonproliferation, Anti-terrorism, Demining and Related Assistance'') for the central government of a country which has notified the Department of State of its refusal to extradite to the United States any individual indicted for a criminal offense for which the maximum penalty is life imprisonment without the possibility of parole or for killing a law enforcement officer, as specified in a United States extradition request.

(b) Subsection (a) shall only apply to the central government of a country with which the United States maintains diplomatic relations and with which the United States has an extradition treaty and the government of that country is in violation of the terms and conditions of the treaty.

(c) The Secretary of State may waive the restriction in subsection (a) on a case-by-case basis if the Secretary certifies to the Committees on Appropriations that such waiver is important to the national interests of the United States.

CLIMATE CHANGE AND ENVIRONMENT PROGRAMS

SEC. 7076. (a) IN GENERAL.—Of the funds appropriated by this Act, up to $1,476,550,000 may be made available for programs and activities to—

(1) reduce, mitigate, and sequester greenhouse gases that contribute to global climate change;

(2) support climate change adaptation; and

(3) protect biodiversity, including wildlife, tropical forests, and other critical landscapes.

(b) USES OF CLEAN ENERGY FUNDING.—Funds appropriated by this Act under the headings ''Development Assistance'', ''Economic Support Fund'', and ''Assistance for Europe, Eurasia and Central Asia'' for clean energy programs and activities, may be made available only to support and promote the sustainable use of renewable energy technologies and end-use energy efficiency technologies, carbon sequestration, and carbon accounting.

(c) TROPICAL FOREST PROGRAMS.—Funds appropriated under title III of this Act for tropical forest programs shall be used for purposes including to implement and enforce section 8204 of Public Law 110–246, shall not be used to support or promote the expansion of industrial scale logging into primary tropical forests, and shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations: *Provided*, That not more than $5,000,000 of the funds that are available for the Central African Regional Program for the Environment (CARPE) and other tropical forest programs in the Congo Basin may be obligated before approval of a new CARPE strategy.

(d) AUTHORITY.—Funds appropriated by this Act to carry out the provisions of sections 103 through 106, and chapter 4 of part II, of the Foreign Assistance Act of 1961 may be used, notwithstanding any other provision of law except for the provisions of this section and subject to the regular notification procedures of the Committees on Appropriations, to support climate change and environment programs.

(e) CONSULTATION.—Funds made available pursuant to this section are subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations: *Provided*, That prior to the obligation of funds appropriated by this Act for contributions to the Forest Carbon Partnership Facility and the Forest Investment Program, the Secretary of State and/or the Secretary of the Treasury, as appropriate, shall determine and report to the Committees on Appropriations that there have been meaningful consultations by the World Bank with interested civil society and indigenous organizations.

(f) EXTRACTION OF NATURAL RESOURCES.—

(1) Funds appropriated by this Act shall be made available to promote and support transparency and accountability of expenditures and revenues related to the extraction of timber, oil and gas, cacao and other natural resources, including by strengthening implementation and monitoring of the Extractive Industries Transparency Initiative and the Kimberley Process Certification Scheme, and by providing technical assistance to promote independent audit mechanisms and support civil society participation in natural resource management.

(2)(A) The Secretary of the Treasury shall inform the managements of the international financial institutions and post on the Department of the Treasury's Web site that it is the policy of the United States to oppose any assistance by such institutions (including but not limited to any loan, credit, grant, or guarantee) for the extraction and export of oil, gas, coal, timber, or other natural resource unless the government of the country has in place functioning systems in the sector in which assistance is being considered for:

(i) accurately accounting for and public disclosure of payments to the host government by companies involved in the extraction and export of natural resources;

(ii) the independent auditing of accounts receiving such payments and the widespread public dissemination of the findings of such audits; and

(iii) public disclosure of such documents as Host Government Agreements, Concession Agreements, and bidding documents, allowing in any such dissemination or disclosure for the redaction of, or exceptions for, information that is commercially proprietary or that would create competitive disadvantage.

(B) The requirements of subparagraph (A) shall not apply to assistance for the purpose of building the capacity of such government to meet the requirements of this paragraph.

(3) The Secretary of the Treasury or the Secretary of State, as appropriate, shall instruct the United States executive director of each international financial institution and the United States representatives to all forest-related multilateral financing mechanisms and processes, that it is the policy of the United States to oppose the expansion of industrial scale logging into primary tropical forests.

(g) CLEAN TECHNOLOGY FUND.—

(1) AUTHORIZATION OF APPROPRIATIONS.—For fiscal year 2011, up to $315,000,000 is authorized to be appropriated for a United States contribution to the Clean Technology Fund (the Fund).

(2) LIMITS ON COUNTRY ACCESS.—The Secretary of the Treasury shall use the voice and vote of the United States to ensure that—

(A) the Fund does not provide more than 15 percent of Fund resources to any one country;

(B) prior to the obligation of funds from the Fund to a recipient country, recipient countries shall submit to the governing body of the Fund, and the governing body of the Fund appropriately reviews and considers, an investment plan that will achieve significant

net reductions in national-level greenhouse gas emissions;

(C) the investment plan for a recipient country, whose borrowing status is classified by the World Bank as ''International Development Association blend'', shall have at least 15 percent of its total cost for public sector activities contributed from the public funds of the recipient country, and any recipient country whose borrowing status is classified by the World Bank as ''International Bank for Reconstruction and Development Only'' status, shall have at least 25 percent of its total cost for public sector activities contributed from public funds of the recipient country; and

(D) assistance made available by the Fund is used exclusively to support the deployment of clean energy technologies in developing countries (including, where appropriate, through the provision of technical support or support for policy or institutional reforms) in a manner that achieves substantial net reductions in greenhouse gas emissions.

(3) DEFINITIONS.—For purposes of this subsection—

(A) NET REDUCTIONS.—The term ''net reductions'' refers to the extent to which a project or program supported under this subsection results in lower greenhouse gas emissions than would be emitted by the same entity or sector in the same country in the absence of the Fund's project, taking into account, unless impracticable, effects beyond the physical boundaries of the project or program that result from project or program activities.

(B) PUBLIC FUNDS.—The term ''public funds'' may include sovereign loans assumed by the recipient country to contribute to the financing of the investment plan.

(C) CLEAN ENERGY TECHNOLOGY.—The term ''clean energy technology'' means a technology that, as compared with technologies being deployed at that time for widespread commercial use in the country involved—

(i) achieves substantial reductions in greenhouse gas emissions;

(ii) does not result in significant incremental adverse effects on public health or the environment; and

(iii) does one or more of the following:

(I) generates electricity or useful thermal energy from a renewable resource;

(II) substantially increases the energy efficiency of buildings, industrial, or agricultural processes, or of electricity transmission, distribution, or end-use consumption;

(III) substantially increases the energy efficiency of the transportation system or increases utilization of transportation fuels that have lifecycle greenhouse gas emissions that are substantially lower than those attributable to fossil fuel-based alternatives.

PROHIBITION ON PROMOTION OF TOBACCO

SEC. 7077. None of the funds provided by this Act shall be available to promote the sale or export of tobacco or tobacco products, or to seek the reduction or removal by any foreign country of restrictions on the marketing of tobacco or tobacco products, except for restrictions which are not applied equally to all tobacco or tobacco products of the same type.

COMMERCIAL LEASING OF DEFENSE ARTICLES

SEC. 7078. The second sentence of section 23(a) of the Arms Export Control Act, as amended, (Public Law 96–29) is further amended by striking ''and Egypt'' and inserting '', Egypt, and NATO and major non-NATO allies''.

INTERNATIONAL PRISON CONDITIONS

SEC. 7079. (a) Not later than 180 days after enactment of this Act, the Secretary of State shall submit to the Committees on Appropriations a report, which shall also be made publicly available including on the Department of State's Web site, indicating those countries receiving assistance under the headings ''Development Assistance'', ''Economic Support Fund'', ''International Narcotics Control and Law Enforcement'', and ''Foreign Military Financing Program'' in this Act where the Assistant Secretary of State for Democracy, Human Rights and Labor has determined, based on the Department of State's most recent Human Rights Report and any other relevant information, inhumane conditions in prisons and other detention facilities are common.

(b) For purposes of each determination made pursuant to subsection (a), the Assistant Secretary shall consider the criteria listed in section 7085(b)(1 through 10) of division F of Public Law 111–117.

(c) Funds appropriated by this Act to carry out the provisions of chapters 1 and 11 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961, and the Support for East European Democracy (SEED) Act of 1989, shall be made available, notwithstanding section 660 of the Foreign Assistance Act of 1961, for assistance to help eliminate inhumane conditions in foreign prisons and other detention facilities.

TRANSPARENCY, ACCOUNTABILITY AND ANTI-KLEPTOCRACY

SEC. 7080. (a) UNITED NATIONS.—Funds appropriated by this Act shall be available to continue to support efforts to promote transparency and accountability at the United Nations, including access to audits and program information, as appropriate: *Provided*, That the Secretary of State, following consultation with the Committees on Appropriations, may withhold from obligation funds appropriated under the heading ''International Organizations and Programs'' for a United States contribution to a United Nations organization or agency if the Secretary determines that such organization or agency is not adequately implementing reforms to increase transparency and accountability.

(b) INTERNATIONAL MONETARY FUND.—

(1) The terms and conditions of section 7086(b) of division F of Public Law 111–117 shall apply to this Act.

(2) The Secretary of the Treasury shall instruct the United States Executive Director of the International Monetary Fund (IMF) to seek to ensure that any loan will be repaid to the IMF before other private creditors and in full.

(c) NATIONAL BUDGET AND CONTRACT TRANSPARENCY.—

(1) None of the funds appropriated under titles III and IV of this Act may be made available for assistance for the central government of any country that fails to publicly disclose on an annual basis its national budget, to include income and expenditures by ministry, and government contracts and licenses for natural resource exploitation, to include bidding and concession allocation practices.

(2) The Secretary of State may waive the prohibition in paragraph (1) on a country-by-country basis if the Secretary reports to the Committees on Appropriations that to do so is important to the national interests of the United States.

(3) Of the funds appropriated by this Act under the heading ''Economic Support Fund'', up to $1,500,000 may be made available for programs and activities to assist the central government of any country named in the report required by paragraph (2) to improve budget transparency or to support civil society organizations in such countries that promote budget transparency: *Provided*, That such sums shall be in addition to funds otherwise made available for such purposes.

(d) GOOD GOVERNANCE AND ACCOUNTABILITY.—Programs funded under title III of this Act shall include, where appropriate, efforts to—

(1) strengthen governance, counter corruption, promote accountability, and provide budget transparency to donors and citizens of recipient countries;

(2) enhance civil society participation in governance and oversight activities including participatory and transparent budgeting, and capacity building to increase legislative branch oversight; and

(3) improve police and justice systems that support anti-corruption efforts and enforce the rule of law.

(e) ANTI-KLEPTOCRACY.—

(1) In furtherance of the National Strategy to Internationalize Efforts Against Kleptocracy and Presidential Proclamation 7750, the Secretary of State shall compile and maintain a list of officials of foreign governments and their immediate family members who the Secretary has credible evidence have been involved in corruption relating to the extraction of natural resources in their countries.

(2) Any individual on the list compiled under paragraph (1) shall be ineligible for admission to the United States.

(3) The Secretary may waive the application of paragraph (2) if the Secretary determines that admission to the United States is necessary to attend the United Nations, to further important United States law enforcement objectives, or that the circumstances which caused the individual to be included on the list have changed sufficiently to justify the removal of the individual from the list.

(4) Not later than 120 days after enactment of this Act, the Secretary of State shall report in writing, in classified form if necessary, to the Committees on Appropriations describing the evidence of corruption concerning each of the individuals listed pursuant to paragraph (1), which shall include a list of any waivers provided under paragraph (3), and the justification for each waiver.

(f) ASIAN DEVELOPMENT BANK.—Ten percent of the funds appropriated by this Act under the heading ''Contribution to the Asian Development Fund'' shall be withheld from obligation until the Secretary of the Treasury reports to the Committees on Appropriations that the Asian Development Bank (the Bank) is taking steps to—

(1) implement an independent review, to include external specialists, of the operations and internal controls of the Office of Information Systems and Technology and any other offices considered vulnerable to fraud and corruption;

(2) strengthen internal controls to improve accountability by management and prevent cases of fraud and corruption; and

(3) ensure that restitution, including criminal prosecution if appropriate, is sought if the Bank experiences losses from fraud and corruption.

DISABILITY PROGRAMS

SEC. 7081. (a) Funds appropriated by this Act under the heading ''Economic Support Fund'' shall be made available for programs and activities administered by the United States Agency for International Development (USAID) to address the needs and protect and promote the rights of people with disabilities in developing countries, including initiatives that focus on independent living, economic self-sufficiency, advocacy, education, employment, transportation, sports, and integration of individuals with disabilities, including for the cost of translation.

(b) Funds appropriated under the heading ''Operating Expenses'' in title II of this Act

shall be made available to develop and implement training for staff in overseas USAID missions to promote the full inclusion and equal participation of people with disabilities in developing countries.

(c) The Secretary of State, the Secretary of the Treasury, and the USAID Administrator shall seek to ensure that, where practicable, construction projects funded by this Act are accessible to people with disabilities and in compliance with the USAID Policy on Standards for Accessibility for the Disabled, or other similar accessibility standards.

(d) Of the funds made available pursuant to subsection (a), not more than 7 percent may be for management, oversight, and technical support.

BUYING POWER MAINTENANCE, INTERNATIONAL ORGANIZATIONS

SEC. 7082. (a) There may be established in the Treasury of the United States a ''Buying Power Maintenance, International Organizations'' account.

(b) At the end of each fiscal year, the Secretary of State may transfer to, and merge with, ''Buying Power Maintenance, International Organizations'' such amounts from ''Contributions to International Organizations'' as the Secretary determines are in excess of the needs of activities funded from ''Contributions to International Organizations'' because of fluctuations in foreign currency exchange rates.

(c) In order to offset adverse fluctuations in foreign currency exchange rates, the Secretary of State may transfer to, and merge with, ''Contributions to International Organizations'' such amounts from ''Buying Power Maintenance, International Organizations'' as the Secretary determines are necessary to provide for the activities funded from ''Contributions to International Organizations''.

(d)(1) Subject to the limitations contained in this section, not later than the end of the fifth fiscal year after the fiscal year for which funds are appropriated or otherwise made available for ''Contributions to International Organizations'', the Secretary of State may transfer any unobligated balance of such funds to the ''Buying Power Maintenance, International Organizations'' account.

(2) The balance of the Buying Power Maintenance, International Organizations account may not exceed $15,000,000 as a result of any transfer under this subsection.

(3) Any transfer pursuant to this subsection shall be treated as a reprogramming of funds under section 34 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2706) and shall be available for obligation or expenditure only in accordance with the procedures under such section.

(e)(1) Funds transferred to the ''Buying Power Maintenance, International Organizations'' account pursuant to this section shall remain available until expended.

(2) The transfer authorities in this section shall be available for funds appropriated for fiscal year 2011 and for each fiscal year thereafter, and are in addition to any transfer authority otherwise available to the Department of State under other provisions of law.

PROHIBITION ON FIRST-CLASS TRAVEL

SEC. 7083. None of the funds made available in this Act may be used for first-class travel by employees of agencies funded by this Act in contravention of sections 301–10.122 through 301–10.124 of title 41, Code of Federal Regulations.

PROHIBITION ON FEDERAL CONTRACTORS IN VIOLATION OF CIVIL RIGHTS ACT

SEC. 7084. (a) None of the funds appropriated or otherwise made available by this Act may be expended for any Federal contract for an amount in excess of $1,000,000 that is awarded more than 60 days after the effective date of this Act, unless the contractor agrees not to—

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

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

(b) None of the funds appropriated or otherwise made available by this Act may be expended for any Federal contract awarded more than 180 days after the effective date of this Act unless the contractor certifies that it requires each covered subcontractor to agree not to enter into, and not to take any action to enforce any provision of, any agreement as described in paragraphs (1) and (2) of subsection (a), with respect to any employee or independent contractor performing work related to such subcontract. For purposes of this subsection, a ''covered subcontractor'' is an entity that has a subcontract in excess of $1,000,000 on a contract subject to subsection (a).

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

(d) The Secretary of State may waive the application of subsection (a) or (b) to a particular contractor or subcontractor for the purposes of a particular contract or subcontract if the Secretary determines that to do so is important to the national security interest of the United States: *Provided*, That prior to exercising such waiver authority (or, in an emergency, as soon as practicable), the Secretary shall submit a report to the Committees on Appropriations, in classified form if necessary, detaining the grounds for the waiver.

MILLENNIUM CHALLENGE CORPORATION COMPACTS

SEC. 7085. (a) EXTENSION OF COMPACTS.—Section 609(j) of the Millennium Challenge Act of 2003 (22 U.S.C. 7708(j)) is amended to read as follows:

''(j) EXTENSION OF COMPACT.—

''(1) IN GENERAL.—Except as provided under paragraph (2), the duration of a Compact shall not exceed 5 years.

''(2) EXCEPTION.—The duration of a Compact may be extended beyond 5 years if the Board—

''(A) determines that a project included in the Compact cannot be completed within 5 years; and

''(B) approves an extension of the Compact that does not extend the total duration of the Compact beyond 7 years.

''(3) CONGRESSIONAL NOTIFICATION.—Not later than 15 days before the date on which the Board is scheduled to vote on the extension of a Compact beyond 5 years pursuant to paragraph (2), the Board, acting through the Chief Executive Officer, shall—

''(A) notify the Committees on Appropriations, the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives, of its intent to approve such extension; and

''(B) provide such committees with a detailed explanation for the determination and approval described in paragraph (2).''.

(b) CONCURRENT AND SUBSEQUENT COMPACTS.—Section 609(k) of such Act (22 U.S.C. 7708(k)) is amended to read as follows:

''(k) CONCURRENT AND SUBSEQUENT COMPACTS.—

''(1) IN GENERAL.—Subject to paragraph (2), and in accordance with the requirements of this title, an eligible country and the United States may enter into and have in effect concurrent and/or subsequent Compacts.

''(2) REQUIREMENTS.—An eligible country and the United States may enter into concurrent or subsequent Compacts if the Board determines that such country—

''(A) is making significant, consistent progress in implementing the terms of its existing Compact(s) and supplementary agreements to such Compact(s); and

''(B) will contribute, in the case of a Low Income Country as defined in section 606(a), not less than a 7.5 percent contribution of the total amount agreed upon for a subsequent Compact, or in the case of an Lower Middle Income Country (LMIC) as defined in section 606(b), a 15 percent contribution for a subsequent Compact.

''(3) FUNDING.—Millennium Challenge Corporation (MCC) shall commit any funding for a concurrent Compact at the time it funds the Compact.

''(4) TIMING.—A concurrent Compact shall be signed not later than 2 years after the signing of the earlier compact.

''(5) LIMITATION ON COMPACTS.—The MCC shall provide no more than 15 years of compact funding to any country.''.

(c) APPLICABILITY.—The amendments made by subsection (a) shall apply with respect to Compacts entered into between the United States and an eligible country under the Millennium Challenge Act of 2003 (22 U.S.C. 7701 et seq.) before, on or after enactment of this Act, and those made by subsection (b) shall apply prospectively to new compacts.

(d) MAINTAINING CANDIDATE STATUS FOR PURPOSES OF INCOME CATEGORY.—Section 606 of the Millennium Challenge Act of 2003 (22 U.S.C. 7705) is amended as follows:

(1) Section (a)(1) is amended by striking the words ''**Fiscal year 2004**'' and inserting ''**In general**'', and by striking the words ''for fiscal year 2004'' and inserting ''for a fiscal year''.

(2) Section (a)(1)(A) is stricken and replaced with the following: ''The country has a per capita income equal to or below the World Bank's lower middle income country threshold for the fiscal year involved and is among the 75 lowest per capita income countries as identified by the World Bank; and'';

(3) Section (a)(2) is stricken.

(4) Section (b)(1)(A) is stricken and replaced with the following: ''has a per capita income equal to or below the World Bank's lower middle income country threshold for the fiscal year involved and is not among the 75 lowest per capita income countries as identified by the World Bank; and''.

(e) Section 606 is amended by inserting the following—

''(d) INCOME CLASSIFICATION TRANSITION.—Any country with a per capita income that changes in a given fiscal year such that the country would be reclassified in that fiscal year from a low income country to a lower middle income country or from a lower middle income country to a low income country shall retain its candidacy status in its former income classification for the fiscal year of the country's transition and the two subsequent fiscal years.''.

GLOBAL WOMEN'S ISSUES

SEC. 7086. (a) DEPARTMENT OF STATE OFFICE FOR GLOBAL WOMEN'S ISSUES.—There is established, in the Office of the Secretary of State, the Office for Global Women's Issues (the Office). The Secretary of State may assign appropriate staff with relevant technical and operational expertise to the Office to carry out the purposes of this section.

(b) AMBASSADOR-AT-LARGE FOR GLOBAL WOMEN'S ISSUES.—The Office shall be headed by an Ambassador-at-Large for Global Women's Issues (the Ambassador), who shall be appointed by the President, by and with the advice and consent of the Senate; report directly to the Secretary of State; and have the rank and status of Ambassador-at-Large.

(1) DUTIES.—The Ambassador is authorized to—

(A) coordinate, advise on, promote and, where relevant, design and implement, activities, policies, programs, and funding of relevant bureaus and offices of the Department of State, and other relevant executive branch agencies, which relate to—

(i) gender integration;

(ii) women's and girls' health, economic, social and legal development, protection, improvement in role and status in society; and

(iii) prevention and response to violence against women and girls, including child and forced marriage;

(B) work with relevant offices within the Department of State, and in other relevant executive branch agencies, to promote the collection, retention, and analysis of data using internationally comparable indicators, norms and methodologies to the extent possible on programs and activities in paragraph (A); and

(C) subject to the direction of the President and the Secretary of State, represent the United States in matters relevant to the status of women internationally.

(c) INTERAGENCY COOPERATION.—On behalf of the Secretary of State, the Ambassador shall convene periodic meetings with other executive branch agencies to enhance and ensure effective coordination of policies, programs, and resources regarding critical issues related to international women's status and development.

(d) UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT GENDER INTEGRATION AND DEVELOPMENT ADVISOR.—There is established, within the United States Agency for International Development (USAID), the Gender Integration and Development Advisor (the Advisor), who shall be appointed by, and should report directly to, the USAID Administrator; be highly qualified in the areas of international development and gender integration; and participate in high-level strategic policy, planning, operations, and evaluations throughout all regional and functional disciplines of USAID.

(1) SUPPORT STAFF.—The Office of Women in International Development shall report directly to the Advisor. The USAID Administrator shall assign additional staff with technical and operational expertise as may be needed to assist the Advisor in carrying out the purposes of this section.

(2) DUTIES.—The Advisor is authorized to—

(A) coordinate and advise USAID efforts to integrate gender in foreign assistance design, strategy, and programs, including to make recommendations to the USAID Administrator regarding USAID policies, procedures, and budgeting;

(B) collect and make publicly available data and analysis on gender integration activities, women's development, and strategies for gender-based violence prevention and response, in accordance with agency-wide mechanisms for data collection, monitoring, and evaluation; and

(C) provide recommendations to the Administrator and the Ambassador.

(e) STRATEGY.—Not later than 1 year after enactment of this Act, the Secretary of State and the USAID Administrator shall submit to the Committees on Appropriations, the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives, a 5-year strategy, developed by the Ambassador and the Advisor in consultation with other Federal agencies, multilateral organizations, foreign governments and United States and foreign civil society organizations with relevant expertise, to prevent and respond to violence against women and girls comprehensively in at least 5 developing countries with severe levels of violence, which shall include multi-sector approaches, clear and achievable goals and objectives, indicators and benchmarks for measuring progress, and expected impacts, and the role of local women's organizations in implementation.

(f) CLARIFICATION.—Nothing in this section shall be construed as affecting in any way existing statutory prohibitions related to abortion or existing statutory prohibitions on the use of funds to lobby for or against abortion.

ASIAN DEVELOPMENT FUND AND ASIAN DEVELOPMENT BANK AUTHORIZATIONS

SEC. 7087. The Asian Development Bank Act (22 U.S.C. 285 et seq.) is amended by adding at the end the following—

**"SEC. 33. NINTH REPLENISHMENT.**

"(a) CONTRIBUTION AUTHORIZED.—The United States Governor of the Bank is authorized to contribute $461,000,000 on behalf of the United States to the ninth replenishment of the resources of the Fund, to the extent such amounts are made available in advance through appropriations Acts.

"(b) AUTHORIZATION OF APPROPRIATIONS.—In order to pay for the United States contribution under subsection (a), there are authorized to be appropriated, without fiscal year limitation, $461,000,000 for payment by the Secretary of the Treasury.

**"SEC. 34. FIFTH CAPITAL INCREASE.**

"(a) SUBSCRIPTION AUTHORIZED.—

"(1) The United States Governor of the Bank may subscribe on behalf of the United States to 1,104,420 additional shares of the capital stock of the Bank.

"(2) Any subscription by the United States to the capital stock of the Bank shall be effective only to such extent and in such amounts as are made available in advance through appropriations Acts.

"(b) LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.—

"(1) In order to pay for the increase in the United States subscription to the Bank under subsection (a), there are authorized to be appropriated, without fiscal year limitation, $13,323,173,083 for payment by the Secretary of the Treasury.

"(2) Of the amount authorized to be appropriated under paragraph (1)—

"(A) $532,929,240 shall be for paid in shares of the Bank; and

"(B) $12,790,243,843 shall be for callable shares of the Bank.".

INSPECTORS GENERAL PERSONNEL

SEC. 7088. (a)(1) The provisions in this section shall apply to the Inspector General of the Department of State and the Inspector General of the United States Agency for International Development.

(2) The term "Government Employee" has the meaning given the term employee in section 2105 of title 5, United States Code.

(3) The Inspector General may waive any of the following provisions to employ annuitants (individuals who are entitled to benefits under a retirement system for Government employees): subsections (a) through (d) of section 8344 of title 5, United States Code; subsections (a), (b) and (e) of section 8468 of title 5, United States Code; subsections (a) through (d) of section 824 of the Foreign Service Act of 1980 (22 U.S.C. 4064); and any other similar provision of law, as identified by the Inspector General in regulations: *Provided*, That the Inspector General may exercise this authority: only on a case-by-case basis and only for so long as is necessary; when necessary due to exceptional difficulty in the recruitment or retention of a qualified employee for the position involved or a temporary emergency hiring need; as long as it does not cause the number of employees within the Office of Inspector General (OIG) employed under this or other similar authority to exceed, as of any given date, 15 percent of the total OIG workforce, determined on a full-time equivalent basis; and this authority is repealed on October 1, 2013, except that an annuitant re-employed pursuant to the waiver in this section before October 1, 2013, may continue such employment until not later than September 30, 2014.

(4) Nothing in this section may be construed to permit or require that any re-employed annuitant benefitting from a waiver of a provision of law set forth in this section be treated as a Government employee for purposes of the retirement system to which such provision relates.

(5) The Inspector General is authorized to obtain services under section 3109 of title 5, United States Code, without regard to subsections (d)(1) of such section, and is considered the head of the agency under subsection (b) of such section for purposes of exercising this authority.

(A) Services may be obtained by the Inspector General for a period of up to 1 year, with an option to extend such services for an additional 2 years, and that the total number of individuals employed under this section shall not exceed 15 percent of the total OIG workforce, determined on a full-time equivalent basis.

(B) The authority to obtain such services shall expire on September 30, 2014 except that an individual whose service under this subsection is procured before October 1, 2014, may continue to provide such service until not later than September 30, 2015.

(b) Section 5545a of title 5, United States Code, is amended by adding at the end the following:

"(1)(1) The provisions of subsections (a)–(h) providing for availability pay shall apply to a Foreign Service officer serving as a criminal investigator in the Office of the Inspector General of the United States Agency for International Development.

"(2) For the purpose of this section, section 5542(d) of this title, and section 13(a)(16) and (b)(30) of the Fair Labor Standards Act of 1938 (29 U.S.C. 213(a)(16) and (b)(30)), such a Foreign Service officer shall be deemed to be a criminal investigator as defined in this section.

"(3) For purposes of this subsection, the term 'Foreign Service officer' means as defined in section 103 (1)–(4) of the Foreign Service Act of 1980, as amended (22 U.S.C. 2903 (1)–(4)).".

RESCISSIONS

SEC. 7089. (a) Of the unobligated balances available under the heading "Subsidy Appropriation" for the Export-Import Bank of the United States in title VI of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2009 (division H of Public Law 111–8; 123 Stat. 846) and under such heading in prior acts making appropriations for the Department of State, foreign operations, and related programs, $160,000,000 are rescinded.

(b) Of the funds appropriated in prior Acts making appropriations for the Department of State, foreign operations, and related programs under the heading ''Diplomatic and Consular Programs'', $55,000,000, of which $50,000,000 shall be from amounts made available for Worldwide Security Protection, are rescinded: *Provided*, That no amounts may be rescinded from amounts that were designated by the Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

(c) Of the unobligated balances available for the International Broadcasting Operations account, as identified by Treasury Appropriation Fund Symbol 95X0206, $633,000 are rescinded.

(d) Of the amounts appropriated or otherwise made available by section 101 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289), as amended by section 2 of the Revised Continuing Appropriations Resolution, 2007 (Public Law 110–5; 121 Stat. 8), for the Broadcasting Board of Governors under the heading ''Broadcasting Capital Improvements'' that remain available for obligation as of the date of the enactment of this Act, $72,000 are rescinded.

(e) Of the unobligated balances available for the Child Survival and Health Program Fund account, as identified by Treasury Appropriation Fund Symbols 7206/111095 and 7207/121095, $6,317,000 are rescinded.

(f) Of the unobligated balances available for the Development Assistance account, as identified by Treasury Appropriation Fund Symbols 7206/111021 and 7207/121021, $4,928,000 are rescinded.

(g) Of the unobligated balances available for the Economic Support Fund account, as identified by Treasury Appropriation Fund Symbols 7206/111037, 7207/121037, $6,179,000 are rescinded.

(h) Of the unobligated balances available for the Assistance for the Independent States of the Former Soviet Union account, as identified by Treasury Appropriation Fund Symbols 7206/111093 and 7207/121093, $3,294,000 are rescinded.

(i) Of the unobligated balances available for the International Narcotics Control and Law Enforcement account, as identified by Treasury Appropriation Fund Symbols, 11X1022, 1911X1022, 1106/121022, and 191105/111022, $11,143,000 are rescinded.

(j) Of the unobligated balances available for the Assistance for Counternarcotics Activities account, as identified by Treasury Appropriation Fund Symbol, 19X1154, $3,148,000 are rescinded.

This division may be cited as the ''Department of State, Foreign Operations, and Related Programs Appropriations Act, 2011''.

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

### TITLE I

### DEPARTMENT OF TRANSPORTATION

#### OFFICE OF THE SECRETARY

##### SALARIES AND EXPENSES

For necessary expenses of the Office of the Secretary, $115,509,000, of which not to exceed $2,667,000 shall be available for the immediate Office of the Secretary; not to exceed $1,000,000 shall be available for the Immediate Office of the Deputy Secretary; not to exceed $19,960,000 shall be available for the Office of the General Counsel; not to exceed $16,568,000 shall be available for the Office of the Under Secretary of Transportation for Policy; not to exceed $11,156,000 shall be available for the Office of the Assistant Secretary for Budget and Programs; not to exceed $2,500,000 shall be available for the Office of the Assistant Secretary for Governmental Affairs; not to exceed $25,695,000 shall be available for the Office of the Assistant Secretary for Administration; not to exceed $2,055,000 shall be available for the Office of Public Affairs; not to exceed $1,683,000 shall be available for the Office of the Executive Secretariat; not to exceed $1,563,000 shall be available for the Office of Small and Disadvantaged Business Utilization; not to exceed $10,999,000 for the Office of Intelligence, Security, and Emergency Response; and not to exceed $19,663,000 shall be available for the Office of the Chief Information Officer: *Provided*, That the Secretary of Transportation is authorized to transfer funds appropriated for any office of the Office of the Secretary to any other office of the Office of the Secretary: *Provided further*, That no appropriation for any office shall be increased or decreased by more than 5 percent by all such transfers: *Provided further*, That notice of any change in funding greater than 5 percent shall be submitted for approval to the House and Senate Committees on Appropriations: *Provided further*, That not to exceed $60,000 shall be for allocation within the Department for official reception and representation expenses as the Secretary may determine: *Provided further*, That notwithstanding any other provision of law, excluding fees authorized in Public Law 107–71, there may be credited to this appropriation up to $2,500,000 in funds received in user fees: *Provided further*, That none of the funds provided in this Act shall be available for the position of Assistant Secretary for Public Affairs.

##### NATIONAL INFRASTRUCTURE INVESTMENT

For capital investments in transportation infrastructure, $500,000,000, to remain available through September 30, 2013: *Provided*, That the Secretary of Transportation shall distribute funds provided under this heading as discretionary grants to be awarded to a State, local government, transit agency, or a collaboration among such entities on a competitive basis for projects that will have a significant impact on the Nation, a metropolitan area, or a region: *Provided further*, That projects eligible for funding provided under this heading shall include, but not be limited to, highway or bridge projects eligible under title 23, United States Code; public transportation projects eligible under chapter 53 of title 49, United States Code; passenger and freight rail transportation projects; and port infrastructure investments: *Provided further*, That in distributing funds provided under this heading, the Secretary shall take such measures so as to ensure an equitable geographic distribution of funds, an appropriate balance in addressing the needs of urban and rural areas, and the investment in a variety of transportation modes: *Provided further*, That a grant funded under this heading shall be not less than $10,000,000 and not greater than $125,000,000: *Provided further*, That not more than 25 percent of the funds made available under this heading may be awarded to projects in a single State: *Provided further*, That the Federal share of the costs for which an expenditure is made under this heading shall be, at the option of the recipient, up to 80 percent: *Provided further*, That the Secretary shall give priority to projects that require a contribution of Federal funds in order to complete an overall financing package: *Provided further*, That not less than $100,000,000 of the funds provided under this heading shall be for projects located in rural areas: *Provided further*, That for projects located in rural areas, the minimum grant size shall be $1,000,000 and the Secretary may increase the Federal share of costs above 80 percent: *Provided further*, That of the amount made available under this heading, the Secretary may transfer to the Federal Highway Administration an amount not to exceed $60,000,000 for the purpose of paying the subsidy and administrative costs of projects eligible for federal credit assistance under chapter 6 of title 23, United States Code, if the Secretary finds that such use of the funds would advance the purposes of this paragraph: *Provided further*, That of the amount made available under this heading, the Secretary may use an amount not to exceed $20,000,000 for the planning, preparation or design of projects eligible for funding under this heading: *Provided further*, That projects conducted using funds provided under this heading must comply with the requirements of subchapter IV of chapter 31 of title 40, United States Code: *Provided further*, That the Secretary shall publish criteria on which to base the competition for any grants awarded under this heading no sooner than 60 days after enactment of this Act, require applications for funding provided under this heading to be submitted no sooner than 120 days after the publication of such criteria, and announce all projects selected to be funded from funds provided under this heading no sooner than September 15, 2011: *Provided further*, That the Secretary may retain up to $20,000,000 of the funds provided under this heading, and may transfer portions of those funds to the Administrators of the Federal Highway Administration, the Federal Transit Administration, the Federal Railroad Administration, and the Federal Maritime Administration, to fund the award and oversight of surface transportation grants.

##### FINANCIAL MANAGEMENT CAPITAL

For necessary expenses for upgrading and enhancing the Department of Transportation's financial systems and re-engineering business processes, $20,000,000, to remain available through September 30, 2014.

##### CYBER SECURITY INITIATIVES

For necessary one-time expenses for cyber security initiatives, including improvement of network perimeter controls and identity management, testing and assessment of information technology against business, security, and other requirements, implementation of Federal cyber security initiatives and information infrastructure enhancements, implementation of enhanced security controls on network devices, and enhancement of cyber security workforce training tools, $30,000,000, to remain available through September 30, 2014.

##### OFFICE OF CIVIL RIGHTS

For necessary expenses of the Office of Civil Rights, $9,767,000.

##### TRANSPORTATION PLANNING, RESEARCH, AND DEVELOPMENT

For necessary expenses for conducting transportation planning, research, systems development, development activities, and making grants, to remain available until expended, $16,769,000.

##### WORKING CAPITAL FUND

For necessary expenses for operating costs and capital outlays of the Working Capital Fund, not to exceed $148,096,000, shall be paid from appropriations made available to the Department of Transportation: *Provided*, That such services shall be provided on a competitive basis to entities within the Department of Transportation: *Provided further*, That the above limitation on operating expenses shall not apply to non-DOT entities: *Provided further*, That no funds appropriated in this Act to an agency of the Department shall be transferred to the Working Capital Fund without the approval of the agency modal administrator: *Provided further*, That no assessments may be levied against any

program, budget activity, subactivity or project funded by this Act unless notice of such assessments and the basis therefor are presented to the House and Senate Committees on Appropriations and are approved by such Committees.

MINORITY BUSINESS RESOURCE CENTER PROGRAM

For the cost of guaranteed loans, $329,000, as authorized by 49 U.S.C. 332: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $18,367,000. In addition, for administrative expenses to carry out the guaranteed loan program, $584,000.

MINORITY BUSINESS OUTREACH

For necessary expenses of Minority Business Resource Center outreach activities, $3,553,000, to remain available until September 30, 2012: *Provided*, That notwithstanding 49 U.S.C. 332, these funds may be used for business opportunities related to any mode of transportation.

PAYMENTS TO AIR CARRIERS

(AIRPORT AND AIRWAY TRUST FUND)

(INCLUDING TRANSFER OF FUNDS)

In addition to funds made available from any other source to carry out the essential air service program under 49 U.S.C. 41731 through 41742, $146,000,000, to be derived from the Airport and Airway Trust Fund, to remain available until expended: *Provided*, That, in determining between or among carriers competing to provide service to a community, the Secretary may consider the relative subsidy requirements of the carriers: *Provided further*, That, if the funds under this heading are insufficient to meet the costs of the essential air service program in the current fiscal year, the Secretary shall transfer such sums as may be necessary to carry out the essential air service program from any available amounts appropriated to or directly administered by the Office of the Secretary for such fiscal year.

ADMINISTRATIVE PROVISIONS—OFFICE OF THE SECRETARY OF TRANSPORTATION

SEC. 101. None of the funds made available in this Act to the Department of Transportation may be obligated for the Office of the Secretary of Transportation to approve assessments or reimbursable agreements pertaining to funds appropriated to the modal administrations in this Act, except for activities underway on the date of enactment of this Act, unless such assessments or agreements have completed the normal reprogramming process for Congressional notification.

SEC. 102. None of the funds made available under this Act may be obligated or expended to establish or implement a program under which essential air service communities are required to assume subsidy costs commonly referred to as the EAS local participation program.

SEC. 103. The Secretary or his designee may engage in activities with States and State legislators to consider proposals related to the reduction of motorcycle fatalities.

FEDERAL AVIATION ADMINISTRATION

OPERATIONS

(AIRPORT AND AIRWAY TRUST FUND)

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Federal Aviation Administration, not otherwise provided for, including operations and research activities related to commercial space transportation, administrative expenses for research and development, establishment of air navigation facilities, the operation (including leasing) and maintenance of aircraft, subsidizing the cost of aeronautical charts and maps sold to the public, lease or purchase of passenger motor vehicles for replacement only, in addition to amounts made available by Public Law 108–176, $9,817,739,000, of which $4,559,000,000 shall be derived from the Airport and Airway Trust Fund, of which not to exceed $7,653,128,000 shall be available for air traffic organization activities; not to exceed $1,304,486,000 shall be available for aviation safety activities; not to exceed $16,747,000 shall be available for commercial space transportation activities; not to exceed $114,784,000 shall be available for financial services activities; not to exceed $103,297,000 shall be available for human resources program activities; not to exceed $361,354,000 shall be available for region and center operations and regional coordination activities; not to exceed $208,644,000 shall be available for staff offices; and not to exceed $55,949,000 shall be available for information services: *Provided*, That the Secretary utilize not less than $18,000,000 of the funds provided for aviation safety activities to pay for staff increases in the Office of Aviation Flight Standards and the Office of Aircraft Certification: *Provided further*, That none of the funds provided for increases to the staffs of the aviation flight standards and aircraft certification offices shall be used for other purposes: *Provided further*, That not to exceed 2 percent of any budget activity, except for aviation safety budget activity, may be transferred to any budget activity under this heading: *Provided further*, That no transfer may increase or decrease any appropriation by more than 2 percent: *Provided further*, That any transfer in excess of 2 percent shall be treated as a reprogramming of funds under section 405 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: *Provided further*, That the Administrator shall study and report to the House and Senate Committees on Appropriations various alternatives for developing an objective, data-driven test to be used in the placement of air traffic controllers after the successful completion of their training at the Federal Aviation Administration Academy: *Provided further*, That such study shall include an evaluation of the amount of training controllers should receive at the Academy: *Provided further*, That not later than March 31 of each fiscal year hereafter, the Administrator of the Federal Aviation Administration shall transmit to Congress an annual update to the report submitted to Congress in December 2004 pursuant to section 221 of Public Law 108–176: *Provided further*, That the amount herein appropriated shall be reduced by $100,000 for each day after March 31 that such report has not been submitted to the Congress: *Provided further*, That not later than March 31 of each fiscal year hereafter, the Administrator shall transmit to Congress a companion report that describes a comprehensive strategy for staffing, hiring, and training flight standards and aircraft certification staff in a format similar to the one utilized for the controller staffing plan, including stated attrition estimates and numerical hiring goals by fiscal year, and a benchmark for assessing the amount of time aviation inspectors spend directly observing industry field operations: *Provided further*, That the amount herein appropriated shall be reduced by $100,000 per day for each day after March 31 that such report has not been submitted to Congress: *Provided further*, That funds may be used to enter into a grant agreement with a nonprofit standard-setting organization to assist in the development of aviation safety standards: *Provided further*, That none of the funds in this Act shall be available for new applicants for the second career training program: *Provided further*, That none of the funds in this Act shall be available for the Federal Aviation Administration to finalize or implement any regulation that would promulgate new aviation user fees not specifically authorized by law after the date of the enactment of this Act: *Provided further*, That there may be credited to this appropriation as offsetting collections funds received from States, counties, municipalities, foreign authorities, other public authorities, and private sources for expenses incurred in the provision of agency services, including receipts for the maintenance and operation of air navigation facilities, and for issuance, renewal or modification of certificates, including airman, aircraft, and repair station certificates, or for tests related thereto, or for processing major repair or alteration forms: *Provided further*, That of the funds appropriated under this heading, not less than $9,500,000 shall be for the contract tower cost-sharing program: *Provided further*, That none of the funds in this Act for aeronautical charting and cartography are available for activities conducted by, or coordinated through, the Working Capital Fund.

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for acquisition, establishment, technical support services, improvement by contract or purchase, and hire of national airspace systems and experimental facilities and equipment, as authorized under part A of subtitle VII of title 49, United States Code, including initial acquisition of necessary sites by lease or grant; engineering and service testing, including construction of test facilities and acquisition of necessary sites by lease or grant; construction and furnishing of quarters and related accommodations for officers and employees of the Federal Aviation Administration stationed at remote localities where such accommodations are not available; and the purchase, lease, or transfer of aircraft from funds available under this heading, including aircraft for aviation regulation and certification; to be derived from the Airport and Airway Trust Fund, $2,990,000,000, of which $2,508,000,000 shall remain available until September 30, 2013, and of which $482,000,000 shall remain available until September 30, 2011: *Provided*, That of the funds provided under this heading, $25,000,000 is available for next generation air transportation equipage: *Provided further*, That the Secretary of Transportation shall use existing authorities to distribute funds made available for next generation air transportation equipage under the previous proviso to air carriers, other certificate holders, and avionics manufacturers, or a collaboration among such entities, on a competitive basis for projects that will demonstrate significant benefits to the public, aviation industry or aircraft operators, and take such measures so as to give priority to maximizing the anticipated public benefit and participant contribution: *Provided further*, That the Federal share of the costs for which an expenditure is made for next generation transportation equipage shall not exceed 80 percent of the total cost of the proposed equipage program: *Provided further*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred in the establishment, improvement, and modernization of national airspace systems: *Provided further*, That upon initial submission to the Congress of the fiscal year 2012 President's budget, the Secretary of Transportation

shall transmit to the Congress a comprehensive capital investment plan for the Federal Aviation Administration which includes funding for each budget line item for fiscal years 2012 through 2016, with total funding for each year of the plan constrained to the funding targets for those years as estimated and approved by the Office of Management and Budget.

RESEARCH, ENGINEERING, AND DEVELOPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for research, engineering, and development, as authorized under part A of subtitle VII of title 49, United States Code, including construction of experimental facilities and acquisition of necessary sites by lease or grant, $198,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until September 30, 2013: *Provided*, That there may be credited to this appropriation as offsetting collections, funds received from States, counties, municipalities, other public authorities, and private sources, which shall be available for expenses incurred for research, engineering, and development.

GRANTS-IN-AID FOR AIRPORTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(AIRPORT AND AIRWAY TRUST FUND)

For liquidation of obligations incurred for grants-in-aid for airport planning and development, and noise compatibility planning and programs as authorized under subchapter I of chapter 471 and subchapter I of chapter 475 of title 49, United States Code, and under other law authorizing such obligations; for procurement, installation, and commissioning of runway incursion prevention devices and systems at airports of such title; for grants authorized under section 41743 of title 49, United States Code; and for inspection activities and administration of airport safety programs, including those related to airport operating certificates under section 44706 of title 49, United States Code, $3,550,000,000 to be derived from the Airport and Airway Trust Fund and to remain available until expended: *Provided*, That none of the funds under this heading shall be available for the planning or execution of programs the obligations for which are in excess of $3,515,000,000 in fiscal year 2011, notwithstanding section 47117(g) of title 49, United States Code: *Provided further*, That none of the funds under this heading shall be available for the replacement of baggage conveyor systems, reconfiguration of terminal baggage areas, or other airport improvements that are necessary to install bulk explosive detection systems: *Provided further*, That notwithstanding any other provision of law, of funds limited under this heading, not more than $99,622,000 shall be obligated for administration, not less than $15,000,000 shall be available for the airport cooperative research program, not less than $27,217,000 shall be for Airport Technology Research.

ADMINISTRATIVE PROVISIONS—FEDERAL AVIATION ADMINISTRATION

SEC. 110. None of the funds in this Act may be used to compensate in excess of 600 technical staff-years under the federally funded research and development center contract between the Federal Aviation Administration and the Center for Advanced Aviation Systems Development during fiscal year 2011.

SEC. 111. None of the funds in this Act shall be used to pursue or adopt guidelines or regulations requiring airport sponsors to provide to the Federal Aviation Administration without cost building construction, maintenance, utilities and expenses, or space in airport sponsor-owned buildings for services relating to air traffic control, air navigation, or weather reporting: *Provided*, That the prohibition of funds in this section does not apply to negotiations between the agency and airport sponsors to achieve agreement on ''below-market'' rates for these items or to grant assurances that require airport sponsors to provide land without cost to the FAA for air traffic control facilities.

SEC. 112. The Administrator of the Federal Aviation Administration may reimburse amounts made available to satisfy 49 U.S.C. 41742(a)(1) from fees credited under 49 U.S.C. 45303: *Provided*, That during fiscal year 2010, 49 U.S.C. 41742(b) shall not apply, and any amount remaining in such account at the close of that fiscal year may be made available to satisfy section 41742(a)(1) for the subsequent fiscal year.

SEC. 113. Amounts collected under section 40113(e) of title 49, United States Code, shall be credited to the appropriation current at the time of collection, to be merged with and available for the same purposes of such appropriation.

SEC. 114. None of the funds appropriated or limited by this Act may be used to change weight restrictions or prior permission rules at Teterboro airport in Teterboro, New Jersey.

SEC. 115. None of the funds limited by this Act for grants under the Airport Improvement Program shall be made available to the sponsor of a commercial service airport if such sponsor fails to agree to a request from the Secretary of Transportation for cost-free space in a nonrevenue producing, public use area of the airport terminal or other airport facilities for the purpose of carrying out a public service air passenger rights and consumer outreach campaign.

SEC. 116. None of the funds in this Act shall be available for paying premium pay under subsection 5546(a) of title 5, United States Code, to any Federal Aviation Administration employee unless such employee actually performed work during the time corresponding to such premium pay.

SEC. 117. None of the funds in this Act may be obligated or expended for an employee of the Federal Aviation Administration to purchase a store gift card or gift certificate through use of a Government-issued credit card.

SEC. 118. The Secretary shall apportion to the sponsor of an airport that received scheduled or unscheduled air service from a large certified air carrier (as defined in part 241 of title 14 Code of Federal Regulations, or such other regulations as may be issued by the Secretary under the authority of section 41709) an amount equal to the minimum apportionment specified in 49 U.S.C. 47114(c), if the Secretary determines that airport had more than 10,000 passenger boardings in the preceding calendar year, based on data submitted to the Secretary under part 241 of title 14, Code of Federal Regulations.

SEC. 119. None of the funds in this Act may be obligated or expended for retention bonuses for an employee of the Federal Aviation Administration without the prior written approval of the Deputy Assistant Secretary for Administration of the Department of Transportation.

FEDERAL HIGHWAY ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

(INCLUDING TRANSFER OF FUNDS)

Not to exceed $420,843,000, together with advances and reimbursements received by the Federal Highway Administration, shall be paid in accordance with law from appropriations made available by this Act to the Federal Highway Administration for necessary expenses for administration and operation. In addition, not to exceed $3,300,000 shall be paid from appropriations made available by this Act and transferred to the Appalachian Regional Commission in accordance with section 104 of title 23, United States Code.

FEDERAL-AID HIGHWAYS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

None of the funds in this Act shall be available for the implementation or execution of programs, the obligations for which are in excess of $41,776,000,000 for Federal-aid highways and highway safety construction programs for fiscal year 2011: *Provided*, That within the $41,776,000,000 obligation limitation on Federal-aid highways and highway safety construction programs, not more than $429,800,000 shall be available for the implementation or execution of programs for transportation research (chapter 5 of title 23, United States Code; sections 111, 5505, and 5506 of title 49, United States Code; and title 5 of Public Law 109–59) for fiscal year 2011: *Provided further*, That this limitation on transportation research programs shall not apply to any authority previously made available for obligation: *Provided further*, That the Secretary may, as authorized by section 605(b) of title 23, United States Code, collect and spend fees to cover the costs of services of expert firms, including counsel, in the field of municipal and project finance to assist in the underwriting and servicing of Federal credit instruments and all or a portion of the costs to the Federal Government of servicing such credit instruments: *Provided further*, That such fees are available until expended to pay for such costs: *Provided further*, That such amounts are in addition to administrative expenses that are also available for such purpose, and are not subject to any obligation limitation or the limitation on administrative expenses under section 608 of title 23, United States Code.

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

For carrying out the provisions of title 23, United States Code, that are attributable to Federal-aid highways, not otherwise provided, including reimbursement for sums expended pursuant to the provisions of 23 U.S.C. 308, $42,515,000,000 or so much thereof as may be available in and derived from the Highway Trust Fund (other than the Mass Transit Account), to remain available until expended.

(RESCISSION OF UNOBLIGATED BALANCES)

(HIGHWAY TRUST FUND)

Unobligated balances of funds made available for obligation under 23 U.S.C. 320, section 147 of Public Law 95–599, section 9(c) of Public Law 97–134, section 149 of Public Law 100–17, and sections 1006, 1069, 1103, 1104, 1105, 1106, 1107, 1108, 6005, 6015, and 6023 of Public Law 102–240 are permanently rescinded. In addition, the unobligated balance available on September 30, 2011, under section 1602 of the Transportation Equity Act for the 21st Century (Public Law 105–178) for each project for which less than 10 percent of the amount authorized for such project under such section has been obligated is permanently rescinded. In addition, of the amounts authorized for fiscal years 2005 through 2009 in section 1101(a)(16) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59) to carry out the high priority projects program under section 117 of title 23, United States Code, that are not allocated for projects described in section 1702 of such Act, $8,190,335 are permanently rescinded.

PLANNING CAPACITY GRANTS

For activities eligible under sections 134 and 135 of title 23, United States Code, and

sections 5303 and 5304 of title 49 of such Code, $100,000,000, to remain available through September 30, 2012: *Provided*, That the Secretary of Transportation shall distribute funds provided under this heading as discretionary grants to be awarded to a metropolitan planning organization, or to a State, local, tribal government, or agency thereof, on a competitive basis for activities that will improve surface transportation planning: *Provided further*, That not less than $25,000,000 of the funds provided under this heading shall be for grants that improve planning for rural areas: *Provided further*, That up to $12,000,000 of the funds provided under this heading may be for grants that improve public involvement in surface transportation planning: *Provided further*, That a grant funded under this heading shall be not greater than $5,000,000: *Provided further*, That the Federal share of the costs for which an expenditure is made under this heading shall be 80 percent: *Provided further*, That the Secretary may retain up to 1 percent of the funds provided under this section to fund the award and oversight of grants made under this heading: *Provided further*, That of the funds retained under the previous proviso, 50 percent shall be available to the Federal Highway Administration and 50 percent shall be transferred to the Federal Transit Administration.

ADMINISTRATIVE PROVISIONS—FEDERAL HIGHWAY ADMINISTRATION

(INCLUDING RESCISSIONS)

SEC. 120. (a) For fiscal year 2011, the Secretary of Transportation shall—

(1) not distribute from the obligation limitation for Federal-aid highways amounts authorized for administrative expenses and programs by section 104(a) of title 23, United States Code; programs funded from the administrative takedown authorized by section 104(a)(1) of title 23, United States Code (as in effect on the date before the date of enactment of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users); the highway use tax evasion program; and the Bureau of Transportation Statistics;

(2) not distribute an amount from the obligation limitation for Federal-aid highways that is equal to the unobligated balance of amounts made available from the Highway Trust Fund (other than the Mass Transit Account) for Federal-aid highways and highway safety programs for previous fiscal years the funds for which are allocated by the Secretary;

(3) determine the ratio that—

(A) the obligation limitation for Federal-aid highways, less the aggregate of amounts not distributed under paragraphs (1) and (2), bears to

(B) the total of the sums authorized to be appropriated for Federal-aid highways and highway safety construction programs (other than sums authorized to be appropriated for provisions of law described in paragraphs (1) through (9) of subsection (b) and sums authorized to be appropriated for section 105 of title 23, United States Code, equal to the amount referred to in subsection (b)(10) for such fiscal year), less the aggregate of the amounts not distributed under paragraphs (1) and (2) of this subsection;

(4)(A) distribute the obligation limitation for Federal-aid highways, less the aggregate amounts not distributed under paragraphs (1) and (2), for sections 1301, 1302, and 1934 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users; sections 117 (but individually 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) and section 144(g) of title 23, United States Code; and section 14501 of title 40, United States Code, so that the amount of obligation authority available for each of such sections is equal to the amount determined by multiplying the ratio determined under paragraph (3) by the sums authorized to be appropriated for that section for the fiscal year; and

(B) distribute $2,000,000,000 for section 105 of title 23, United States Code;

(5) distribute the obligation limitation provided for Federal-aid highways, less the aggregate amounts not distributed under paragraphs (1) and (2) and amounts distributed under paragraph (4), for each of the programs that are allocated by the Secretary under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users and title 23, United States Code (other than to programs to which paragraphs (1) and (4) apply), by multiplying the ratio determined under paragraph (3) by the amounts authorized to be appropriated for each such program for such fiscal year; and

(6) distribute the obligation limitation provided for Federal-aid highways, less the aggregate amounts not distributed under paragraphs (1) and (2) and amounts distributed under paragraphs (4) and (5), for Federal-aid highways and highway safety construction programs (other than the amounts apportioned for the equity bonus program, but only to the extent that the amounts apportioned for the equity bonus program for the fiscal year are greater than $2,639,000,000, and the Appalachian development highway system program) that are apportioned by the Secretary under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users and title 23, United States Code, in the ratio that—

(A) amounts authorized to be appropriated for such programs that are apportioned to each State for such fiscal year, bear to

(B) the total of the amounts authorized to be appropriated for such programs that are apportioned to all States for such fiscal year.

(b) EXCEPTIONS FROM OBLIGATION LIMITATION.—The obligation limitation for Federal-aid highways shall not apply to obligations: (1) under section 125 of title 23, United States Code; (2) under section 147 of the Surface Transportation Assistance Act of 1978; (3) under section 9 of the Federal-Aid Highway Act of 1981; (4) under subsections (b) and (j) of section 131 of the Surface Transportation Assistance Act of 1982; (5) under subsections (b) and (c) of section 149 of the Surface Transportation and Uniform Relocation Assistance Act of 1987; (6) under sections 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991; (7) under section 157 of title 23, United States Code, as in effect on the day before the date of the enactment of the Transportation Equity Act for the 21st Century; (8) under section 105 of title 23, United States Code, as in effect for fiscal years 1998 through 2004, but only in an amount equal to $639,000,000 for each of those fiscal years; (9) for Federal-aid highway programs for which obligation authority was made available under the Transportation Equity Act for the 21st Century or subsequent public laws for multiple years or to remain available until used, but only to the extent that the obligation authority has not lapsed or been used; (10) under section 105 of title 23, United States Code, but only in an amount equal to $639,000,000 for each of fiscal years 2005 through 2011; and (11) under section 1603 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, to the extent that funds obligated in accordance with that section were not subject to a limitation on obligations at the time at which the funds were initially made available for obligation.

(c) REDISTRIBUTION OF UNUSED OBLIGATION AUTHORITY.—Notwithstanding subsection (a), the Secretary shall, after August 1 of such fiscal year, revise a distribution of the obligation limitation made available under subsection (a) if the amount distributed cannot be obligated during that fiscal year and redistribute sufficient amounts to those States able to obligate amounts in addition to those previously distributed during that fiscal year, giving priority to those States having large unobligated balances of funds apportioned under sections 104 and 144 of title 23, United States Code.

(d) APPLICABILITY OF OBLIGATION LIMITATIONS TO TRANSPORTATION RESEARCH PROGRAMS.—The obligation limitation shall apply to transportation research programs carried out under chapter 5 of title 23, United States Code, and title V (research title) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, except that obligation authority made available for such programs under such limitation shall remain available for a period of 3 fiscal years and shall 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.

(e) REDISTRIBUTION OF CERTAIN AUTHORIZED FUNDS.—

(1) IN GENERAL.—Not later than 30 days after the date of the distribution of obligation limitation under subsection (a), the Secretary shall distribute to the States any funds that—

(A) are authorized to be appropriated for such fiscal year for Federal-aid highways programs; and

(B) the Secretary determines will not be allocated to the States, and will not be available for obligation, in such fiscal year due to the imposition of any obligation limitation for such fiscal year.

(2) RATIO.—Funds shall be distributed under paragraph (1) in the same ratio as the distribution of obligation authority under subsection (a)(6).

(3) AVAILABILITY.—Funds distributed under paragraph (1) shall be available for any purposes described in section 133(b) of title 23, United States Code.

(f) SPECIAL LIMITATION CHARACTERISTICS.—Obligation limitation distributed for a fiscal year under subsection (a)(4) for the provision specified in subsection (a)(4) shall—

(1) remain available until used for obligation of funds for that provision; and

(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.

(g) HIGH PRIORITY PROJECT FLEXIBILITY.—

(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.

(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).

(h) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to limit the distribution of obligation authority under subsection (a)(4)(A) for each of the individual projects numbered greater than 3676 listed in the table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users.

SEC. 121. Notwithstanding 31 U.S.C. 3302, funds received by the Bureau of Transportation Statistics from the sale of data products, for necessary expenses incurred pursuant to 49 U.S.C. 111 may be credited to the Federal-aid highways account for the purpose of reimbursing the Bureau for such expenses: *Provided*, That such funds shall be subject to the obligation limitation for Federal-aid highways and highway safety construction.

SEC. 122. Not less than 15 days prior to waiving, under his statutory authority, any Buy America requirement for Federal-aid highway projects, the Secretary of Transportation shall make an informal public notice and comment opportunity on the intent to issue such waiver and the reasons therefor: *Provided*, That the Secretary shall provide an annual report to the Appropriations Committees of the Congress on any waivers granted under the Buy America requirements.

SEC. 123. (a) IN GENERAL.—Except as provided in subsection (b), none of the funds made available, limited, or otherwise affected by this Act shall be used to approve or otherwise authorize the imposition of any toll on any segment of highway located on the Federal-aid system in the State of Texas that—

(1) as of the date of enactment of this Act, is not tolled;

(2) is constructed with Federal assistance provided under title 23, United States Code; and

(3) is in actual operation as of the date of enactment of this Act.

(b) EXCEPTIONS.—

(1) NUMBER OF TOLL LANES.—Subsection (a) shall not apply to any segment of highway on the Federal-aid system described in that subsection that, as of the date on which a toll is imposed on the segment, will have the same number of nontoll lanes as were in existence prior to that date.

(2) HIGH-OCCUPANCY VEHICLE LANES.—A high-occupancy vehicle lane that is converted to a toll lane shall not be subject to this section, and shall not be considered to be a nontoll lane for purposes of determining whether a highway will have fewer nontoll lanes than prior to the date of imposition of the toll, if—

(A) high-occupancy vehicles occupied by the number of passengers specified by the entity operating the toll lane may use the toll lane without paying a toll, unless otherwise specified by the appropriate county, town, municipal or other local government entity, or public toll road or transit authority; or

(B) each high-occupancy vehicle lane that was converted to a toll lane was constructed as a temporary lane to be replaced by a toll lane under a plan approved by the appropriate county, town, municipal or other local government entity, or public toll road or transit authority.

SEC. 124. There is hereby appropriated to the Secretary of Transportation for the necessary expenses of certain highway and surface transportation projects, $226,860,000, to remain available until expended: *Provided*, That the amount provided by this section shall be made available for the programs, projects, and activities identified under this section in the Committee report accompanying this Act: *Provided further*, That funds provided by this section, at the request of a State, shall be transferred by the Secretary of Transportation to another Federal agency: *Provided further*, That the Federal share payable on account of any program, project, or activity carried out with funds provided under this section shall be 100 percent: *Provided further*, That none of the funds set aside by this section shall be subject to any limitation on obligations for Federal-aid highways and highway safety construction programs set forth in this Act or any other Act.

SEC. 125. Of the unobligated balances made available under Public Law 101–516, Public Law 102–143, Public Law 103–331, and Public Law 106–346, $33,905,809 are rescinded: *Provided*, That in administering the rescission required under this section, the Secretary of Transportation shall first consider: (1) projects where the designated purpose has been completed and the remaining funds are no longer needed to meet that purpose; and (2) projects with more than 90 percent of the appropriated amount remaining available for obligation.

SEC. 126. Of the amounts made available for ''Highway Related Safety Grants'' by section 402 of title 23, United States Code, and administered by the Federal Highway Administration, $3,651 in unobligated balances are rescinded.

SEC. 127. For the Capitol Street Renaissance Project transportation improvements, MS; the Interstate 55 Interchange Lighting, MS; the Jonestown Bypass, MS; and the Statesman Boulevard and Trail, MS; as listed under the heading Delta Region Transportation Development Program in the explanatory statement accompanying the Consolidated Appropriations Act, 2010 (Public Law 111–117), $901,018, to remain available until expended: *Provided*, That the amount provided under this section shall be distributed among the listed projects in proportion to the listed dollar amount of each such project so that each project so listed be funded at an amount not to exceed 93.5 percent of the amount so authorized: *Provided further*, That the funds provided under this section shall be administered in the same manner as the funds authorized under section 1308 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59): *Provided further*, That none of the funds provided under this section shall be subject to any limitation on obligations for Federal-aid highways and highway safety construction programs set forth in this Act or any other Act.

FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

MOTOR CARRIER SAFETY OPERATIONS AND PROGRAMS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in the implementation, execution and administration of motor carrier safety operations and programs pursuant to section 31104(i) of title 49, United States Code, and sections 4127 and 4134 of Public Law 109–59, $252,553,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account), together with advances and reimbursements received by the Federal Motor Carrier Safety Administration, the sum of which shall remain available until expended: *Provided*, That none of the funds derived from the Highway Trust Fund in this Act shall be available for the implementation, execution or administration of programs, the obligations for which are in excess of $252,553,000, for ''Motor Carrier Safety Operations and Programs'' of which $8,586,000, to remain available for obligation until September 30, 2013, is for the research and technology program and $1,000,000 shall be available for commercial motor vehicle operator's grants to carry out section 4134 of Public Law 109–59: *Provided further*, That an additional $7,325,000 shall be appropriated from the Highway Trust Fund for the execution and administration of information management operations and programs: *Provided further*, That notwithstanding any other provision of law, none of the funds under this heading for outreach and education shall be available for transfer: *Provided further*, That the Federal Motor Carrier Safety Administration shall transmit to Congress a report on March 30, 2011, and September 30, 2011, on the agency's ability to meet its requirement to conduct compliance reviews on high-risk carriers.

MOTOR CARRIER SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

(INCLUDING RESCISSION)

For payment of obligations incurred in carrying out sections 31102, 31104(a), 31106, 31107, 31109, 31309, 31313 of title 49, United States Code, and sections 4126 and 4128 of Public Law 109–59, $310,070,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account) and to remain available until expended: *Provided*, That none of the funds in this Act shall be available for the implementation or execution of programs, the obligations for which are in excess of $310,070,000, for ''Motor Carrier Safety Grants''; of which $212,070,000 shall be available for the motor carrier safety assistance program to carry out sections 31102 and 31104(a) of title 49, United States Code; $25,000,000 shall be available for the commercial driver's license improvements program to carry out section 31313 of title 49, United States Code; $32,000,000 shall be available for the border enforcement grants program to carry out section 31107 of title 49, United States Code; $5,000,000 shall be available for the performance and registration information system management program to carry out sections 31106(b) and 31109 of title 49, United States Code; $25,000,000 shall be available for the commercial vehicle information systems and networks deployment program to carry out section 4126 of Public Law 109–59; $3,000,000 shall be available for the safety data improvement program to carry out section 4128 of Public Law 109–59; and $8,000,000 shall be available for the commercial driver's license information system modernization program to carry out section 31309(e) of title 49, United States Code: *Provided further*, That of the funds made available for the motor carrier safety assistance program, $32,000,000 shall be available for audits of new entrant motor carriers: *Provided further*, That of the amount made available under this heading for the commercial driver's license information system modernization program, $3,000,000 shall be made available for audits of new entrant motor carriers to carry out section 4107(b) of Public Law 109–59, and 31104(a) of title 49, United States Code, and $5,000,000 shall be made available for the commercial driver's license improvements program to carry out section 31313 of title 49, United States Code: *Provided further*, That $30,569,000 in unobligated balances are permanently rescinded.

MOTOR CARRIER SAFETY

(HIGHWAY TRUST FUND)

(RESCISSION)

Of the amounts made available under this heading in prior appropriations Acts, $7,330,000 in unobligated balances are permanently rescinded.

NATIONAL MOTOR CARRIER SAFETY PROGRAM

(HIGHWAY TRUST FUND)

(RESCISSION)

Of the amounts made available under this heading in prior appropriations Acts, $15,076,000 in unobligated balances are permanently rescinded.

ADMINISTRATIVE PROVISION—FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

SEC. 135. Funds appropriated or limited in this Act shall be subject to the terms and

conditions stipulated in section 350 of Public Law 107–87 and section 6901 of Public Law 110–28, including that the Secretary submit a report to the House and Senate Appropriations Committees annually on the safety and security of transportation into the United States by Mexico-domiciled motor carriers.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

OPERATIONS AND RESEARCH

For expenses necessary to discharge the functions of the Secretary, with respect to traffic and highway safety under subtitle C of title X of Public Law 109–59 and chapter 301 and part C of subtitle VI of title 49, United States Code, $163,177,000, of which $44,945,000 shall remain available through September 30, 2012: *Provided*, That none of the funds appropriated by this Act may be obligated or expended to plan, finalize, or implement any rulemaking to add to section 575.104 of title 49 of the Code of Federal Regulations any requirement pertaining to a grading standard that is different from the three grading standards (treadwear, traction, and temperature resistance) already in effect.

OPERATIONS AND RESEARCH

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out the provisions of 23 U.S.C. 403, $110,073,000 to be derived from the Highway Trust Fund (other than the Mass Transit Account) and to remain available until expended: *Provided*, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 2011, are in excess of $110,073,000 for programs authorized under 23 U.S.C. 403: *Provided further*, That within the $110,073,000 obligation limitation for operations and research, $29,737,000 shall remain available until September 30, 2012 and shall be in addition to the amount of any limitation imposed on obligations for future years.

NATIONAL DRIVER REGISTER

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out chapter 303 of title 49, United States Code, $4,170,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account) and to remain available until expended: *Provided*, That none of the funds in this Act shall be available for the implementation or execution of programs the total obligations for which, in fiscal year 2011, are in excess of $4,170,000 for the National Driver Register authorized under such chapter.

NATIONAL DRIVER REGISTER MODERNIZATION

For an additional amount for the ''National Driver Register''as authorized by chapter 303 of title 49, United States Code, $2,530,000, to remain available through September 30, 2012: *Provided*, That the funding made available under this heading shall be used to continue the modernization of the National Driver Register.

HIGHWAY TRAFFIC SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out the provisions of 23 U.S.C. 402, 405, 406, 408, and 410 and sections 2001(a)(11), 2009, 2010, and 2011 of Public Law 109–59, to remain available until expended, $611,828,000 to be derived from the Highway Trust Fund (other than the Mass Transit Account): *Provided*, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 2011, are in excess of $611,828,000 for programs authorized under 23 U.S.C. 402, 405, 406, 408, and 410 and sections 2001(a)(11), 2009, 2010, and 2011 of Public Law 109–59, of which $235,000,000 shall be for ''Highway Safety Programs'' under 23 U.S.C. 402; $25,000,000 shall be for ''Occupant Protection Incentive Grants'' under 23 U.S.C. 405; $110,000,000 shall be for ''Safety Belt Performance Grants'' under 23 U.S.C. 406, and such obligation limitation shall remain available until September 30, 2012 in accordance with subsection (f) of such section 406 and shall be in addition to the amount of any limitation imposed on obligations for such grants for future fiscal years, of which up to $50,000,000 may be made available by the Secretary as grants to States that enact and enforce laws to prevent distracted driving; $34,500,000 shall be for ''State Traffic Safety Information System Improvements'' under 23 U.S.C. 408; $139,000,000 shall be for ''Alcohol-Impaired Driving Countermeasures Incentive Grant Program'' under 23 U.S.C. 410; $25,328,000 shall be for ''Administrative Expenses'' under section 2001(a)(11) of Public Law 109–59; $29,000,000 shall be for ''High Visibility Enforcement Program'' under section 2009 of Public Law 109–59; $7,000,000 shall be for ''Motorcyclist Safety'' under section 2010 of Public Law 109–59; and $7,000,000 shall be for ''Child Safety and Child Booster Seat Safety Incentive Grants'' under section 2011 of Public Law 109–59: *Provided further*, That of the funds made available for grants to States that enact and enforce laws to prevent distracted driving, up to $5,000,000 may be available for the development, production, and use of broadcast and print media advertising for distracted driving prevention: *Provided further*, That none of these funds shall be used for construction, rehabilitation, or remodeling costs, or for office furnishings and fixtures for State, local or private buildings or structures: *Provided further*, That not to exceed $500,000 of the funds made available for section 410 ''Alcohol-Impaired Driving Countermeasures Grants'' shall be available for technical assistance to the States: *Provided further*, That not to exceed $750,000 of the funds made available for the ''High Visibility Enforcement Program'' shall be available for the evaluation required under section 2009(f) of Public Law 109–59.

ADMINISTRATIVE PROVISIONS—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

(INCLUDING RESCISSIONS)

SEC. 140. Notwithstanding any other provision of law or limitation on the use of funds made available under section 403 of title 23, United States Code, an additional $130,000 shall be made available to the National Highway Traffic Safety Administration, out of the amount limited for section 402 of title 23, United States Code, to pay for travel and related expenses for State management reviews and to pay for core competency development training and related expenses for highway safety staff.

SEC. 141. The limitations on obligations for the programs of the National Highway Traffic Safety Administration set in this Act shall not apply to obligations for which obligation authority was made available in previous public laws for multiple years but only to the extent that the obligation authority has not lapsed or been used.

SEC. 142. Of the amounts available for the Consumer Assistance to Recycle and Save Program, $16,000,000 in unobligated balances are rescinded.

SEC. 143. Of the amounts made available under the heading ''National Driver Register (Liquidation of Contract Authorization) (Limitation on Obligations) (Highway Trust Fund)'' in prior appropriations Acts, $24,000 in unobligated balances are permanently rescinded.

SEC. 144. Of the amounts made available under the heading ''Highway Traffic Safety Grants (Liquidation of Contract Authorization) (Limitation on Obligations) (Highway Trust Fund)'' in prior appropriations Acts, $78,847,000 in unobligated balances are permanently rescinded.

FEDERAL RAILROAD ADMINISTRATION

SAFETY AND OPERATIONS

For necessary expenses of the Federal Railroad Administration, not otherwise provided for, $203,348,000, of which $8,380,000 shall remain available through September 30, 2012, and $24,913,000 shall remain available through September 30, 2015.

RAILROAD RESEARCH AND DEVELOPMENT

For necessary expenses for railroad research and development, $40,000,000, to remain available until expended.

RAILROAD SAFETY TECHNOLOGY PROGRAM

For necessary expenses of carrying out section 20158 of title 49, United States Code, $75,000,000, to remain available until expended: *Provided*, That to be eligible for assistance under this heading, an entity need not have developed plans required under subsection 20156(e)(2) of title 49, United States Code, and section 20157 of such title.

RAILROAD REHABILITATION AND IMPROVEMENT FINANCING PROGRAM

The Secretary of Transportation is authorized to issue to the Secretary of the Treasury notes or other obligations pursuant to section 512 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94–210), as amended, in such amounts and at such times as may be necessary to pay any amounts required pursuant to the guarantee of the principal amount of obligations under sections 511 through 513 of such Act, such authority to exist as long as any such guaranteed obligation is outstanding: *Provided*, That pursuant to section 502 of such Act, as amended, no new direct loans or loan guarantee commitments shall be made using Federal funds for the credit risk premium during fiscal year 2011.

CAPITAL ASSISTANCE FOR HIGH SPEED RAIL CORRIDORS AND INTERCITY PASSENGER RAIL SERVICE

To enable the Secretary of Transportation to make grants for high-speed rail projects as authorized under section 26106 of title 49, United States Code, capital investment grants to support intercity passenger rail service as authorized under section 24406 of title 49, United States Code, and congestion grants as authorized under section 24105 of title 49, United States Code, and to enter into cooperative agreements for these purposes as authorized, $1,000,000,000, to remain available until expended: *Provided*, That up to $50,000,000 of funds provided under this paragraph are available to the Administrator of the Federal Railroad Administration to fund the award and oversight by the Administrator of grants and cooperative agreements for intercity and high-speed rail: *Provided further*, That up to $30,000,000 of the funds provided under this paragraph are available to the Administrator for the purposes of conducting research and demonstrating technologies supporting the development of high-speed rail in the United States, including the demonstration of next-generation rolling stock fleet technology and the implementation of the Rail Cooperative Research Program authorized by section 24910 of title 49, United States Code: *Provided further*, That the national rail plan shall include a map depicting all high-speed rail

service envisioned in the plan and the estimated cost to complete that service: *Provided further*, That up to $50,000,000 of the funds provided under this paragraph may be used for planning activities that lead directly to the development of a passenger rail corridor investment plan consistent with the requirements established by the Administrator or a State rail plan consistent with chapter 227 of title 49, United States Code: *Provided further*, That the Secretary may retain a portion of the funds made available for planning activities under the previous proviso to facilitate the preparation of a service development plan and related environmental impact statement for high-speed corridors located in multiple States: *Provided further*, That not less than 85 percent of the funds provided under this heading shall be for cooperative agreements that lead to the development of entire segments or phases of intercity or high-speed rail corridors: *Provided further*, That at least 30 days prior to issuing a letter of intent or cooperative agreement pursuant to section 24402(f) of title 49, United States Code, for a major corridor development program, the Secretary shall provide to the House and Senate Committees on Appropriations written notification consisting of a business and public investment case for the proposed corridor program which shall include: a comprehensive analysis of the monetary and nonmonetary costs and benefits of the corridor development program; an assessment of ridership, passenger travel time reductions, congestion relief benefits, environmental benefits, economic benefits, and other public benefits; operating financial forecasts for the program; a full capital cost estimation for the entire project, including the amount, source and security of non-Federal funds to complete the project; a summary of the grants management plan and an evaluation of the grantee's ability to sustain the project: *Provided further*, That the Federal share payable of the costs for which a grant or cooperative agreements is made under this heading shall be determined in accordance with the provisions of Public Law 110–432, except that the local share of expenditures shall be no less than 10 percent: *Provided further*, That in addition to the provisions of title 49, United States Code, that apply to each of the individual programs funded under this heading, subsections 24402(a)(2), 24402(f), 24402(i), and 24403(a) and (c) of title 49, United States Code, shall also apply to the provision of funds provided under this heading: *Provided further*, That a project need not be in a State rail plan developed under chapter 227 of title 49, United States Code, to be eligible for assistance under this heading: *Provided further*, That recipients of grants under this paragraph shall conduct all procurement transactions using such grant funds in a manner that provides full and open competition, as determined by the Secretary, in compliance with existing labor agreements.

OPERATING GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

To enable the Secretary of Transportation to make quarterly grants to the National Railroad Passenger Corporation for the operation of intercity passenger rail, as authorized by section 101 of the Passenger Rail Investment and Improvement Act of 2008 (division B of Public Law 110–432), $563,000,000, to remain available until expended: *Provided*, That each grant request shall be accompanied by a detailed financial analysis, revenue projection, and capital expenditure projection justifying the Federal support to the Secretary's satisfaction: *Provided further*, That concurrent with the President's budget request for fiscal year 2012, the Corporation shall submit to the House and Senate Committees on Appropriations a budget request for fiscal year 2012 in similar format and substance to those submitted by executive agencies of the Federal Government: *Provided further*, That the Amtrak Inspector General shall provide semiannual reports to the House and Senate Committees on Appropriations on the estimated savings accrued as a result of all operational reforms instituted by the Corporation and estimations of possible future savings: *Provided further*, That the budget, business plan and the 5-Year Financial Plan shall include annual information on the maintenance, refurbishment, replacement, and expansion for all Amtrak rolling stock consistent with the comprehensive fleet plan: *Provided further*, That the Corporation shall notify the House and Senate Committees on Appropriations 5 days before making public any changes to the Corporation's budget, business plan, 5-Year Financial Plan, semiannual reports, or grant and legislative request, or any debt application.

CAPITAL AND DEBT SERVICE GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

To enable the Secretary of Transportation to make grants to the National Railroad Passenger Corporation for capital investments as authorized by section 101(c) and 219(b) of the Passenger Rail Investment and Improvement Act of 2008 (division B of Public Law 110–432), $1,338,484,000, to remain available until expended, of which not to exceed $277,000,000 shall be for debt service obligations as authorized by section 102 of such Act: *Provided*, That after an initial distribution of up to $200,000,000, which shall be used by the Corporation as a working capital account, all remaining funds shall be provided to the Corporation only on a reimbursable basis: *Provided further*, That the Secretary may retain up to one-half of 1 percent of the funds provided under this heading to fund the costs of project management oversight of capital projects funded by grants provided under this heading, as authorized by subsection 101(d) of division B of Public Law 110–432: *Provided further*, That the Secretary shall approve funding for capital expenditures, including advance purchase orders of materials, for the Corporation only after receiving and reviewing a grant request for each specific capital project justifying the Federal support to the Secretary's satisfaction: *Provided further*, That none of the funds under this heading may be used to subsidize operating losses of the Corporation: *Provided further*, That none of the funds under this heading may be used for capital projects not approved by the Secretary of Transportation or on the Corporation's fiscal year 2011 business plan: *Provided further*, That of the funds provided under this heading, the Secretary may retain $2,000,000 to fund expenses associated with implementing section 212 of division B of Public Law 110–432, including the amendments made by section 212 to section 24905 of title 49, United States Code.

ADMINISTRATIVE PROVISIONS—FEDERAL RAILROAD ADMINISTRATION

SEC. 150. Hereafter, notwithstanding any other provision of law, funds provided in this Act for the National Railroad Passenger Corporation shall immediately cease to be available to said Corporation in the event that the Corporation contracts to have services provided at or from any location outside the United States. For purposes of this section, the word ''services'' shall mean any service that was, as of July 1, 2006, performed by a full-time or part-time Amtrak employee whose base of employment is located within the United States.

SEC. 151. The Secretary of Transportation may receive and expend cash, or receive and utilize spare parts and similar items, from non-United States Government sources to repair damages to or replace United States Government owned automated track inspection cars and equipment as a result of third party liability for such damages, and any amounts collected under this section shall be credited directly to the Safety and Operations account of the Federal Railroad Administration, and shall remain available until expended for the repair, operation and maintenance of automated track inspection cars and equipment in connection with the automated track inspection program.

FEDERAL TRANSIT ADMINISTRATION

ADMINISTRATIVE EXPENSES

For necessary administrative expenses of the Federal Transit Administration's programs authorized by chapter 53 of title 49, United States Code, $106,700,000: *Provided*, That for an additional amount to carry out public transportation fixed guideway safety oversight activities, $5,000,000, if legislation authorizing such activities is enacted into law prior to September 30, 2011: *Provided further*, That of the funds available under this heading, not to exceed $2,050,000 shall be available for travel: *Provided further*, That none of the funds provided or limited in this Act may be used to create a permanent office of transit security under this heading: *Provided further*, That upon submission to the Congress of the fiscal year 2012 President's budget, the Secretary of Transportation shall transmit to Congress the annual report on new starts, including proposed allocations of funds for fiscal year 2012.

FORMULA AND BUS GRANTS

(LIQUIDATION OF CONTRACT AUTHORITY)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out the provisions of 49 U.S.C. 5305, 5307, 5308, 5309, 5310, 5311, 5316, 5317, 5320, 5335, 5339, and 5340 and section 3038 of Public Law 105–178, as amended, $9,200,000,000 to be derived from the Mass Transit Account of the Highway Trust Fund and to remain available until expended: *Provided*, That funds available for the implementation or execution of programs authorized under 49 U.S.C. 5305, 5307, 5308, 5309, 5310, 5311, 5316, 5317, 5320, 5335, 5339, and 5340 and section 3038 of Public Law 105–178, as amended, shall not exceed total obligations of $8,360,565,000 in fiscal year 2011.

(HIGHWAY TRUST FUND)

(RESCISSION)

Of the amounts authorized for fiscal year 2010 by section 5338(b)(1) of title 49, United States Code, to carry out sections 5305, 5307, 5308, 5309, 5310, 5311, 5316, 5317, 5320, 5335, 5339, and 5340 of title 49, United States Code, and section 3038 of the Federal Transit Act of 1998 (112 Stat. 392), $17,394,000 are permanently rescinded.

RESEARCH AND UNIVERSITY RESEARCH CENTERS

For necessary expenses to carry out 49 U.S.C. 5306, 5312–5315, 5322, and 5506, $65,376,000, to remain available until expended: *Provided*, That $10,000,000 is available to carry out the transit cooperative research program under section 5313 of title 49, United States Code, $4,300,000 is available for the National Transit Institute under section 5315 of title 49, United States Code, and $7,000,000 is available for university transportation centers program under section 5506 of title 49, United States Code: *Provided further*, That $44,076,000 is available to carry out national research programs under sections 5312, 5313, 5314, and 5322 of title 49, United States Code: *Provided further*, That of the funds available to carry out section 5312 of title 49, United States Code, $5,000,000 shall be available to

the Secretary to develop standards for asset management plans, provide technical assistance to recipients engaged in the development or implementation of an asset management plan, improve data collection through the National Transit Database, and conduct a pilot program designed to identify the best practices of asset management.

CAPITAL INVESTMENT GRANTS

For necessary expenses to carry out section 5309 of title 49, United States Code, $1,850,000,000, to remain available until expended, of which no less than $200,000,000 is for section 5309(e) of such title.

(RESCISSION)

Of the amounts appropriated for Capital Investment Grants in Public Law 111–117, $25,830,000 are rescinded.

GRANTS FOR ENERGY EFFICIENCY AND GREENHOUSE GAS REDUCTIONS

For grants to public transit agencies for capital investments that will reduce the energy consumption or greenhouse gas emissions of their public transportation systems, $65,000,000, to remain available through September 30, 2013: *Provided*, That priority shall be given to projects that use innovative and potentially replicable approaches to reducing energy consumption or greenhouse gas emissions: *Provided further*, That the Secretary shall publish criteria on which to base the competition for any grants awarded under this heading no sooner than 90 days after the enactment of this Act, require applications for funding provided under this heading to be submitted no sooner than 120 days after the publication of such criteria, and announce all projects selected to be funded from funds provided under this heading no sooner than September 15, 2011.

WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

For grants to the Washington Metropolitan Area Transit Authority as authorized under section 601 of division B of Public Law 110–432, $150,000,000, to remain available until expended: *Provided*, That the Secretary shall approve grants for capital and preventive maintenance expenditures for the Washington Metropolitan Area Transit Authority only after receiving and reviewing a request for each specific project: *Provided further*, That prior to approving such grants, the Secretary shall determine that the Washington Metropolitan Area Transit Authority has placed the highest priority on those investments that will improve the safety of the system.

ADMINISTRATIVE PROVISIONS—FEDERAL TRANSIT ADMINISTRATION

SEC. 160. The limitations on obligations for the programs of the Federal Transit Administration shall not apply to any authority under 49 U.S.C. 5338, previously made available for obligation, or to any other authority previously made available for obligation.

SEC. 161. Notwithstanding any other provision of law, funds appropriated or limited by this Act under ''Federal Transit Administration, Capital Investment Grants'' and for bus and bus facilities under ''Federal Transit Administration, Formula and Bus Grants'' for projects specified in this Act or identified in reports accompanying this Act not obligated by September 30, 2013, and other recoveries, shall be directed to projects eligible to use the funds for the purposes for which they were originally provided.

SEC. 162. Notwithstanding any other provision of law, any funds appropriated before October 1, 2010, under any section of chapter 53 of title 49, United States Code, that remain available for expenditure, may be transferred to and administered under the most recent appropriation heading for any such section.

SEC. 163. Notwithstanding any other provision of law, unobligated funds made available for new fixed guideway system projects under the heading ''Federal Transit Administration, Capital investment grants'' in any appropriations Act prior to this Act may be used during this fiscal year to satisfy expenses incurred for such projects.

SEC. 164. Notwithstanding any other provision of law, unobligated funds or recoveries under section 5309 of title 49, United States Code, that are available to the Secretary of Transportation for reallocation shall be directed to projects eligible to use the funds for the purposes for which they were originally provided.

SEC. 165. Funds made available for Alaska or Hawaii ferry boats or ferry terminal facilities pursuant to 49 U.S.C. 5309(m)(6)(B) may be used to construct new vessels and facilities, or to improve existing vessels and facilities, including both the passenger and vehicle-related elements of such vessels and facilities, and for repair facilities: *Provided*, That not more than $4,000,000 of the funds made available pursuant to 49 U.S.C. 5309(m)(6)(B) may be used by the City and County of Honolulu to operate a passenger ferry boat service demonstration project to test the viability of different intra-island ferry boat routes and technologies.

SEC. 166. None of the funds provided or limited under this Act may be used to enforce regulations related to charter bus service under part 604 of title 49, Code of Federal Regulations, for any transit agency who during fiscal year 2008 was both initially granted a 60-day period to come into compliance with part 604, and then was subsequently granted an exception from said part.

SEC. 167. Notwithstanding any other provision of law, when evaluating the local share of the project authorized to be carried out under section 3043(c)(86) of Public Law 109–59 (119 Stat. 1644) the Secretary shall give consideration to all non-New Starts funds expended for engineering, final design and construction of the Farrington Highway Guideway, Stations, Maintenance Storage Facility and related elements advanced with 100 percent non-New Starts funds.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

The Saint Lawrence Seaway Development Corporation is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to the Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the Corporation's budget for the current fiscal year.

OPERATIONS AND MAINTENANCE

(HARBOR MAINTENANCE TRUST FUND)

For necessary expenses for operations, maintenance, and capital asset renewal of those portions of the Saint Lawrence Seaway owned, operated, and maintained by the Saint Lawrence Seaway Development Corporation, $33,868,000, to be derived from the Harbor Maintenance Trust Fund, pursuant to Public Law 99–662.

MARITIME ADMINISTRATION

MARITIME SECURITY PROGRAM

For necessary expenses to maintain and preserve a U.S.-flag merchant fleet to serve the national security needs of the United States, $174,000,000, to remain available until expended.

OPERATIONS AND TRAINING

For necessary expenses of operations and training activities authorized by law, $172,262,000, of which $11,240,000 shall remain available until expended for maintenance and repair of training ships at State Maritime Academies, and of which $30,900,000 shall remain available until expended for capital improvements at the United States Merchant Marine Academy, and of which $63,420,000 shall be available for operations at the United States Merchant Marine Academy, and of which $6,000,000 shall be available until expended for the Secretary's reimbursement of overcharged midshipmen fees for academic years 2003–2004 through 2008–2009 and such action shall be final and conclusive: *Provided*, That amounts apportioned for the United States Merchant Marine Academy shall be available only upon allotments made personally by the Secretary of Transportation or the Assistant Secretary for Budget and Programs: *Provided further*, That the Superintendent, Deputy Superintendent and the Director of the Office of Resource Management of the United States Merchant Marine Academy may not be allotment holders for the United States Merchant Marine Academy, and the Administrator of the Maritime Administration shall hold all allotments made by the Secretary of Transportation or the Assistant Secretary for Budget and Programs under the previous proviso: *Provided further*, That 50 percent of the funding made available for the United States Merchant Marine Academy under this heading shall be available only after the Secretary, in consultation with the Superintendent and the Maritime Administrator, completes a plan detailing by program or activity how such funding will be expended at the Academy, and this plan is submitted to the House and Senate Committees on Appropriations.

SHIP DISPOSAL

For necessary expenses related to the disposal of obsolete vessels in the National Defense Reserve Fleet of the Maritime Administration, $10,000,000, to remain available until expended.

MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM ACCOUNT

For necessary administrative expenses of the maritime guaranteed loan program $4,000,000 shall be paid to the appropriation for ''Operations and Training'', Maritime Administration.

ASSISTANCE TO SMALL SHIPYARDS

To make grants to qualified shipyards as authorized under section 3508 of Public Law 110–417 or section 54101 of title 46, United States Code, $15,000,000, to remain available until expended: *Provided*, That to be considered for assistance, a qualified shipyard shall submit an application for assistance no later than 60 days after enactment of this Act: *Provided further*, That from applications submitted under the previous proviso, the Secretary of Transportation shall make grants no later than 120 days after enactment of this Act in such amounts as the Secretary determines: *Provided further*, That not to exceed 2 percent of the funds appropriated under this heading shall be available for necessary costs of grant administration.

ADMINISTRATIVE PROVISION—MARITIME ADMINISTRATION

SEC. 175. Notwithstanding any other provision of this Act, the Maritime Administration is authorized to furnish utilities and services and make necessary repairs in connection with any lease, contract, or occupancy involving Government property under control of the Maritime Administration, and payments received therefor shall be credited to the appropriation charged with the cost thereof: *Provided*, That rental payments under any such lease, contract, or occupancy for items other than such utilities, services,

or repairs shall be covered into the Treasury as miscellaneous receipts.

PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION

OPERATIONAL EXPENSES

(PIPELINE SAFETY FUND)

(INCLUDING TRANSFER OF FUNDS)

For necessary operational expenses of the Pipeline and Hazardous Materials Safety Administration, $23,383,000, of which $639,000 shall be derived from the Pipeline Safety Fund: *Provided*, That $1,000,000 shall be transferred to ''Pipeline Safety'' in order to fund ''Pipeline Safety Information Grants to Communities'' as authorized under section 60130 of title 49, United States Code.

HAZARDOUS MATERIALS SAFETY

For expenses necessary to discharge the hazardous materials safety functions of the Pipeline and Hazardous Materials Safety Administration, $49,434,000, of which $6,497,000 shall remain available until September 30, 2013: *Provided*, That up to $800,000 in fees collected under 49 U.S.C. 5108(g) shall be deposited in the general fund of the Treasury as offsetting receipts: *Provided further*, That there may be credited to this appropriation, to be available until expended, funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training, for reports publication and dissemination, and for travel expenses incurred in performance of hazardous materials exemptions and approvals functions: *Provided further*, That in fiscal year 2012, the Administrator of the Pipeline and Hazardous Materials Safety Administration shall propose to collect a reasonable fee for expenses incurred for processing applications for, and ensuring compliance with the terms of, special permits and approvals issued under 49 U.S.C. 5117.

PIPELINE SAFETY

(PIPELINE SAFETY FUND)

(OIL SPILL LIABILITY TRUST FUND)

For expenses necessary to conduct the functions of the pipeline safety program, for grants-in-aid to carry out a pipeline safety program, as authorized by 49 U.S.C. 60107, and to discharge the pipeline program responsibilities of the Oil Pollution Act of 1990, $111,111,000, of which $18,905,000 shall be derived from the Oil Spill Liability Trust Fund and shall remain available until September 30, 2013; and of which $92,206,000 shall be derived from the Pipeline Safety Fund, of which $51,206,000 shall remain available until September 30, 2013: *Provided*, That not less than $1,053,000 of the funds provided under this heading shall be for the one-call State grant program.

EMERGENCY PREPAREDNESS GRANTS

(EMERGENCY PREPAREDNESS FUND)

For necessary expenses to carry out 49 U.S.C. 5128(b), $188,000, to be derived from the Emergency Preparedness Fund, to remain available until September 30, 2012: *Provided*, That not more than $28,318,000 shall be made available for obligation in fiscal year 2011 from amounts made available by 49 U.S.C. 5116(i) and 5128(b)–(c): *Provided further*, That none of the funds made available by 49 U.S.C. 5116(i), 5128(b), or 5128(c) shall be made available for obligation by individuals other than the Secretary of Transportation, or his designee.

RESEARCH AND INNOVATIVE TECHNOLOGY ADMINISTRATION

RESEARCH AND DEVELOPMENT

For necessary expenses of the Research and Innovative Technology Administration, $16,790,000, of which $9,655,000 shall remain available until September 30, 2013: *Provided*, That there may be credited to this appropriation, to be available until expended, funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General to carry out the provisions of the Inspector General Act of 1978, as amended, $86,406,000: *Provided*, That the Inspector General shall have all necessary authority, in carrying out the duties specified in the Inspector General Act, as amended (5 U.S.C. App. 3), to investigate allegations of fraud, including false statements to the government (18 U.S.C. 1001), by any person or entity that is subject to regulation by the Department: *Provided further*, That the funds made available under this heading may be used to investigate, pursuant to section 41712 of title 49, United States Code: (1) unfair or deceptive practices and unfair methods of competition by domestic and foreign air carriers and ticket agents; and (2) the compliance of domestic and foreign air carriers with respect to item (1) of this proviso.

SURFACE TRANSPORTATION BOARD

SALARIES AND EXPENSES

For necessary expenses of the Surface Transportation Board, including services authorized by 5 U.S.C. 3109, $30,874,000: *Provided*, That notwithstanding any other provision of law, not to exceed $1,250,000 from fees established by the Chairman of the Surface Transportation Board shall be credited to this appropriation as offsetting collections and used for necessary and authorized expenses under this heading: *Provided further*, That the sum herein appropriated from the general fund shall be reduced on a dollar-for-dollar basis as such offsetting collections are received during fiscal year 2011, to result in a final appropriation from the general fund estimated at no more than $29,624,000.

GENERAL PROVISIONS—DEPARTMENT OF TRANSPORTATION

SEC. 180. During the current fiscal year applicable appropriations to the Department of Transportation shall be available for maintenance and operation of aircraft; hire of passenger motor vehicles and aircraft; purchase of liability insurance for motor vehicles operating in foreign countries on official department business; and uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902).

SEC. 181. Appropriations contained in this Act for the Department of Transportation shall be available for services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for an Executive Level IV.

SEC. 182. None of the funds in this Act shall be available for salaries and expenses of more than 110 political and Presidential appointees in the Department of Transportation: *Provided*, That none of the personnel covered by this provision may be assigned on temporary detail outside the Department of Transportation.

SEC. 183. None of the funds in this Act shall be used to implement section 404 of title 23, United States Code.

SEC. 184. (a) No recipient of funds made available in this Act shall disseminate personal information (as defined in 18 U.S.C. 2725(3)) obtained by a State department of motor vehicles in connection with a motor vehicle record as defined in 18 U.S.C. 2725(1), except as provided in 18 U.S.C. 2721 for a use permitted under 18 U.S.C. 2721.

(b) Notwithstanding subsection (a), the Secretary shall not withhold funds provided in this Act for any grantee if a State is in noncompliance with this provision.

SEC. 185. Funds received by the Federal Highway Administration, Federal Transit Administration, and Federal Railroad Administration from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training may be credited respectively to the Federal Highway Administration's ''Federal-Aid Highways'' account, the Federal Transit Administration's ''Research and University Research Centers'' account, and to the Federal Railroad Administration's ''Safety and Operations'' account, except for State rail safety inspectors participating in training pursuant to 49 U.S.C. 20105.

SEC. 186. Funds provided or limited in this Act under the appropriate accounts within the Federal Highway Administration, the Federal Railroad Administration and the Federal Transit Administration shall be for the eligible programs, projects and activities in the corresponding amounts identified in the explanatory statement accompanying this Act for ''Ferry Boats and Ferry Terminal Facilities'', ''Federal Lands'', ''Interstate Maintenance Discretionary'', ''Transportation, Community and System Preservation Program'', ''Delta Region Transportation Development Program'', ''Rail Line Relocation and Improvement Program'', ''Rail-highway crossing hazard eliminations'', ''Capital Investment Grants'', ''Alternatives analysis' '', and ''Bus and bus facilities''.

SEC. 187. Notwithstanding any other provisions of law, rule or regulation, the Secretary of Transportation is authorized to allow the issuer of any preferred stock heretofore sold to the Department to redeem or repurchase such stock upon the payment to the Department of an amount determined by the Secretary.

SEC. 188. None of the funds in this Act to the Department of Transportation may be used to make a grant unless the Secretary of Transportation notifies the House and Senate Committees on Appropriations not less than 3 full business days before any project competitively selected to receive a discretionary grant award, any discretionary grant award, letter of intent, or full funding grant agreement totaling $1,000,000 or more is announced by the department or its modal administrations from: (1) any discretionary grant program of the Federal Highway Administration including the emergency relief program; (2) the airport improvement program of the Federal Aviation Administration; (3) any grant from the Federal Railroad Administration; or (4) any program of the Federal Transit Administration other than the formula grants and fixed guideway modernization programs: *Provided*, That the Secretary gives concurrent notification to the House and Senate Committees on Appropriations for any ''quick release'' of funds from the emergency relief program: *Provided further*, That no notification shall involve funds that are not available for obligation. In addition, none of the funds in this Act to the Department of Transportation may be used to make a grant award unless the Secretary of Transportation notifies the House and Senate Committees on Appropriations not less than 3 full business days before any announcement of a project competitively selected to receive a discretionary grant award from a program with an annual budget equal to or exceeding $40,000,000.

SEC. 189. Rebates, refunds, incentive payments, minor fees and other funds received by the Department of Transportation from travel management centers, charge card programs, the subleasing of building space, and miscellaneous sources are to be credited to appropriations of the Department of Transportation and allocated to elements of the Department of Transportation using fair and

equitable criteria and such funds shall be available until expended.

SEC. 190. Amounts made available in this or any other Act that the Secretary determines represent improper payments by the Department of Transportation to a third-party contractor under a financial assistance award, which are recovered pursuant to law, shall be available—

(1) to reimburse the actual expenses incurred by the Department of Transportation in recovering improper payments; and

(2) to pay contractors for services provided in recovering improper payments or contractor support in the implementation of the Improper Payments Information Act of 2002: *Provided*, That amounts in excess of that required for paragraphs (1) and (2)—

(A) shall be credited to and merged with the appropriation from which the improper payments were made, and shall be available for the purposes and period for which such appropriations are available; or

(B) if no such appropriation remains available, shall be deposited in the Treasury as miscellaneous receipts: *Provided further*, That prior to the transfer of any such recovery to an appropriations account, the Secretary shall notify to the House and Senate Committees on Appropriations of the amount and reasons for such transfer: *Provided further*, That for purposes of this section, the term ''improper payments'', has the same meaning as that provided in section 2(d)(2) of Public Law 107–300.

SEC. 191. Notwithstanding any other provision of law, if any funds provided in or limited by this Act are subject to a reprogramming action that requires notice to be provided to the House and Senate Committees on Appropriations, said reprogramming action shall be approved or denied solely by the Committees on Appropriations: *Provided*, That the Secretary may provide notice to other congressional committees of the action of the Committees on Appropriations on such reprogramming but not sooner than 30 days following the date on which the reprogramming action has been approved or denied by the House and Senate Committees on Appropriations.

SEC. 192. None of the funds appropriated or otherwise made available under this Act may be used by the Surface Transportation Board of the Department of Transportation to charge or collect any filing fee for rate or practice complaints filed with the Board in an amount in excess of the amount authorized for district court civil suit filing fees under section 1914 of title 28, United States Code.

SEC. 193. Notwithstanding section 3324 of title 31, United States Code, in addition to authority provided by section 327 of title 49, United States Code, the Department's Working Capital Fund is hereby authorized to provide payments in advance to vendors that are necessary to carry out the Federal transit pass transportation fringe benefit program under Executive Order 13150 and section 3049 of Public Law 109–59: *Provided*, That the Department shall include adequate safeguards in the contract with the vendors to ensure timely and high-quality performance under the contract.

SEC. 194. (a) In the explanatory statement contained in House Report 106–940 accompanying Public Law 106–346 (114 Stat. 1356A), in the table of projects under the heading ''Capital Investments Grants'', the item relating to ''Lowell, Massachusetts-Nashua, New Hampshire Commuter Rail Project'' is deemed to be amended by inserting ''and Manchester'' after ''Nashua''.

(b) Notwithstanding any other provision of law, funds made available under the Federal Transit Administration Capital Investment Grants Account in fiscal year 2008 (Public Law 110–161) for METRA Connects Southeast Service, Illinois, METRA Star Line, Illinois, METRA Union Pacific Northwest Line, Illinois, METRA Union Pacific West Line, Illinois and funds made available in fiscal year 2009 (Public Law 111–8) for METRA, Illinois, shall be made available until September 30, 2011.

(c) Of the $1,000,000 appropriated under the heading ''General Provisions'' in Public Law 108–7 for Juneau Heliport, Alaska, the unobligated balance shall be available for improvements to bridges owned by the City and Borough of Juneau, Alaska.

(d) Notwithstanding any other provision of law, funds made available in Public Law 111–8 for ''Phase 3 Rail Rehabilitation in Redwood Falls, MN'' shall be available for obligation and expenditure for ''Minnesota Valley Regional Rail Authority, MN.''

(e) Funds made available for the City of Las Vegas, NV ''Bonneville Clark Couplet'' through Department of Transportation Appropriations Acts for fiscal year 2009 (Public Law 111–8) and fiscal year 2010 (Public Law 111–17) that remain unobligated or unexpended shall be made available to the ''Decatur Boulevard/Charleston Boulevard Intersection Improvements'' in Las Vegas, Nevada.

(f) In the explanatory statement referenced in section 186 of division K of Public Law 110–161, the item relating to ''Walton Boulevard Bridge widening, MI'' is deemed to be amended by striking ''Walton Boulevard Bridge widening, MI'' and inserting ''Avon Road Bridge and Livernois Road Bridge Reconstruction, MI''.

(g) Notwithstanding any other provision of law, the amounts made available for the Interstate 579 Cap–Urban Green Space and Park Plaza, Pittsburgh, Pennsylvania, by the explanatory statement accompanying the Consolidated Appropriations Act, 2010 (Public Law 111–117; 123 Stat. 3034), shall be used for projects for street, traffic flow, pedestrian, and streetscape improvements in Pittsburgh, Pennsylvania.

(h) The explanatory statement referenced in section 186 of title I of division A of Public Law 111–117 for ''Alternative analysis'' under ''Federal Transit Administration—Formula and Bus Grants'' is deemed to be amended by striking ''Hudson-Bergen MOS–2 Northern NJ'' and inserting ''Hudson-Bergen Light Rail Extension Route 440, Jersey City, NJ.''

(i) In the explanatory statement referenced in section 186 of title I of division I of Public Law 111–8, the item relating to ''Starkweather Creek Parkway Bike Path, WI'' in the table of projects under the heading ''Transportation, Community, and System Preservation Program'' is deemed to be amended by striking ''Starkweather Creek Parkway Bike Path, WI'' and inserting ''Military Ridge Trail/Cannonball Path multi-purpose bike and pedestrian bridge, WI''.

(j) Public Law 111–8 is amended by striking ''Construct On/Off Ramps Connecting I–20 to Cotton Flat Road'' and inserting ''Make Improvements to the I–20/250 Loop Interchange Project''.

(k) The Secretary of Transportation shall not reallocate capital investment funds made available for the I–69 HOV/BRT, Mississippi, project and section 5309 bus funds made available to the LOU Public Transit System, Oxford, MS, in Public Law 110–161 and the accompanying explanatory statement.

(l) Amounts provided for Provo Orem Bus Rapid Transit, in Public Law 110–161 shall not be reallocated and shall be made available for Provo Orem Bus Rapid Transit and intermodal terminals.

(m) Funding provided for ''Pierce Transit Peninsula Park & Ride, WA'' under Bus and Bus Facilities in Public Law 110–161 shall be made available for ''Pierce Transit Vehicle Replacement''.

(n) The explanatory statement accompanying the Fiscal Year 2003 Consolidated Appropriations Act shall be deemed to be amended by striking ''Ways to Work—EPIC Yakima'' and inserting ''Ways to Work, Metropolitan Family Service, SW Washington''.

(o) The explanatory statement accompanying the Fiscal Year 2004 Consolidated Appropriations Act shall be deemed to be amended by striking ''Ellensburg Interchange I–90, Milepost 108.31, Washington'' and inserting ''I–90 Ellensburg vicinity—US 97 and local roadway improvements''.

(p) The explanatory statement accompanying the Fiscal Year 2004 Consolidated Appropriations Act shall be deemed to be amended by striking ''SR 31, All Weather Roadway Construction and Widening, Pend Oreille County, Washington'' and inserting ''SR 31 Corridor Improvements and local transportation projects (Pend Oreille County)''.

(q) Notwithstanding any other provision of law, the funding made available for the Schuylkill Valley Metro project through the Department of Transportation Appropriations Acts for Federal Fiscal Year 2007, 2008 and 2009 shall remain available for that project during Federal fiscal years 2010 and 2011.

(r) Notwithstanding any other provision of law, the $10,976,000 appropriated for the CORRIDORone Regional Rail Project in Pennsylvania under the Capital Investment Grants account in division K of the Consolidated Appropriations Act, 2008 (Public Law 110–161) shall be available for obligation until September 30, 2011.

(s) Notwithstanding any other provision of law, of the $2,500,000 appropriated for the Alle-Kiski Connector Bridge in Department of Transportation Appropriations Act, 2005, Public Law 108–447, $2,100,000 shall be available for right of way, design, and construction activities for the Hulton Bridge in Oakmont, Pennsylvania and $400,000 shall be available for a feasibility study for construction of the Alle-Kiski Connector Bridge.

(t) Notwithstanding any other provision of law, the funding made available for the Franklin Street Station Restoration (BARTA) through the Department of Transportation Appropriations Act of Federal Fiscal Year 2008 shall remain available for that project during Federal fiscal year 2011.

(u) Funds provided for ''I–85 NB Viaduct at SR 400 NB—Exit Lane, GA'' in Public Law 111–8 shall be made available for ''I–285/Ashford Dunwoody Interchange Reconstruction''.

(v) In the explanatory statement referenced in section 186 of title I of division A of Public Law 111–117 (123 Stat. 3070), the item relating to ''Chalk Bluff Road, Clay County, AR'' in the table of projects under the heading ''Delta Region Transportation Development Program'' is deemed to be amended by striking ''Chalk Bluff Road, Clay County, AR'' and inserting ''Cabot North Interchange, AR''.

(w) In the explanatory statement referenced in section 186 of title I of division A of Public Law 111–117 (123 Stat. 3070), the item relating to ''I–480/Tiedeman Road Interchange Modification, OH'' in the table of projects under the heading ''Interstate Maintenance Discretionary'' is deemed to be amended by striking ''I–480/Tiedeman Road Interchange Modification, OH'' and inserting ''Construction and upgrades at four grade crossings in Olmsted Falls, OH''.

(x) Funds made available for ''Construction of the I–278 Environmental Shield, Queens, NY'' under the heading ''Surface transportation priorities'' in title I of division A of

Public Law 111–117 (123 Stat. 3044) shall be made available for ''Reconstruction and reconfiguration of the northbound off-ramp from Interstate 95 to Bartow/Baychester Avenue, Bronx, NY''.

(y) In the explanatory statement referenced in section 186 of title I of division I of Public Law 111–8 (123 Stat. 947), the item relating to ''Newton County Rails to Trails By-Pass Tunnel, GA'' in the table of projects under the heading ''Transportation, Community, and System Preservation Program'' is deemed to be amended by striking ''Newton County Rails to Trails By-Pass Tunnel, GA'' and inserting ''Newton County Eastside High School to County Library Trail, GA''.

(z) The amount authorized for the project entitled ''New I–25 Interchange near m.p. 217, NM'' described on page 164 of the statement of the managers (H. Rept. 109–307) accompanying the Transportation, Treasury, Housing and Urban Development, the Judiciary, the District of Columbia, and Independent Agencies Appropriations Act, 2006 (Public Law 109–115), and related administrative funding, may be used to provide for an interchange on I–25 to provide access to Mesa del Sol, New Mexico.

(aa) The amount authorized for the project entitled ''Paseo del Volcan I–40 Interchange, NM'' described on page 165 of the statement of the managers (H. Rept. 109–307) accompanying the Transportation, Treasury, Housing and Urban Development, the Judiciary, the District of Columbia, and Independent Agencies Appropriations Act, 2006 (Public Law 109–115), and related administrative funding, may be used to provide for I–40 improvements in Bernalillo County, New Mexico.

(bb) The explanatory statement accompanying Public Law 108–447 is deemed to be amended by striking ''SR509/SR518 Interchange/Intersection Redevelopment Burien, Washington'' and inserting: ''SR518 Interchange/Intersection Redevelopment (Burien), Washington''.

(cc) Funds made available for ''West Haven Intermodal Station, CT'' through title IV of division K of Public Law 110–161 (121 Stat. 1844) and for the ''West Haven Rail Passenger Station, CT'' through title I of division A of Public Law 111–117 (123 Stat. 3034) shall be made available for bus projects eligible under section 5309(b)(3) of title 49, United States Code, and improvements to the surface transportation corridors in the City of West Haven, CT, including streetscapes and pedestrian walkways.

(dd) The explanatory statement accompanying the Fiscal Year 2010 Consolidated Appropriations Act shall be deemed to be amended by striking ''Highway and Bridge improvements CR97, Nicolls Road Highway Improvements'' and inserting ''Highway and bridge improvements to CR 46, William Floyd Parkway in the vicinity of Narrows Bay Bridge''.

(ee) Funds made available for ''Empire Corridor West High Speed Rail Improvements, Monroe County, NY'' under the heading ''Surface transportation priorities'' in title I of division A of Public Law 111–117 (123 Stat. 3044) shall be made available for ''Rochester Intermodal Transportation Center, NY''.

(ff) Any unobligated balance appropriated under the heading ''Highway Demonstration Projects'' in title I of Public Law 102–143 (105 Stat. 929) and made available for the Delaware Street Bridge Replacement Project, (CR640) Bridge over Mathews Branch in West Deptford Township, New Jersey by section 191(d) of Division K of Public Law 110–161, shall be made available for Resurfacing and Safety Improvements to CR 553 (Buck Road) in Franklin and Elk Townships in Gloucester County, New Jersey.

(gg) The explanatory statement accompanying Public Law 111–8 shall be deemed to be amended by striking ''Rich Passage Wake Impact Study, WA'' and inserting ''Rich Passage Wake Impact Study, including: wake impact shore monitoring and Prototype Field Operations Testing, including: live load passenger service''.

(hh) The explanatory statement accompanying Public Law 111–117 shall be deemed to be amended by striking ''Northstar Phase II—Extension of Northstar Commuter Rail to the St. Cloud Area, MN'' and inserting ''Northstar Commuter Rail Station in Ramsey, Minnesota''.

SEC. 195. (a) Section 3044(a) of Public Law 109–59 is amended—

(1) By striking the project description in item 422 and inserting, ''Anchorage People Mover transit needs, Anchorage, AK.''

(2) By striking the project description in item 160 and inserting, ''Nebraska Statewide Vehicles, Facilities and Related Equipment''.

(3) By striking the project description in item 586 and inserting, ''Nebraska Department of Roads—Statewide Vehicles, Facilities and Related Equipment''.

(b) All amounts made available in item 422 of section 3044(a) of Public Law 109–59 which have not been obligated by September 30, 2010 shall remain available for obligation until September 30, 2011.

(c) Section 3046(a)(22) of Public Law 109–59 is amended—

(1) In the paragraph heading, by striking ''FUEL CELL-POWERED BUS'' and inserting ''HYDROGEN-POWERED TRANSIT''; and

(2) By striking ''Fuel Cell-Powered Bus'' and inserting ''Hydrogen-Powered Transit''.

(d) Notwithstanding any other provision of law, the Secretary of Transportation shall not reallocate any funding made available for item 22 of section 3046 of Public Law 109–59.

(e) In section 1702 of Public Law 109–59, Project Authorizations, under item No. 400, strike the existing text under Project Description and insert in lieu thereof ''Road, sidewalk, and drainage construction and improvements, City of Unalaska.''

(f) The table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat 1256) is amended in item 1399 by striking the project description and inserting ''I–40 Frontage Road Reconstruction in the City of Gallup''.

(g) The table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1256) is amended in item 54 by striking the project description and inserting ''Study of a direct link to I–80 and Iowa Highway 92, in proximity to Pella''.

(h) The table contained in section 1934(c) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1485) is amended in item 105 by striking the project description and inserting ''Study of a direct link to I–80 and Iowa Highway 92, in proximity to Pella''.

(i) Amounts made available for the Cuming Street Transportation Improvement Project in items 4497 and 4506 of section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59) and in item 276 of section 1934(c) of such Act may be expended for—

(1) lighting, landscaping, and pedestrian enhancements on Cuming Street from 16th Street to 30th Street and on Burt Street from 31st Street to Florence Boulevard, including burial of certain over head utilities;

(2) pedestrian safety improvements on 24th Street from Cuming Street to Davenport Street, including the incorporation of traffic circles at Cass Street and Davenport Street and adjacent lighting, landscaping, and safety enhancements; and

(3) the reconfiguration of the Dodge Street/Douglas Street transition curve in conjunction with 30th Street.

(j) Section 1702 of the SAFETEA–LU: A Legacy for Users (Public Law 109–59, 119 Stat. 114, 1278; Public Law 110–244, 122 Stat. 1571, 1579) is amended by striking the project description in item 576 and inserting ''Design, right-of-way acquisition and construction of Nebraska Highway 35 between Norfolk and South Sioux City and for design, right-of-way acquisition and construction of an interchange east of Dakota Avenue on I–129.''

(k) Section 1702 of the SAFETEA–LU: A Legacy for Users (Public Law 109–59, 199 Stat. 1144, 1429; Public Law 110–224, 122 Stat. 1571, 1595) is amended by striking the project description in item 4507 and inserting ''Design, right-of-way acquisition and construction of Nebraska Highway 35 between Norfolk and south Sioux City and for design, right-of-way acquisition and construction of an interchange east of Dakota Avenue on I–129''.

(l) In Public Law 109–59, the table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1256) is amended in item number 2406 (119 Stat. 1350) by striking ''in Fort Worth'' in the project description and inserting '', or construct SH 199 (Henderson St.) through the Trinity Uptown Project between the West Fork and Clear Fork of the Trinity River, in Fort Worth''.

(m)(1) The project description in item 3730 under section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59, 119 Stat. 1400) is amended by adding at the end the following: ''(to include the Montgomery Outer Loop)''.

(n) The project description in item 16 under section 1934(c) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59, 119 Stat. 1486) is amended by adding at the end the following: ''(to include the Montgomery Outer Loop)''.

(o) The SAFETEA–LU (Public Law 109–59) is amended—

(1) in section 1702—

(A) by striking project number 4892 (119 Stat. 1443); and

(B) in project number 4924 (119 Stat. 444), by striking the project amount and inserting ''$6,149,733.82''; and

(2) in section 1934—

(A) by striking project number 374 (119 Stat. 1505); and

(B) in project number 382 (119 Stat. 1505), by striking the project amount and inserting ''$20,446,640''.

(p) Item 3557 of section 1702 of Public Law 109–59 is amended by striking ''Improve Mill Plain Blvd between SE 172nd and SE 192nd in Vancouver'' and inserting ''Extend 18th Street between 87th Avenue and NE 192nd Avenue in Vancouver''.

(q) Item 744 of section 1702 of Public Law 109–59 is amended by striking ''Widen I–5 through Lewis County'' and inserting ''I–5 Frontage Road and I–5 Interchange Improvements in Lewis County''.

(r) Item 2827 of section 1702 of Public Law 109–59 is amended by striking ''Construct SR 9 Pedestrian Overpass in Arlington'' and inserting ''State Route 9/Crown Ridge Blvd. Improvements''.

(s) Item 249 of section 1702 of Public Law 109–59 is amended by striking ''Complete preliminary engineering and environmental analysis for SR14 through Camas and Washougal'' and inserting ''Complete preliminary engineering, environmental and

construction for SR 14 through Camas and Washougal''.

(t) The table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1256) is amended—

(1) in item number 1366, by striking the project description and inserting ''Road and bridge improvements and storm water mitigation in the Town of Southampton''; and

(2) in item number 2252 by striking the project description and inserting ''Operational safety studies, final design and/or construction of intersection operational and safety improvements for USH 53 between Rice Lake and Superior, Wisconsin''.

(u) The table contained in section 1602 of the Transportation Equity Act for the 21st Century (112 Stat. 257) is amended—

(1) in item number 414 by striking the project description and inserting ''Engineering, design and construction of the North Street, Pittsfield, streetscaping project''; and

(2) in item number 815 by striking the project description and inserting '' Highway 10 relocation, City of Wadena''.

(v) The table contained in section 1702 of the SAFETEA–LU (Public Law 109–59) is amended—

(1) In item number 598 (119 Stat. 1279) by striking the project description and inserting ''Construction to provide access to Mesa del Sol in Albuquerque''.

(2) In item number 291 (119 Stat. 1267) by striking the project description and inserting ''Development of Paseo del Volcan corridor in Sandoval County''.

(3) In item number 4546 (119 Stat. 1430) by striking the project description and inserting ''I–40 improvements, Bernalillo County''.

(4) In item number 4549 (119 Stat. 1430) by striking the project description and inserting ''Paseo de Volcan in Rio Rancho''.

(5) In items 371 and 4340, by striking ''Allen Road under the CN Railroad Grade Separation, Woodhaven'' and inserting ''Allen and Van Horn Roads, Woodhaven''.

SEC. 196. The Secretary shall continue an independent and comprehensive study and analysis to supplement that authorized under section 108, division C, of Public Law 111–8: *Provided*, That additional funding will help to engage stakeholders and Federal partners by creating a multi-agency task force funded to formulate DOT's coordination with the Departments of Energy, Commerce and Agriculture to ensure a comprehensive understanding of the full value of river flow support to users in the Mississippi and Missouri Rivers: *Provided further*, That subjects of analysis shall include energy (including hydropower and generation cooling), and water transport (including water-compelled rates, projected total transportation congestion considerations, transportation energy efficiency, air quality and carbon emissions) and water users (including the number and distribution of people, households, municipalities, and business throughout the Missouri and Mississippi River basins who use river water for multiple purposes): *Provided further*, That in addition to understanding current value, the Department is directed to work with appropriate Federal partners to develop recommendations on how to minimize impediments to growth and maximize water value of benefits related to energy production and efficiency, congestion relief, trade and transport efficiency, and air quality: *Provided further*, That the Department of Transportation shall provide its analysis and recommendations to the U.S. Army Corps of Engineers, the White House, and the Congress no later than January 2012: *Provided further*, That $2,000,000 is available until expended for such purposes.

SEC. 197. Section 194 of Public Law 111–117 is amended—

(1) in subsection (b) by striking ''1-year'' and inserting ''2-year'';

(2) in subsection (c) by striking ''366'' and inserting ''731'';

(3) in subsection (d) by striking ''Interstate Routes 89, 91, and 93'' and inserting ''all portions of the Interstate System'';

(4) in subsection (e) by striking ''1-year'' and inserting ''2-year'';

(5) in subsection (f) by striking ''366'' and inserting ''731''; and

(6) in subsection (g) by—

(A) striking ''on the Vermont Pilot Program'';

(B) striking ''2 years'' and inserting ''3 years'';

(C) striking ''pilot program under this paragraph'' and inserting ''pilot programs under this section''; and

(D) striking ''State of Vermont'' and inserting ''States of Maine and Vermont''.

This title may be cited as the Department of Transportation Appropriations Act, 2011.

## TITLE II

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

### MANAGEMENT AND ADMINISTRATION

#### EXECUTIVE DIRECTION

For necessary salaries and expenses for Executive Direction, $28,310,000, of which not to exceed $7,464,000 shall be available for the immediate Office of the Secretary and Deputy Secretary; not to exceed $1,706,000 shall be available for the Office of Hearings and Appeals; not to exceed $719,000 shall be available for the Office of Small and Disadvantaged Business Utilization; not to exceed $839,000 shall be available for the immediate Office of the Chief Financial Officer; not to exceed $1,395,500 shall be available for the immediate Office of the General Counsel; not to exceed $2,709,000 shall be available to the Office of the Assistant Secretary for Congressional and Intergovernmental Relations; not to exceed $4,691,000 shall be available for the Office of the Assistant Secretary for Public Affairs; not to exceed $1,843,000 shall be available to the Office of the Assistant Secretary for Public and Indian Housing; not to exceed $1,487,500 shall be available to the Office of the Assistant Secretary for Community Planning and Development; not to exceed $3,015,000 shall be available to the Office of the Assistant Secretary for Housing, Federal Housing Commissioner; not to exceed $992,000 shall be available to the Office of the Assistant Secretary for Policy Development and Research; and not to exceed $700,000 shall be available to the Office of the Assistant Secretary for Fair Housing and Equal Opportunity; and not to exceed $749,000 shall be available to the Office of the Chief Operating Officer: *Provided*, That the Secretary of the Department of Housing and Urban Development is authorized to transfer funds appropriated for any office funded under this heading to any other office funded under this heading following the written notification to the House and Senate Committees on Appropriations: *Provided further*, That the Secretary shall provide the Committees on Appropriations quarterly written notification regarding the status of pending congressional reports: *Provided further*, That the Secretary shall provide all signed reports required by Congress electronically: *Provided further*, That not to exceed $25,000 of the amount made available under this paragraph for the immediate Office of the Secretary shall be available for official reception and representation expenses as the Secretary may determine: *Provided further*, That the Secretary shall notify the Committees on Appropriations one month before any of the funds made available under this heading may be used for international travel.

#### ADMINISTRATION, OPERATIONS AND MANAGEMENT

For necessary salaries and expenses for administration, operations and management for the Department of Housing and Urban Development, $525,040,000, of which not to exceed $65,449,000 shall be available for the personnel compensation and benefits of the Office of the Chief Human Capital Officer; not to exceed $9,122,000 shall be available for the personnel compensation and benefits of the Office of Departmental Operations and Coordination; not to exceed $48,465,000 shall be available for the personnel compensation and benefits of the Office of Field Policy and Management; not to exceed $15,932,000 shall be available for the personnel compensation and benefits of the Office of the Chief Procurement Officer; not to exceed $33,597,000 shall be available for the personnel compensation and benefits of the remaining staff in the Office of the Chief Financial Officer; not to exceed $86,482,000 shall be available for the personnel compensation and benefits of the remaining staff in the Office of the General Counsel; not to exceed $3,115,000 shall be available for the personnel compensation and benefits of the Office of Departmental Equal Employment Opportunity; not to exceed $1,171,000 shall be available for the personnel compensation and benefits for the Center for Faith-Based and Community Initiatives; not to exceed $2,237,000 shall be available for the personnel compensation and benefits for the Office of Sustainability; not to exceed $3,695,000 shall be available for the personnel compensation and benefits for the Office of Strategic Planning and Management; not to exceed $4,375,000 shall be available for the personnel compensation and benefits for the Office of the Chief Disaster and Emergency Management Officer; and not to exceed $251,400,000 shall be available for nonpersonnel expenses of the Department of Housing and Urban Development: *Provided*, That, funds provided under this heading may be used for necessary administrative and nonadministrative expenses of the Department of Housing and Urban Development, not otherwise provided for, including purchase of uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; hire of passenger motor vehicles; services as authorized by 5 U.S.C. 3109: *Provided further*, That notwithstanding any other provision of law, funds appropriated under this heading may be used for advertising and promotional activities that support the housing mission area: *Provided further*, That the Secretary shall notify the Committees on Appropriations one month before any of the funds made available under this heading may be used for international travel.

### PERSONNEL COMPENSATION AND BENEFITS

#### PUBLIC AND INDIAN HOUSING

For necessary personnel compensation and benefits expenses of the Office of Public and Indian Housing, $194,889,000.

#### COMMUNITY PLANNING AND DEVELOPMENT

For necessary personnel compensation and benefits expenses of the Office of Community Planning and Development mission area, $104,656,000.

#### HOUSING

For necessary personnel compensation and benefits expenses of the Office of Housing, $390,885,000.

#### OFFICE OF THE GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

For necessary personnel compensation and benefits expenses of the Office of the Government National Mortgage Association, $14,000,000, to be derived from the GNMA guarantees of mortgage backed securities guaranteed loan receipt account.

POLICY DEVELOPMENT AND RESEARCH

For necessary personnel compensation and benefits expenses of the Office of Policy Development and Research, $21,138,000.

FAIR HOUSING AND EQUAL OPPORTUNITY

For necessary personnel compensation and benefits expenses of the Office of Fair Housing and Equal Opportunity, $70,363,000.

OFFICE OF HEALTHY HOMES AND LEAD HAZARD CONTROL

For necessary personnel compensation and benefits expenses of the Office of Healthy Homes and Lead Hazard Control, $7,151,000.

PUBLIC AND INDIAN HOUSING

TENANT-BASED RENTAL ASSISTANCE

(INCLUDING TRANSFER OF FUNDS)

For activities and assistance for the provision of tenant-based rental assistance authorized under the United States Housing Act of 1937, as amended (42 U.S.C. 1437 et seq.) (''the Act'' herein), not otherwise provided for, $15,298,997,653, to remain available until expended, shall be available on October 1, 2010 (in addition to the $4,000,000,000 previously appropriated under this heading that will become available on October 1, 2010), and $4,000,000,000, to remain available until expended, shall be available on October 1, 2011: *Provided*, That of the amounts made available under this heading are provided as follows:

(1) $16,993,997,653 shall be available for renewals of expiring section 8 tenant-based annual contributions contracts (including renewals of enhanced vouchers under any provision of law authorizing such assistance under section 8(t) of the Act) and including renewal of other special purpose vouchers initially funded in fiscal years 2008, 2009 and 2010 (such as Family Unification, Veterans Affairs Supportive Housing Vouchers and Non-elderly Disabled Vouchers): *Provided*, That notwithstanding any other provision of law, from amounts provided under this paragraph and any carryover, the Secretary for the calendar year 2011 funding cycle shall provide renewal funding for each public housing agency based on validated voucher management system (VMS) leasing and cost data for calendar year 2010 and by applying the most recent 12 months of the Annual Adjustment Factor as established by the Secretary, and by making any necessary adjustments for the costs associated with the first-time renewal of vouchers under this paragraph including tenant protection, and HOPE VI vouchers: *Provided further*, That none of the funds provided under this paragraph may be used to fund a total number of unit months under lease which exceeds a public housing agency's authorized level of units under contract, except for public housing agencies participating in the Moving to Work demonstration, which are instead governed by the terms and conditions of their MTW agreements: *Provided further*, That the Secretary shall, to the extent necessary to stay within the amount specified under this paragraph, pro rate each public housing agency's allocation otherwise established pursuant to this paragraph: *Provided further*, That except as provided in the following provisos, the entire amount specified under this paragraph shall be obligated to the public housing agencies based on the allocation and pro rata method described above, and the Secretary shall notify public housing agencies of their annual budget not later than 60 days after enactment of this Act: *Provided further*, That the Secretary may extend the 60-day notification period with the prior written approval of the House and Senate Committees on Appropriations: *Provided further*, That public housing agencies participating in the Moving to Work demonstration shall be funded pursuant to their Moving to Work agreements and shall be subject to the same pro rata adjustments under the previous provisos: *Provided further*, That up to $150,000,000 shall be available only: (1) to adjust the allocations for public housing agencies, after application for an adjustment by a public housing agency that experienced a significant increase, as determined by the Secretary, in renewal costs of tenant-based rental assistance resulting from unforeseen circumstances or from portability under section 8(r) of the Act; (2) for vouchers that were not in use during the 12-month period in order to be available to meet a commitment pursuant to section 8(o)(13) of the Act; (3) for any increase in the costs associated with deposits to family self-sufficiency program escrow accounts; (4) for one-time adjustments of renewal funding for public housing agencies in receivership with approved fungibility plans for calendar year 2009 as authorized in section 11003 of the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009 (Public Law 110–329); or (5) to adjust allocations for public housing agencies to prevent termination of assistance to families receiving assistance under the disaster voucher program, as authorized by Public Law 109–148 under the heading ''Tenant-Based Rental Assistance'': *Provided further*, That the Secretary shall allocate amounts under the previous proviso based on need as determined by the Secretary: *Provided further*, That of the amounts made available under this paragraph, up to $100,000,000 may be transferred to and merged with the appropriation for ''Transformation Initiative'';

(2) $150,000,000 shall be for section 8 rental assistance for relocation and replacement of housing units that are demolished or disposed of pursuant to the Omnibus Consolidated Rescissions and Appropriations Act of 1996 (Public Law 104–134), conversion of section 23 projects to assistance under section 8, the family unification program under section 8(x) of the Act, relocation of witnesses in connection with efforts to combat crime in public and assisted housing pursuant to a request from a law enforcement or prosecution agency, enhanced vouchers under any provision of law authorizing such assistance under section 8(t) of the Act, HOPE VI vouchers, mandatory and voluntary conversions, exigent health and safety issues in public housing units, and tenant protection assistance including replacement and relocation assistance or for project based assistance to prevent the displacement of unassisted elderly tenants currently residing in section 202 properties financed between 1959 and 1974 that are refinanced pursuant to Public Law 106–569, as amended, or under the authority as provided under this Act: *Provided*, That the Secretary may only provide replacement vouchers for all units that were occupied within the previous 24 months that cease to be available as assisted housing, subject only to the availability of funds: *Provided further*, That of the amounts made available under this paragraph, $25,000,000 shall be available to provide tenant protection assistance, not otherwise provided under this paragraph, to residents residing in low-vacancy areas and who may have to pay rents greater than 30 percent of household income, as the result of (1) the maturity of a HUD-insured, HUD-held or section 202 loan that requires the permission of the Secretary prior to loan prepayment, (2) the expiration of a rental assistance contract for which the tenants are not eligible for enhanced voucher or tenant protection assistance under existing law, or (3) the expiration of affordability restrictions accompanying a mortgage or preservation program administered by the Secretary: *Provided further*, That such tenant protection assistance made available under the previous proviso may be provided under the authority of section 8(t) of the United States Housing Act of 1937 (42 U.S.C. 1437f(t)): *Provided further*, That the Secretary shall issue guidance to implement the previous two provisos, including but not limited to requirements for defining eligible at-risk households within 120 days of the enactment of this Act;

(3) $1,851,000,000 shall be for administrative and other expenses of public housing agencies in administering the section 8 tenant-based rental assistance program, of which up to $50,000,000 shall be available to the Secretary to allocate to public housing agencies that need additional funds to administer their section 8 programs, including fees associated with section 8 tenant protection rental assistance, the administration of disaster related vouchers, Veterans Affairs Supportive Housing vouchers, and other incremental vouchers: *Provided*, That no less than $1,741,000,000 of the amount provided in this paragraph shall be allocated to public housing agencies for the calendar year 2011 funding cycle based on section 8(q) of the Act (and related Appropriation Act provisions) as in effect immediately before the enactment of the Quality Housing and Work Responsibility Act of 1998 (Public Law 105–276): *Provided further*, That if the amounts made available under this paragraph are insufficient to pay the amounts determined under the previous proviso, the Secretary may decrease the amounts allocated to agencies by a uniform percentage applicable to all agencies receiving funding under this paragraph or may, to the extent necessary to provide full payment of amounts determined under the previous proviso, utilize unobligated balances, including recaptures and carryovers, remaining from funds appropriated to the Department of Housing and Urban Development under this heading, for fiscal year 2010 and prior fiscal years, notwithstanding the purposes for which such amounts were appropriated: *Provided further*, That amounts provided under this paragraph shall be only for activities related to the provision of tenant-based rental assistance authorized under section 8, including related development activities: *Provided further*, That of the total amount provided under this paragraph, $60,000,000 shall be available for family self-sufficiency coordinators under section 23 of the Act: *Provided further*, That amounts provided for family self-sufficiency coordinators shall be obligated to the public housing agencies not later than 60 days after enactment of this Act;

(4) $15,000,000 for incremental voucher assistance through the Family Unification Program: *Provided*, That the assistance made available under this paragraph shall continue to remain available for family unification upon turnover: *Provided further*, That the Secretary of Housing and Urban Development shall make such funding available, notwithstanding section 204 (competition provision) of this title, to entities with demonstrated experience and resources for supportive services;

(5) $63,000,000 for renewal of tenant-based assistance contracts under section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013) entered into prior to fiscal year 2007: *Provided*, That such renewals shall be entered into pursuant to section 8(o) of the United States Housing Act of 1937 in an amount necessary to fully fund the conversion of the number of authorized vouchers under each such section 811 contract to each such section 8(o) contract, including necessary administrative expenses, from the date of renewal through the end of calendar year 2011: *Provided further*, That unobligated balances, including recaptures and

carryover, remaining from funds appropriated to the Department of Housing and Urban Development in prior fiscal years for tenant-based assistance under such section 811 shall be available for renewal or amendment of contracts converted under this paragraph: *Provided further*, That all assistance made available under this paragraph shall continue to remain available only to persons with disabilities upon turnover: *Provided further*, That such converted vouchers may be administered by the entity administering the vouchers prior to conversion and any such entity shall be considered a ''public housing agency'' authorized to engage in the operation of tenant-based assistance under such section 8(o) with respect to such converted vouchers;

(6) $75,000,000 for incremental rental voucher assistance for use through a supported housing program administered in conjunction with the Department of Veterans Affairs as authorized under section 8(o)(19) of the United States Housing Act of 1937: *Provided*, That the Secretary of Housing and Urban Development shall make such funding available, notwithstanding section 204 (competition provision) of this title, to public housing agencies that partner with eligible VA Medical Centers or other entities as designated by the Secretary of the Department of Veterans Affairs, based on geographical need for such assistance as identified by the Secretary of the Department of Veterans Affairs, public housing agency administrative performance, and other factors as specified by the Secretary of Housing and Urban Development in consultation with the Secretary of the Department of Veterans Affairs: *Provided further*, That Veterans Affairs Supportive Housing projects may be designated as single sex projects for such purposes as approved by the Secretary of Housing and Urban Development and the Secretary of the Department of Veterans Affairs, notwithstanding any other statutory or regulatory requirement: *Provided further*, That the Secretary of Housing and Urban Development may waive, or specify alternative requirements for (in consultation with the Secretary of the Department of Veterans Affairs), any provision of any statute or regulation that the Secretary of Housing and Urban Development administers in connection with the use of funds made available under this paragraph (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), upon a finding by the Secretary that any such waivers or alternative requirements are necessary for the effective delivery and administration of such voucher assistance: *Provided further*, That assistance made available under this paragraph shall continue to remain available for homeless veterans upon turnover;

(7) up to $66,000,000 for incremental tenant-based assistance for eligible families assisted under the Disaster Housing Assistance Program for Hurricanes Ike and Gustav: *Provided*, That these vouchers will not be reissued when families leave the program;

(8) $85,000,000 for incremental voucher assistance under section 8(o) of the United States Housing Act of 1937, including related administrative expenses, for two competitive demonstration programs to address the needs of families and individuals who are homeless or at risk of homelessness, as defined by the Secretary of Housing and Urban Development, to be administered by the Department of Housing and Urban Development in conjunction with the Department of Health and Human Services and the Department of Education: *Provided*, That one demonstration program shall make funding available to public housing agencies that: (1) partner with eligible State or local entities responsible for distributing Temporary Assistance for Needy Families (TANF) and other health and human services as designated by the Secretary of the Department of Health and Human Services, and (2) partner with school homelessness liaisons funded through the Department of Education's Education for Homeless Children and Youths program: *Provided further*, That the other demonstration program shall make funding available to public housing agencies that partner with eligible state Medicaid agencies and State behavioral health entities as designated by the Secretary of the Department of Health and Human Services to provide housing in conjunction with Medicaid case management, substance abuse treatment, and mental health services: *Provided further*, That the Secretary of Housing and Urban Development shall make the funding specified in this subsection available through such allocation procedures as the Secretary determines to be appropriate, notwithstanding section 213 of the Housing and Community Development Act of 1974 (42 U.S.C. 1439) and section 204 (competition provision) of this title, to entities with demonstrated experience and that meet such other requirements as determined by the Secretary: *Provided further*, That the Secretary of Housing and Urban Development may waive, or specify alternative requirements for any provision of any statute or regulation that the Secretary of Housing and Urban Development administers in connection with the use of funds made available under this paragraph (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), upon a finding by the Secretary that any such waivers or alternative requirements are necessary for the effective delivery and administration of such voucher assistance: *Provided further*, That the Secretary shall publish in the Federal Register any waiver of any statute or regulation applicable to the entire demonstration that the Secretary administers pursuant to this subsection no later than 10 days before the effective date of such waiver: *Provided further*, That assistance made available under this subsection shall continue to remain available for these purposes upon turnover; and

(9) the Secretary shall separately track all special purpose vouchers funded under this heading.

HOUSING CERTIFICATE FUND

(RESCISSION)

Unobligated balances, including recaptures and carryover, remaining from funds appropriated to the Department of Housing and Urban Development under this heading, the heading ''Annual Contributions for Assisted Housing'' and the heading ''Project-Based Rental Assistance'', for fiscal year 2011 and prior years may be used for renewal of or amendments to section 8 project-based contracts and for performance-based contract administrators, notwithstanding the purposes for which such funds were appropriated: *Provided*, That any obligated balances of contract authority from fiscal year 1974 and prior that have been terminated shall be cancelled: *Provided further*, That amounts heretofore recaptured, or recaptured during the current fiscal year, from project-based section 8 contracts from source years fiscal year 1975 through fiscal year 1987 are hereby rescinded, and an amount of additional new budget authority, equivalent to the amount rescinded is hereby appropriated, to remain available until expended, for the purposes set forth under this heading, in addition to amounts otherwise available.

PUBLIC HOUSING CAPITAL FUND

For the Public Housing Capital Fund Program to carry out capital and management activities for public housing agencies, as authorized under section 9 of the United States Housing Act of 1937 (42 U.S.C. 1437g) (the ''Act'') $2,500,000,000, to remain available until September 30, 2014: *Provided*, That notwithstanding any other provision of law or regulation, during fiscal year 2011 the Secretary of Housing and Urban Development may not delegate to any Department official other than the Deputy Secretary and the Assistant Secretary for Public and Indian Housing any authority under paragraph (2) of section 9(j) regarding the extension of the time periods under such section: *Provided further*, That for purposes of such section 9(j), the term ''obligate'' means, with respect to amounts, that the amounts are subject to a binding agreement that will result in outlays, immediately or in the future: *Provided further*, That up to $15,345,000 shall be to support the ongoing Public Housing Financial and Physical Assessment activities of the Real Estate Assessment Center (REAC): *Provided further*, That of the total amount provided under this heading, not to exceed $30,000,000 shall be available for the Secretary to make grants, notwithstanding section 204 of this Act, to public housing agencies for emergency capital needs including safety and security measures necessary to address crime and drug-related activity as well as needs resulting from unforeseen or unpreventable emergencies and natural disasters excluding Presidentially declared emergencies and natural disasters under the Robert T. Stafford Disaster Relief and Emergency Act (42 U.S.C. 5121 et seq.) occurring in fiscal year 2011: *Provided further*, That of the amounts made available under the previous proviso, not less than $10,000,000 shall be for safety and security measures: *Provided further*, That of the amounts provided under this heading up to $25,000,000 may be for grants to be competitively awarded to public housing agencies for the construction, rehabilitation or purchase of facilities to be used to provide early education, adult education, job training or other appropriate services to public housing residents: *Provided further*, That the Department of Housing and Urban Development shall publish a notice of funding availability within 90 days of the enactment of this Act: *Provided further*, That grantees shall demonstrate an ability to leverage other Federal, State, local or private resources for the construction, rehabilitation or acquisition of such facilities, and that selected grantees shall demonstrate a capacity to pay the long-term costs of operating such facilities: *Provided further*, That of the total amount provided under this heading, $50,000,000 shall be for supportive services, service coordinators and congregate services as authorized by section 34 of the Act (42 U.S.C. 1437z–6) and the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.): *Provided further*, That a Notice of Funding Availability for the funds provided in the previous proviso shall be issued not later than 60 days after enactment of this Act: *Provided further*, That of the total amount provided under this heading up to $8,820,000 is to support the costs of administrative and judicial receiverships: *Provided further*, That from the funds made available under this heading, the Secretary shall provide bonus awards in fiscal year 2011 to public housing agencies that are designated high performers.

PUBLIC HOUSING OPERATING FUND

(INCLUDING TRANSFER OF FUNDS)

For 2011 payments to public housing agencies for the operation and management of public housing, as authorized by section 9(e) of the United States Housing Act of 1937 (42 U.S.C. 1437g(e)), $4,775,000,000: *Provided*, That,

in fiscal year 2009 and all fiscal years hereafter, no amounts under this heading in any appropriations Act may be used for payments to public housing agencies for the costs of operation and management of public housing for any year prior to the current year of such Act: *Provided further,* That of the amounts made available under this heading, up to $15,000,000 may be transferred to and merged with the appropriation for ''Transformation Initiative''.

REVITALIZATION OF SEVERELY DISTRESSED PUBLIC HOUSING (HOPE VI)

For grants to public housing agencies for demolition, site revitalization, replacement housing, and tenant-based assistance grants to projects as authorized by section 24 of the United States Housing Act of 1937 (42 U.S.C. 1437v), $200,000,000, to remain available until September 30, 2012, of which the Secretary of Housing and Urban Development may use up to $5,000,000 for technical assistance and contract expertise, to be provided directly or indirectly by grants, contracts or cooperative agreements, including training and cost of necessary travel for participants in such training, by or to officials and employees of the department and of public housing agencies and to residents: *Provided*, That none of such funds shall be used directly or indirectly by granting competitive advantage in awards to settle litigation or pay judgments, unless expressly permitted herein: *Provided further*, That a Notice of Funding Availability for the funds provided under this heading shall be issued not later than 90 days after enactment of this Act: *Provided further,* That of the amounts provided under this heading, up to $90,000,000 may be available for a demonstration of the Choice Neighborhoods Initiative (subject to such section 24 except as otherwise specified under the provisos for this demonstration under this heading) for the transformation, rehabilitation and replacement housing needs of both public and HUD-assisted housing and to transform neighborhoods of poverty into functioning, sustainable mixed income neighborhoods with appropriate services, public assets, transportation and access to jobs and schools, including public schools, community schools and charter schools: *Provided further,* That for this demonstration, funds may also be used for the conversion of vacant or foreclosed properties to affordable housing: *Provided further,* That use of funds made available for this demonstration under this heading shall not be deemed to be public housing notwithstanding section 3(b)(1) of such Act: *Provided further,* That grantees shall commit to an additional period of affordability, determined by the Secretary, but not fewer than 20 years: *Provided further*, That grantees shall undertake comprehensive local planning with input from residents and the community: *Provided further*, That for the purpose of this demonstration, applicants may include local governments, public housing authorities, and nonprofits: *Provided further,* That for-profit developers may apply jointly with a public entity: *Provided further,* That such grantees shall create partnerships with other local organizations including assisted housing owners, service agencies and resident organizations: *Provided further*, That the Secretary shall consult with the Secretaries of Education, Labor, Transportation, Health and Human Services, Agriculture, and Commerce, and the Administrator of the Environmental Protection Agency to coordinate and leverage other appropriate Federal resources: *Provided further*, That the Secretary shall develop and publish a Notice of Funding Availability for the allocation and the use of such competitive funds in this demonstration, including but not limited to eligible activities, program requirements, protections and services for affected residents and performance metrics.

NATIVE AMERICAN HOUSING BLOCK GRANTS

For the Native American Housing Block Grants program, as authorized under title I of the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA) (25 U.S.C. 4111 et seq.), $700,000,000, to remain available until expended: *Provided*, That, notwithstanding the Native American Housing Assistance and Self-Determination Act of 1996, to determine the amount of the allocation under title I of such Act for each Indian tribe, the Secretary shall apply the formula under section 302 of such Act with the need component based on single-race Census data and with the need component based on multi-race Census data, and the amount of the allocation for each Indian tribe shall be the greater of the two resulting allocation amounts: *Provided further*, That the Department shall notify grantees of their formula allocation within 60 days of enactment of this Act: *Provided further*, That of the amounts made available under this heading, $3,500,000 shall be contracted for assistance for a national organization representing Native American housing interests for providing training and technical assistance to Indian housing authorities and tribally designated housing entities as authorized under NAHASDA; and $4,250,000 shall be to support the inspection of Indian housing units, contract expertise, training, and technical assistance in the training, oversight, and management of such Indian housing and tenant-based assistance, including up to $300,000 for related travel: *Provided further*, That of the amount provided under this heading, $2,000,000 shall be made available for the cost of guaranteed notes and other obligations, as authorized by title VI of NAHASDA: *Provided further*, That such costs, including the costs of modifying such notes and other obligations, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That these funds are available to subsidize the total principal amount of any notes and other obligations, any part of which is to be guaranteed, not to exceed $20,000,000.

NATIVE HAWAIIAN HOUSING BLOCK GRANT

For the Native Hawaiian Housing Block Grant program, as authorized under title VIII of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4111 et seq.), $13,000,000, to remain available until expended: *Provided*, That of this amount, $300,000 shall be for training and technical assistance activities, including up to $100,000 for related travel by Hawaii-based HUD employees.

INDIAN HOUSING LOAN GUARANTEE FUND PROGRAM ACCOUNT

For the cost of guaranteed loans, as authorized by section 184 of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z), $9,000,000, to remain available until expended: *Provided*, That such costs, including the costs of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, up to $994,000,000: *Provided further*, That up to $750,000 shall be for administrative contract expenses including management processes and systems to carry out the loan guarantee program.

NATIVE HAWAIIAN HOUSING LOAN GUARANTEE FUND PROGRAM ACCOUNT

For the cost of guaranteed loans, as authorized by section 184A of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z), $1,044,000, to remain available until expended: *Provided*, That such costs, including the costs of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $41,504,255.

COMMUNITY PLANNING AND DEVELOPMENT

HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS

For carrying out the Housing Opportunities for Persons with AIDS program, as authorized by the AIDS Housing Opportunity Act (42 U.S.C. 12901 et seq.), $345,000,000, to remain available until September 30, 2012, except that amounts allocated pursuant to section 854(c)(3) of such Act shall remain available until September 30, 2013: *Provided*, That the Secretary shall renew all expiring contracts for permanent supportive housing that were funded under section 854(c)(3) of such Act that meet all program requirements before awarding funds for new contracts and activities authorized under this section: *Provided further*, That the Department shall notify grantees of their formula allocation within 60 days of enactment of this Act.

COMMUNITY DEVELOPMENT FUND

For assistance to units of State and local government, and to other entities, for economic and community development activities, and for other purposes, $4,450,000,000, to remain available until September 30, 2013, unless otherwise specified: *Provided*, That of the total amount provided, $3,990,000,000 is for carrying out the community development block grant program under title I of the Housing and Community Development Act of 1974, as amended (the ''Act'' herein) (42 U.S.C. 5301 et seq.): *Provided further*, That unless explicitly provided for under this heading (except for planning grants provided in the second paragraph and amounts made available under the third paragraph), not to exceed 20 percent of any grant made with funds appropriated under this heading shall be expended for planning and management development and administration: *Provided further*, That the Department shall notify grantees of their formula allocation within 60 days of enactment of this Act: *Provided further*, That $65,000,000 shall be for grants to Indian tribes notwithstanding section 106(a)(1) of such Act, of which, notwithstanding any other provision of law (including section 204 of this Act), up to $3,960,000 may be used for emergencies that constitute imminent threats to health and safety.

Of the amount made available under this heading, $170,176,000 shall be available for grants for the Economic Development Initiative (EDI) to finance a variety of targeted economic investments in accordance with the terms and conditions specified in the explanatory statement accompanying this Act: *Provided*, That none of the funds provided under this paragraph may be used for program operations: *Provided further*, That, for fiscal years 2009, 2010 and 2011, no unobligated funds for EDI grants may be used for any purpose except acquisition, planning, design, purchase of equipment, revitalization, redevelopment or construction.

Of the amount made available under this heading, $23,600,000 shall be available for neighborhood initiatives that are utilized to improve the conditions of distressed and blighted areas and neighborhoods, to stimulate investment, economic diversification, and community revitalization in areas with population outmigration or a stagnating or declining economic base, or to determine whether housing benefits can be integrated more effectively with welfare reform initiatives: *Provided*, That amounts made available under this paragraph shall be provided

in accordance with the terms and conditions specified in the explanatory statement accompanying this Act.

The referenced explanatory statement for item 113 under the heading ''Community Development Fund'' in title III of division A of Public Law 109–115 is deemed to be amended by striking ''a pedestrian bridge'' and inserting ''pedestrian and disabled access improvements''.

The referenced statement of the managers under this heading in title II of division A of Public Law 111–117 is deemed to be amended by striking ''World Trade Center of St. Louis, MO for the construction of a commercialization center'' and inserting ''World Trade Center of St. Louis, MO for equipment and the construction of a commercialization center''.

The referenced explanatory statement under this heading in division I of Public Law 111–8 is deemed to be amended with respect to ''Providence Community Action, RI'' by striking ''for purchase of a building to provide transitional housing for homeless families'' and inserting ''for purchase and renovation of a building to provide transitional housing for homeless families''.

The referenced explanatory statement under this heading in title II of division I of Public Law 111–8 (123 Stat. 524), is deemed to be amended with respect to ''Jefferson County, CO'' by striking ''for the purchase of a 15-unit apartment complex located in Golden, CO to provide housing for homeless veterans'' and inserting ''for the construction, purchase, or renovation of a facility to provide housing for homeless veterans''.

The referenced explanatory statement under this hearing in title II of division A of Public Law 111–117 (123 Stat. 3034), is deemed to be amended with respect to the item relating to ''Jefferson County, CO'' by striking ''For the housing authority to establish a new program of housing and supportive services for homeless veterans'' and inserting ''for the construction, purchase, or renovation of a facility to provide housing for homeless veterans''.

The referenced statement of managers under the heading ''Community Planning and Development'' in title II in division I of Public Law 111–8 is deemed to be amended by striking ''City of Wilson, NC, for demolition of dilapidated structures from downtown Wilson to further downtown redevelopment'' and inserting ''City of Wilson, NC, for the renovation of blighted structures to enhance downtown development''.

The referenced statement of managers under the heading ''Community Planning and Development'' in title II in division I of Public Law 111–8 is deemed to be amended by striking ''Catskill Visitor Interpretative Center, Shandaken, NY, for construction of a visitor's center'' and inserting ''New York State Department of Environmental Conservation, NY, for planning and design of the Catskill Visitor Interpretative Center''.

The referenced statement of managers under the heading ''Community Planning and Development'' in title II in division I of Public Law 111–8 is deemed to be amended by striking ''Charles County Department of Human Services, Maryland, Port Tobacco, MD, for acquisition and rehabilitation of the former Changing Point South facility as a homeless shelter and transitional housing'' and inserting ''Charles County Department of Human Services, Port Tobacco, MD, for acquisition and rehabilitation of a facility''.

The referenced statement of managers under the heading ''Community Planning and Development'' in title II in division I of Public Law 111–8 is deemed to be amended by striking ''Covenant House California, Los Angeles, CA, For design and construction of a homeless youth shelter'' and inserting ''Covenant House California, Los Angeles, CA, To renovate a support services facility to serve homeless youth in Los Angeles''.

The referenced statement of managers under the heading ''Community Planning and Development'' in title II in division A of Public Law 111–117 is deemed to be amended by striking ''Altadena Library District, Altadena, CA, Renovation, expansion and ADA compliance at a public library'' and inserting ''Altadena Library District, Altadena, CA, For planning, design, renovation, expansion and ADA compliance at a public library''.

Of the amounts made available under this heading, $150,000,000 shall be made available for a Sustainable Communities Initiative to improve regional planning efforts that integrate housing and transportation decisions, and increase the capacity to improve land use and zoning: *Provided*, That grants under such Initiative may only be made to metropolitan planning organizations (MPOs), rural planning organizations, States or other units of general local government, Indian tribes, and housing-, economic development- or transportation-related nonprofit organizations: *Provided further*, That $100,000,000 shall be for Regional Integrated Planning Grants to support the linking of transportation and land use planning: *Provided further*, That not less than $25,000,000 of the funding made available for Regional Integrated Planning Grants shall be awarded to metropolitan areas of less than 500,000: *Provided further*, That $40,000,000 shall be for Community Challenge Planning Grants to foster reform and reduce barriers to achieve affordable, economically vital, and sustainable communities: *Provided further*, That before funding is made available for Regional Integrated Planning Grants or Community Challenge Planning Grants, the Secretary, in coordination with the Secretary of Transportation, shall submit a plan to the House and Senate Committees on Appropriations, the Senate Committee on Banking and Urban Affairs, and the House Committee on Financial Services detailing any changes to the grant criteria or performance measures by which the success of grantees will be measured that were first established in fiscal year 2010: *Provided further*, That the Secretary will consult with the Secretary of Transportation in evaluating grant proposals: *Provided further*, That up to $10,000,000 shall be for a joint Department of Housing and Urban Development and Department of Transportation research effort that shall include a rigorous evaluation of the Regional Integrated Planning Grants and Community Challenge Planning Grants programs, as well as to provide funding for a clearinghouse and capacity building efforts: *Provided further*, That of the amounts made available under this heading, $25,000,000 shall be made available for the Rural Innovation Fund for grants to Indian tribes, State housing finance agencies, State community and/or economic development agencies, local rural nonprofits and community development corporations to address the problems of concentrated rural housing distress and community poverty: *Provided further*, That of the funding made available under the previous proviso, at least $5,000,000 shall be made available to promote economic development and entrepreneurship for federally recognized Indian Tribes, through activities including the capitalization of revolving loan programs and business planning and development, funding is also made available for technical assistance to increase capacity through training and outreach activities: *Provided further*, That the Department of Housing and Urban Development shall publish a notice of funding availability for the Rural Innovation Fund within 120 days of enactment of this Act: *Provided further*, That of the amounts made available under this heading, $26,224,000 is for grants pursuant to section 107 of the Housing and Community Development Act of 1974 (42 U.S.C. 5307).

COMMUNITY DEVELOPMENT LOAN GUARANTEES PROGRAM ACCOUNT

For the cost of guaranteed loans, $8,000,000, to remain available until September 30, 2012, as authorized by section 108 of the Housing and Community Development Act of 1974 (42 U.S.C. 5308): *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $341,880,000, notwithstanding any aggregate limitation on outstanding obligations guaranteed in section 108(k) of the Housing and Community Development Act of 1974, as amended.

BROWNFIELDS REDEVELOPMENT

For competitive economic development grants, as authorized by section 108(q) of the Housing and Community Development Act of 1974, as amended, for Brownfields redevelopment projects, $10,000,000, to remain available until September 30, 2012: *Provided*, That no funds made available under this heading may be used to establish loan loss reserves for the section 108 Community Development Loan Guarantee program: *Provided further*, That a Notice of Funding Availability shall be issued not later than 90 days after enactment of this Act.

HOME INVESTMENT PARTNERSHIPS PROGRAM

For the HOME investment partnerships program, as authorized under title II of the Cranston-Gonzalez National Affordable Housing Act, as amended, $1,825,000,000, to remain available until September 30, 2013: *Provided*, That, funds provided in prior appropriations Acts for technical assistance, that were made available for Community Housing Development Organizations technical assistance, and that still remain available, may be used for HOME technical assistance notwithstanding the purposes for which such amounts were appropriated: *Provided further*, That the Department shall notify grantees of their formula allocation within 60 days of enactment of this Act.

SELF-HELP AND ASSISTED HOMEOWNERSHIP OPPORTUNITY PROGRAM

For the Self-Help and Assisted Homeownership Opportunity Program, as authorized under section 11 of the Housing Opportunity Program Extension Act of 1996, as amended, $82,000,000, to remain available until September 30, 2012: *Provided*, That of the total amount provided under this heading, $27,000,000 shall be made available to the Self-Help and Assisted Homeownership Opportunity Program as authorized under section 11 of the Housing Opportunity Program Extension Act of 1996, as amended: *Provided further*, That $50,000,000 shall be made available for the second, third and fourth capacity building activities authorized under section 4(a) of the HUD Demonstration Act of 1993 (42 U.S.C. 9816 note), of which not less than $5,000,000 may be made available for rural capacity building activities: *Provided further*, That $5,000,000 shall be made available for capacity building activities as authorized in sections 6301 through 6305 of Public Law 110–246: *Provided further*, That a Notice of Funding Availability shall be issued not later than 90 days after enactment of this Act.

HOMELESS ASSISTANCE GRANTS

For the emergency solutions grants program as authorized under subtitle B of title IV of the McKinney-Vento Homeless Assistance Act, as amended; the continuum of care

program as authorized under subtitle C of title IV of such Act; and the rural housing stability assistance program as authorized under subtitle D of title IV of such Act, $2,200,000,000, of which $2,195,000,000 shall remain available until September 30, 2013, and of which $5,000,000 shall remain available until expended for project-based rental assistance with rehabilitation for such projects with 10-year grant terms and any rental assistance amounts that are recaptured under such continuum of care program shall remain available until expended: *Provided*, That at least $345,000,000 of the funds appropriated under this heading shall be available for such emergency solutions grants program: *Provided further*, That up to $1,844,000,000 of the funds appropriated under this heading shall be available for such continuum of care and rural housing stability assistance programs: *Provided further*, That up to $6,000,000 of the funds appropriated under this heading shall be available for the national homeless data analysis project: *Provided further*, That for all match requirements applicable to funds made available under this heading for this fiscal year and prior years, a grantee may use (or could have used) as a source of match funds other funds administered by the Secretary and other Federal agencies unless there is (or was) a specific statutory prohibition on any such use of any such funds: *Provided further*, That the Secretary shall renew on an annual basis expiring contracts or amendments to contracts funded under the continuum of care program if the program is determined to be needed under the applicable continuum of care and meets appropriate program requirements and financial standards, as determined by the Secretary: *Provided further*, That all awards of assistance under this heading shall be required to coordinate and integrate homeless programs with other mainstream health, social services, and employment programs for which homeless populations may be eligible, including Medicaid, State Children's Health Insurance Program, Temporary Assistance for Needy Families, Food Stamps, and services funding through the Mental Health and Substance Abuse Block Grant, Workforce Investment Act, and the Welfare-to-Work grant program: *Provided further*, That all balances for Shelter Plus Care renewals previously funded from the Shelter Plus Care Renewal account and transferred to this account shall be available, if recaptured, for continuum of care renewals in fiscal year 2011.

HOUSING PROGRAMS

PROJECT-BASED RENTAL ASSISTANCE

For activities and assistance for the provision of project-based subsidy contracts under the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) (''the Act''), not otherwise provided for, $8,882,328,000, to remain available until expended, shall be available on October 1, 2010 (in addition to the $393,672,000 previously appropriated under this heading that will become available October 1, 2010), and $400,000,000, to remain available until expended, shall be available on October 1, 2011: *Provided*, That the amounts made available under this heading shall be available for expiring or terminating section 8 project-based subsidy contracts (including section 8 moderate rehabilitation contracts), for amendments to section 8 project-based subsidy contracts (including section 8 moderate rehabilitation contracts), for contracts entered into pursuant to section 441 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11401), for renewal of section 8 contracts for units in projects that are subject to approved plans of action under the Emergency Low Income Housing Preservation Act of 1987 or the Low-Income Housing Preservation and Resident Homeownership Act of 1990, and for administrative and other expenses associated with project-based activities and assistance funded under this paragraph: *Provided further*, That of the total amounts provided under this heading, not to exceed $326,000,000 shall be available for performance-based contract administrators for section 8 project-based assistance: *Provided further*, That the Secretary of Housing and Urban Development may also use such amounts in the previous proviso for performance-based contract administrators for the administration of: interest reduction payments pursuant to section 236(a) of the National Housing Act (12 U.S.C. 1715z–1(a)); rent supplement payments pursuant to section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s); section 236(f)(2) rental assistance payments (12 U.S.C. 1715z–1(f)(2)); project rental assistance contracts for the elderly under section 202(c)(2) of the Housing Act of 1959 (12 U.S.C. 1701q); project rental assistance contracts for supportive housing for persons with disabilities under section 811(d)(2) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013(d)(2)); project assistance contracts pursuant to section 202(h) of the Housing Act of 1959 (Public Law 86–372; 73 Stat. 667); and loans under section 202 of the Housing Act of 1959 (Public Law 86–372; 73 Stat. 667): *Provided further*, That amounts recaptured under this heading, the heading ''Annual Contributions for Assisted Housing'', or the heading ''Housing Certificate Fund'' may be used for renewals of or amendments to section 8 project-based contracts or for performance-based contract administrators, notwithstanding the purposes for which such amounts were appropriated.

HOUSING FOR THE ELDERLY

For capital advances, including amendments to capital advance contracts, for housing for the elderly, as authorized by section 202 of the Housing Act of 1959, as amended, and for project rental assistance for the elderly under section 202(c)(2) of such Act, including amendments to contracts for such assistance and renewal of expiring contracts for such assistance for up to a 1-year term, and for supportive services associated with the housing, $825,000,000, to remain available until September 30, 2014, of which up to $465,000,000 shall be for capital advance and project-based rental assistance awards: *Provided*, That amounts for project rental assistance contracts are to remain available for the liquidation of valid obligations for 10 years following the date of such obligation: *Provided further*, That of the amount provided under this heading, up to $90,000,000 shall be for service coordinators and the continuation of existing congregate service grants for residents of assisted housing projects, and of which up to $40,000,000 shall be for grants under section 202b of the Housing Act of 1959 (12 U.S.C. 1701q–2) for conversion of eligible projects under such section to assisted living or related use and for substantial and emergency capital repairs as determined by the Secretary: *Provided further*, That of the amount made available under this heading, $20,000,000 shall be available to the Secretary of Housing and Urban Development only for making competitive grants to private nonprofit organizations and consumer cooperatives for covering costs of architectural and engineering work, site control, and other planning relating to the development of supportive housing for the elderly that is eligible for assistance under section 202 of the Housing Act of 1959 (12 U.S.C. 1701q): *Provided further*, That amounts under this heading shall be available for Real Estate Assessment Center inspections and inspection-related activities associated with section 202 capital advance projects: *Provided further*, That the Secretary may waive the provisions of section 202 governing the terms and conditions of project rental assistance, except that the initial contract term for such assistance shall not exceed 5 years in duration.

HOUSING FOR PERSONS WITH DISABILITIES

For capital advance contracts, including amendments to capital advance contracts, for supportive housing for persons with disabilities, as authorized by section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013), for project rental assistance for supportive housing for persons with disabilities under section 811(d)(2) of such Act, including amendments to contracts for such assistance and renewal of expiring contracts for such assistance for up to a 1-year term, and for supportive services associated with the housing for persons with disabilities as authorized by section 811(b)(1) of such Act, $235,000,000, of which up to $169,000,000 shall be for capital advances and project-based rental assistance contracts, to remain available until September 30, 2014: *Provided*, That amounts for project rental assistance contracts are to remain available for the liquidation of valid obligations for 10 years following the date of such obligation: *Provided further*, That the Secretary may waive the provisions of section 811 governing the terms and conditions of project rental assistance, except that the initial contract term for such assistance shall not exceed 5 years in duration: *Provided further*, That amounts made available under this heading shall be available for Real Estate Assessment Center inspections and inspection-related activities associated with section 811 Capital Advance Projects.

HOUSING COUNSELING ASSISTANCE

For contracts, grants, and other assistance excluding loans, as authorized under section 106 of the Housing and Urban Development Act of 1968, as amended, $88,000,000, including up to $2,500,000 for administrative contract services, to remain available until September 30, 2012: *Provided*, That funds shall be used for providing counseling and advice to tenants and homeowners, both current and prospective, with respect to property maintenance, financial management/literacy, and such other matters as may be appropriate to assist them in improving their housing conditions, meeting their financial needs, and fulfilling the responsibilities of tenancy or homeownership; for program administration; and for housing counselor training.

OTHER ASSISTED HOUSING PROGRAMS

RENTAL HOUSING ASSISTANCE

For amendments to or extensions for up to 1 year of expiring contracts under section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s) and section 236(f)(2) of the National Housing Act (12 U.S.C. 1715z–1) in State-aided, noninsured rental housing projects, $40,600,000, to remain available until expended.

RENT SUPPLEMENT

(RESCISSION)

Of the amounts recaptured from terminated contracts under section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s) and section 236 of the National Housing Act (12 U.S.C. 1715z–1) $40,600,000 are rescinded: *Provided*, That no amounts may be rescinded from amounts that were designated by the Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

PAYMENT TO MANUFACTURED HOUSING FEES TRUST FUND

For necessary expenses as authorized by the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401 et seq.), up to $14,000,000, to remain available until expended, of which $7,000,000 is to be derived from the Manufactured Housing Fees Trust Fund: *Provided*, That not to exceed the total amount appropriated under this heading shall be available from the general fund of the Treasury to the extent necessary to incur obligations and make expenditures pending the receipt of collections to the Fund pursuant to section 620 of such Act: *Provided further*, That the amount made available under this heading from the general fund shall be reduced as such collections are received during fiscal year 2011 so as to result in a final fiscal year 2011 appropriation from the general fund estimated at not more than $7,000,000 and fees pursuant to such section 620 shall be modified as necessary to ensure such a final fiscal year 2011 appropriation: *Provided further*, That for the dispute resolution and installation programs, the Secretary of Housing and Urban Development may assess and collect fees from any program participant: *Provided further*, That such collections shall be deposited into the Fund, and the Secretary, as provided herein, may use such collections, as well as fees collected under section 620, for necessary expenses of such Act: *Provided further*, That notwithstanding the requirements of section 620 of such Act, the Secretary may carry out responsibilities of the Secretary under such Act through the use of approved service providers that are paid directly by the recipients of their services.

FEDERAL HOUSING ADMINISTRATION

MUTUAL MORTGAGE INSURANCE PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

New commitments to guarantee single family loans insured under the Mutual Mortgage Insurance Fund shall not exceed $400,000,000,000, to remain available until September 30, 2012: *Provided*, That during fiscal year 2011, obligations to make direct loans to carry out the purposes of section 204(g) of the National Housing Act, as amended, shall not exceed $50,000,000: *Provided further*, That the foregoing amount in the previous proviso shall be for loans to nonprofit and governmental entities in connection with sales of single family real properties owned by the Secretary and formerly insured under the Mutual Mortgage Insurance Fund. For administrative contract expenses of the Federal Housing Administration, $221,125,000, to remain available until September 30, 2012, of which up to $71,500,000 may be transferred to and merged with the Working Capital Fund: *Provided further*, That to the extent guaranteed loan commitments exceed $200,000,000,000 on or before April 1, 2011, an additional $1,400 for administrative contract expenses shall be available for each $1,000,000 in additional guaranteed loan commitments (including a pro rata amount for any amount below $1,000,000), but in no case shall funds made available by this proviso exceed $30,000,000.

GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

During fiscal year 2011, commitments to guarantee loans incurred under the General and Special Risk Insurance Funds, as authorized by sections 238 and 519 of the National Housing Act (12 U.S.C. 1715z–3 and 1735c), shall not exceed $20,000,000,000 in total loan principal, any part of which is to be guaranteed.

Gross obligations for the principal amount of direct loans, as authorized by sections 204(g), 207(l), 238, and 519(a) of the National Housing Act, shall not exceed $20,000,000, which shall be for loans to nonprofit and governmental entities in connection with the sale of single family real properties owned by the Secretary and formerly insured under such Act.

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

GUARANTEES OF MORTGAGE-BACKED SECURITIES LOAN GUARANTEE PROGRAM ACCOUNT

New commitments to issue guarantees to carry out the purposes of section 306 of the National Housing Act, as amended (12 U.S.C. 1721(g)), shall not exceed $500,000,000,000, to remain available until September 30, 2012.

POLICY DEVELOPMENT AND RESEARCH

RESEARCH AND TECHNOLOGY

For contracts, grants, and necessary expenses of programs of research and studies relating to housing and urban problems, not otherwise provided for, as authorized by title V of the Housing and Urban Development Act of 1970 (12 U.S.C. 1701z–1 et seq.), including carrying out the functions of the Secretary of Housing and Urban Development under section 1(a)(1)(i) of Reorganization Plan No. 2 of 1968, $54,000,000, to remain available until September 30, 2012.

FAIR HOUSING AND EQUAL OPPORTUNITY

FAIR HOUSING ACTIVITIES

For contracts, grants, and other assistance, not otherwise provided for, as authorized by title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, and section 561 of the Housing and Community Development Act of 1987, as amended, $72,000,000, to remain available until September 30, 2012, of which $42,500,000 shall be to carry out activities pursuant to such section 561: *Provided*, That of the funds made available to carry out section 561, not less than $10,000,000 shall be available to carry out authorized activities, including training, education and enforcement in order to protect the public from discriminatory lending practices and mortgage rescue scams: *Provided further*, That the Secretary shall publish a notice of funding availability for amounts made available under the previous proviso within 30 days of the enactment of this Act: *Provided further*, That notwithstanding 31 U.S.C. 3302, the Secretary may assess and collect fees to cover the costs of the Fair Housing Training Academy, and may use such funds to provide such training: *Provided further*, That no funds made available under this heading shall be used to lobby the executive or legislative branches of the Federal Government in connection with a specific contract, grant or loan: *Provided further*, That of the funds made available under this heading, $500,000 shall be available to the Secretary of Housing and Urban Development for the creation and promotion of translated materials and other programs that support the assistance of persons with limited English proficiency in utilizing the services provided by the Department of Housing and Urban Development.

OFFICE OF HEALTHY HOMES AND LEAD HAZARD CONTROL

LEAD HAZARD REDUCTION

For the Lead Hazard Reduction Program, as authorized by section 1011 of the Residential Lead-Based Paint Hazard Reduction Act of 1992, $140,000,000, to remain available until September 30, 2012, of which not less than $20,000,000 shall be for the Healthy Homes Initiative, pursuant to sections 501 and 502 of the Housing and Urban Development Act of 1970 that shall include research, studies, testing, and demonstration efforts, including education and outreach concerning lead-based paint poisoning and other housing-related diseases and hazards: *Provided*, That for purposes of environmental review, pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other provisions of the law that further the purposes of such Act, a grant under the Healthy Homes Initiative, Operation Lead Elimination Action Plan (LEAP), or the Lead Technical Studies program under this heading or under prior appropriations Acts for such purposes under this heading, shall be considered to be funds for a special project for purposes of section 305(c) of the Multifamily Housing Property Disposition Reform Act of 1994: *Provided further*, That of the total amount made available under this heading, $48,000,000 shall be made available on a competitive basis for areas with the highest lead paint abatement needs: *Provided further*, That each recipient of funds provided under the second proviso shall make a matching contribution in an amount not less than 25 percent: *Provided further*, That the Secretary may waive the matching requirement cited in the preceding proviso on a case by case basis if the Secretary determines that such a waiver is necessary to advance the purposes of this program: *Provided further*, That each applicant shall submit a detailed plan and strategy that demonstrates adequate capacity that is acceptable to the Secretary to carry out the proposed use of funds pursuant to a notice of funding availability: *Provided further*, That amounts made available under this heading in this or prior appropriations Acts, and that still remain available, may be used for any purpose under this heading notwithstanding the purpose for which such amounts were appropriated if a program competition is undersubscribed and there are other program competitions under this heading that are oversubscribed: *Provided further*, That a Notice of Funding Availability shall be issued not later than 120 days after enactment of this Act.

MANAGEMENT AND ADMINISTRATION

WORKING CAPITAL FUND

For additional capital for the Working Capital Fund (42 U.S.C. 3535) for the maintenance of infrastructure for Department-wide information technology systems, for the continuing operation and maintenance of both Department-wide and program-specific information systems, and for program-related maintenance activities, $228,500,000, to remain available until September 30, 2012: *Provided*, That any amounts transferred to this Fund under this Act shall remain available until expended: *Provided further*, That any amounts transferred to this Fund from amounts appropriated by previously enacted appropriations Acts may be used for the purposes specified under this Fund, in addition to any other information technology the purposes for which such amounts were appropriated.

OFFICE OF INSPECTOR GENERAL

For necessary salaries and expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $125,000,000: *Provided*, That the Inspector General shall have independent authority over all personnel issues within this office.

TRANSFORMATION INITIATIVE

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for combating mortgage fraud, $20,000,000, to remain available until expended. In addition, of the amounts made available in this Act under each of the following headings under this title, the Secretary may transfer to, and merge with, this account up to 1 percent from each such account, and such transferred amounts shall be available until September 30, 2015, for: (1) research, evaluation,

and program metrics; (2) program demonstrations; (3) technical assistance and capacity building; and (4) information technology: ''Housing Opportunities for Persons With AIDS'', ''Community Development Fund'', ''Housing Counseling Assistance'', ''Payment to Manufactured Housing Fees Trust Fund'', ''Mutual Mortgage Insurance Program Account'', ''Lead Hazard Reduction'', and ''Rental Housing Assistance'': *Provided*, That of the amounts made available under this paragraph, not less than $100,000,000 and not more than $116,000,000 shall be available for information technology modernization, including development and deployment of a Next Generation of Voucher Management System and development and deployment of modernized Federal Housing Administration systems: *Provided further*, That not more than 25 percent of the funds made available for information technology modernization may be obligated until the Secretary submits to the Committees on Appropriations a plan for expenditure that: (1) identifies for each modernization project: (a) the functional and performance capabilities to be delivered and the mission benefits to be realized; (b) the estimated lifecycle cost; and (c) key milestones to be met; (2) demonstrates that each modernization project is: (a) compliant with the department's enterprise architecture; (b) being managed in accordance with applicable lifecycle management policies and guidance; (c) subject to the department's capital planning and investment control requirements; and (d) supported by an adequately staffed project office; and (3) has been reviewed by the Government Accountability Office: *Provided further*, That of the amounts made available under this paragraph, not more than $45,000,000 shall be available for technical assistance and capacity building: *Provided further*, That technical assistance activities shall include, technical assistance for HUD programs, including HOME, Community Development Block Grant, homeless programs, HOPWA, HOPE VI, Public Housing, the Housing Choice Voucher Program, Fair Housing Initiative Program, Housing Counseling, Healthy Homes, Sustainable Communities, Energy Innovation Fund and other technical assistance as determined by the Secretary: *Provided further*, That of the amounts made available for research, evaluation and program metrics and program demonstrations, the Secretary shall include an assessment of the effectiveness of HUD funded service coordinators: *Provided further*, That the Secretary shall submit a plan to the House and Senate Committees on Appropriations for approval detailing how the funding provided under this heading will be allocated to each of the categories identified under this heading and for what projects or activities funding will be used: *Provided further*, That following the initial approval of this plan, the Secretary may amend the plan with the approval of the House and Senate Committees on Appropriations: *Provided further*, That with respect to amounts made available under this heading for research, evaluation, program metrics, and program demonstrations, notwithstanding section 204 of this title, the Secretary may make grants or enter into cooperative agreements that include a substantial match contribution.

GENERAL PROVISIONS—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SEC. 201. Fifty percent of the amounts of budget authority, or in lieu thereof 50 percent of the cash amounts associated with such budget authority, that are recaptured from projects described in section 1012(a) of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 (42 U.S.C. 1437 note) shall be rescinded or in the case of cash, shall be remitted to the Treasury, and such amounts of budget authority or cash recaptured and not rescinded or remitted to the Treasury shall be used by State housing finance agencies or local governments or local housing agencies with projects approved by the Secretary of Housing and Urban Development for which settlement occurred after January 1, 1992, in accordance with such section. Notwithstanding the previous sentence, the Secretary may award up to 15 percent of the budget authority or cash recaptured and not rescinded or remitted to the Treasury to provide project owners with incentives to refinance their project at a lower interest rate.

SEC. 202. None of the amounts made available under this Act may be used during fiscal year 2011 to investigate or prosecute under the Fair Housing Act any otherwise lawful activity engaged in by one or more persons, including the filing or maintaining of a nonfrivolous legal action, that is engaged in solely for the purpose of achieving or preventing action by a Government official or entity, or a court of competent jurisdiction.

SEC. 203. (a) Notwithstanding section 854(c)(1)(A) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)(1)(A)), from any amounts made available under this title for fiscal year 2011 that are allocated under such section, the Secretary of Housing and Urban Development shall allocate and make a grant, in the amount determined under subsection (b), for any State that—

(1) received an allocation in a prior fiscal year under clause (ii) of such section; and

(2) is not otherwise eligible for an allocation for fiscal year 2011 under such clause (ii) because the areas in the State outside of the metropolitan statistical areas that qualify under clause (i) in fiscal year 2011 do not have the number of cases of acquired immunodeficiency syndrome (AIDS) required under such clause.

(b) The amount of the allocation and grant for any State described in subsection (a) shall be an amount based on the cumulative number of AIDS cases in the areas of that State that are outside of metropolitan statistical areas that qualify under clause (i) of such section 854(c)(1)(A) in fiscal year 2011, in proportion to AIDS cases among cities and States that qualify under clauses (i) and (ii) of such section and States deemed eligible under subsection (a).

(c) Notwithstanding any other provision of law, the amount allocated for fiscal year 2011 under section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)), to the City of New York, New York, on behalf of the New York-Wayne-White Plains, New York-New Jersey Metropolitan Division (hereafter ''metropolitan division'') of the New York-Newark-Edison, NY–NJ–PA Metropolitan Statistical Area, shall be adjusted by the Secretary of Housing and Urban Development by: (1) allocating to the City of Jersey City, New Jersey, the proportion of the metropolitan area's or division's amount that is based on the number of cases of AIDS reported in the portion of the metropolitan area or division that is located in Hudson County, New Jersey, and adjusting for the proportion of the metropolitan division's high incidence bonus if this area in New Jersey also has a higher than average per capita incidence of AIDS; and (2) allocating to the City of Paterson, New Jersey, the proportion of the metropolitan area's or division's amount that is based on the number of cases of AIDS reported in the portion of the metropolitan area or division that is located in Bergen County and Passaic County, New Jersey, and adjusting for the proportion of the metropolitan division's high incidence bonus if this area in New Jersey also has a higher than average per capita incidence of AIDS. The recipient cities shall use amounts allocated under this subsection to carry out eligible activities under section 855 of the AIDS Housing Opportunity Act (42 U.S.C. 12904) in their respective portions of the metropolitan division that is located in New Jersey.

(d) Notwithstanding any other provision of law, the amount allocated for fiscal year 2011 under section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)) to areas with a higher than average per capita incidence of AIDS, shall be adjusted by the Secretary on the basis of area incidence reported over a 3-year period.

SEC. 204. Except as explicitly provided in law, any grant, cooperative agreement or other assistance made pursuant to title II of this Act shall be made on a competitive basis and in accordance with section 102 of the Department of Housing and Urban Development Reform Act of 1989 (42 U.S.C. 3545).

SEC. 205. Funds of the Department of Housing and Urban Development subject to the Government Corporation Control Act or section 402 of the Housing Act of 1950 shall be available, without regard to the limitations on administrative expenses, for legal services on a contract or fee basis, and for utilizing and making payment for services and facilities of the Federal National Mortgage Association, Government National Mortgage Association, Federal Home Loan Mortgage Corporation, Federal Financing Bank, Federal Reserve banks or any member thereof, Federal Home Loan banks, and any insured bank within the meaning of the Federal Deposit Insurance Corporation Act, as amended (12 U.S.C. 1811–1).

SEC. 206. Unless otherwise provided for in this Act or through a reprogramming of funds, no part of any appropriation for the Department of Housing and Urban Development shall be available for any program, project or activity in excess of amounts set forth in the budget estimates submitted to Congress.

SEC. 207. Corporations and agencies of the Department of Housing and Urban Development which are subject to the Government Corporation Control Act, are hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of such Act as may be necessary in carrying out the programs set forth in the budget for 2011 for such corporation or agency except as hereinafter provided: *Provided*, That collections of these corporations and agencies may be used for new loan or mortgage purchase commitments only to the extent expressly provided for in this Act (unless such loans are in support of other forms of assistance provided for in this or prior appropriations Acts), except that this proviso shall not apply to the mortgage insurance or guaranty operations of these corporations, or where loans or mortgage purchases are necessary to protect the financial interest of the United States Government.

SEC. 208. The Secretary of Housing and Urban Development shall provide quarterly reports to the House and Senate Committees on Appropriations regarding all uncommitted, unobligated, recaptured and excess funds in each program and activity within the jurisdiction of the Department and shall submit additional, updated budget information to these Committees upon request.

SEC. 209. (a) Notwithstanding any other provision of law, the amount allocated for fiscal year 2011 under section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)), to the City of Wilmington, Delaware, on behalf of the Wilmington, Delaware-Maryland-New Jersey Metropolitan Division

(hereafter ''metropolitan division''), shall be adjusted by the Secretary of Housing and Urban Development by allocating to the State of New Jersey the proportion of the metropolitan division's amount that is based on the number of cases of AIDS reported in the portion of the metropolitan division that is located in New Jersey, and adjusting for the proportion of the metropolitan division's high-incidence bonus if this area in New Jersey also has a higher than average per capita incidence of AIDS. The State of New Jersey shall use amounts allocated to the State under this subsection to carry out eligible activities under section 855 of the AIDS Housing Opportunity Act (42 U.S.C. 12904) in the portion of the metropolitan division that is located in New Jersey.

(b) Notwithstanding any other provision of law, the Secretary of Housing and Urban Development shall allocate to Wake County, North Carolina, the amounts that otherwise would be allocated for fiscal year 2011 under section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)) to the City of Raleigh, North Carolina, on behalf of the Raleigh-Cary, North Carolina Metropolitan Statistical Area. Any amounts allocated to Wake County shall be used to carry out eligible activities under section 855 of such Act (42 U.S.C. 12904) within such metropolitan statistical area.

(c) Notwithstanding section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)), the Secretary of Housing and Urban Development may adjust the allocation of the amounts that otherwise would be allocated for fiscal year 2011 under section 854(c) of such Act, upon the written request of an applicant, in conjunction with the State(s), for a formula allocation on behalf of a metropolitan statistical area, to designate the State or States in which the metropolitan statistical area is located as the eligible grantee(s) of the allocation. In the case that a metropolitan statistical area involves more than one State, such amounts allocated to each State shall be in proportion to the number of cases of AIDS reported in the portion of the metropolitan statistical area located in that State. Any amounts allocated to a State under this section shall be used to carry out eligible activities within the portion of the metropolitan statistical area located in that State.

SEC. 210 The President's formal budget request for fiscal year 2012, as well as the Department of Housing and Urban Development's congressional budget justifications to be submitted to the Committees on Appropriations of the House of Representatives and the Senate, shall use the identical account and sub-account structure provided under this Act.

SEC. 211. A public housing agency or such other entity that administers Federal housing assistance for the Housing Authority of the county of Los Angeles, California, the States of Alaska, Iowa, and Mississippi shall not be required to include a resident of public housing or a recipient of assistance provided under section 8 of the United States Housing Act of 1937 on the board of directors or a similar governing board of such agency or entity as required under section (2)(b) of such Act. Each public housing agency or other entity that administers Federal housing assistance under section 8 for the Housing Authority of the county of Los Angeles, California and the States of Alaska, Iowa and Mississippi that chooses not to include a resident of public housing or a recipient of section 8 assistance on the board of directors or a similar governing board shall establish an advisory board of not less than six residents of public housing or recipients of section 8 assistance to provide advice and comment to the public housing agency or other administering entity on issues related to public housing and section 8. Such advisory board shall meet not less than quarterly.

SEC. 212. (a) Notwithstanding any other provision of law, subject to the conditions listed in subsection (b), for fiscal years 2011 and 2012, the Secretary of Housing and Urban Development may authorize the transfer of some or all project-based assistance, debt and statutorily required low-income and very low-income use restrictions, associated with one or more multifamily housing project to another multifamily housing project or projects.

(b) PHASED TRANSFERS.—Transfers of project-based assistance under this section may be done in phases to accommodate the financing and other requirements related to rehabilitating or constructing the project or projects to which the assistance is transferred to ensure that such project or projects meet the standards under section c.

(c) The transfer authorized in subsection (a) is subject to the following conditions:

(1) Number and bedroom size of units—

(A) For occupied units in the transferring project: the number of low-income and very low-income units and the configuration (i.e. bedroom size) provided by the transferring project shall be no less than when transferred to the receiving project or projects and the net dollar amount of Federal assistance provided by the transferring project shall remain the same in the receiving project or projects.

(B) For unoccupied units in the transferring project: the Secretary may authorize a reduction in the number of dwelling units in the receiving project or projects to allow for a reconfiguration of bedroom sizes to meet current market demands, as determined by the Secretary and provided there is no increase in the project-based section 8 budget authority.

(2) The transferring project shall, as determined by the Secretary, be either physically obsolete or economically non-viable.

(3) The receiving project or projects shall meet or exceed applicable physical standards established by the Secretary.

(4) The owner or mortgagor of the transferring project shall notify and consult with the tenants residing in the transferring project and provide a certification of approval by all appropriate local governmental officials.

(5) The tenants of the transferring project who remain eligible for assistance to be provided by the receiving project or projects shall not be required to vacate their units in the transferring project or projects until new units in the receiving project are available for occupancy.

(6) The Secretary determines that this transfer is in the best interest of the tenants.

(7) If either the transferring project or the receiving project or projects meets the condition specified in subsection (d)(2)(A), any lien on the receiving project resulting from additional financing obtained by the owner shall be subordinate to any FHA-insured mortgage lien transferred to, or placed on, such project by the Secretary, except the Secretary may waive this requirement upon determination that such a waiver is necessary to facilitate the financing of acquisition, construction, and/or rehabilitation of the receiving project or projects.

(8) If the transferring project meets the requirements of subsection (d)(2)(E), the owner or mortgagor of the receiving project or projects shall execute and record either a continuation of the existing use agreement or a new use agreement for the project where, in either case, any use restrictions in such agreement are of no lesser duration than the existing use restrictions.

(d) For purposes of this section—

(1) the terms ''low-income'' and ''very low-income'' shall have the meanings provided by the statute and/or regulations governing the program under which the project is insured or assisted;

(2) the term ''multifamily housing project'' means housing that meets one of the following conditions—

(A) housing that is subject to a mortgage insured under the National Housing Act;

(B) housing that has project-based assistance attached to the structure including projects undergoing mark to market debt restructuring under the Multifamily Assisted Housing Reform and Affordability Housing Act;

(C) housing that is assisted under section 202 of the Housing Act of 1959 as amended by section 801 of the Cranston-Gonzales National Affordable Housing Act;

(D) housing that is assisted under section 202 of the Housing Act of 1959, as such section existed before the enactment of the Cranston-Gonzales National Affordable Housing Act; or

(E) housing or vacant land that is subject to a use agreement;

(3) the term ''project-based assistance'' means—

(A) assistance provided under section 8(b) of the United States Housing Act of 1937;

(B) assistance for housing constructed or substantially rehabilitated pursuant to assistance provided under section 8(b)(2) of such Act (as such section existed immediately before October 1, 1983);

(C) rent supplement payments under section 101 of the Housing and Urban Development Act of 1965;

(D) interest reduction payments under section 236 and/or additional assistance payments under section 236(f)(2) of the National Housing Act;

(E) assistance payments made under section 202(c)(2) of the Housing Act of 1959; or

(F) assistance payments made under section 811(d)(2) of the Housing Assistance Act of 1959;

(4) the term ''receiving project or projects'' means the multifamily housing project or projects to which some or all of the project-based assistance, debt, and statutorily required use low-income and very low-income restrictions are to be transferred;

(5) the term ''transferring project'' means the multifamily housing project which is transferring some or all of the project-based assistance, debt and the statutorily required low-income and very low-income use restrictions to the receiving project or projects; and

(6) the term ''Secretary'' means the Secretary of Housing and Urban Development.

SEC. 213. The funds made available for Native Alaskans under the heading ''Native American Housing Block Grants'' in title III of this Act shall be allocated to the same Native Alaskan housing block grant recipients that received funds in fiscal year 2005.

SEC. 214. No funds provided under this title may be used for an audit of the Government National Mortgage Association that makes applicable requirements under the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.).

SEC. 215. (a) No assistance shall be provided under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) to any individual who—

(1) is enrolled as a student at an institution of higher education (as defined under section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002));

(2) is under 24 years of age;

(3) is not a veteran;

(4) is unmarried;

(5) does not have a dependent child;

(6) is not a person with disabilities, as such term is defined in section 3(b)(3)(E) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(3)(E)) and was not receiving assistance under such section 8 as of November 30, 2005; and

(7) is not otherwise individually eligible, or has parents who, individually or jointly, are not eligible, to receive assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f).

(b) For purposes of determining the eligibility of a person to receive assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f), any financial assistance (in excess of amounts received for tuition) that an individual receives under the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), from private sources, or an institution of higher education (as defined under the Higher Education Act of 1965 (20 U.S.C. 1002)), shall be considered income to that individual, except for a person over the age of 23 with dependent children.

SEC. 216. Notwithstanding the limitation in the first sentence of section 255(g) of the National Housing Act (12 U.S.C. 1715z–g)), the Secretary of Housing and Urban Development may, until September 30, 2011, insure and enter into commitments to insure mortgages under section 255(g) of the National Housing Act (12 U.S.C. 1715z–20).

SEC. 217. Notwithstanding any other provision of law, in fiscal year 2011, in managing and disposing of any multifamily property that is owned or has a mortgage held by the Secretary of Housing and Urban Development, and during the process of foreclosure on any property with a contract for rental assistance payments under section 8 of the United States Housing Act of 1937 or other Federal programs, the Secretary shall maintain any rental assistance payments under section 8 of the United States Housing Act of 1937 and other programs that are attached to any dwelling units in the property. To the extent the Secretary determines, in consultation with the tenants and the local government, that such a multifamily property owned or held by the Secretary is not feasible for continued rental assistance payments under such section 8 or other programs, based on consideration of (1) the costs of rehabilitating and operating the property and all available Federal, State, and local resources, including rent adjustments under section 524 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (''MAHRAA'') and (2) environmental conditions that cannot be remedied in a cost-effective fashion, the Secretary may, in consultation with the tenants of that property, contract for project-based rental assistance payments with an owner or owners of other existing housing properties, or provide other rental assistance. The Secretary shall also take appropriate steps to ensure that project-based contracts remain in effect prior to foreclosure, subject to the exercise of contractual abatement remedies to assist relocation of tenants for imminent major threats to health and safety after written notice to and informed consent of the affected tenants and use of other available remedies, such as partial abatements or receivership. After disposition of any multifamily property described under this section, the contract and allowable rent levels on such properties shall be subject to the requirements under section 524 of MAHRAA.

SEC. 218. During fiscal year 2011, in the provision of rental assistance under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)) in connection with a program to demonstrate the economy and effectiveness of providing such assistance for use in assisted living facilities that is carried out in the counties of the State of Michigan notwithstanding paragraphs (3) and (18)(B)(iii) of such section 8(o), a family residing in an assisted living facility in any such county, on behalf of which a public housing agency provides assistance pursuant to section 8(o)(18) of such Act, may be required, at the time the family initially receives such assistance, to pay rent in an amount exceeding 40 percent of the monthly adjusted income of the family by such a percentage or amount as the Secretary of Housing and Urban Development determines to be appropriate.

SEC. 219. The Secretary of Housing and Urban Development shall report quarterly to the House of Representatives and Senate Committees on Appropriations on HUD's use of all sole source contracts, including terms of the contracts, cost, and a substantive rationale for using a sole source contract.

SEC. 220. Notwithstanding any other provision of law, the recipient of a grant under section 202b of the Housing Act of 1959 (12 U.S.C. 1701q) after December 26, 2000, in accordance with the unnumbered paragraph at the end of section 202(b) of such Act, may, at its option, establish a single-asset nonprofit entity to own the project and may lend the grant funds to such entity, which may be a private nonprofit organization described in section 831 of the American Homeownership and Economic Opportunity Act of 2000.

SEC. 221. (a) The amounts provided under the subheading ''Program Account'' under the heading ''Community Development Loan Guarantees'' may be used to guarantee, or make commitments to guarantee, notes, or other obligations issued by any State on behalf of non-entitlement communities in the State in accordance with the requirements of section 108 of the Housing and Community Development Act of 1974 in fiscal year 2011 and subsequent years: *Provided*, That, any State receiving such a guarantee or commitment shall distribute all funds subject to such guarantee to the units of general local government in non-entitlement areas that received the commitment.

(b) Not later than 60 days after the date of enactment of this Act, the Secretary of Housing and Urban Development shall promulgate regulations governing the administration of the funds described under subsection (a).

SEC. 222. Section 24 of the United States Housing Act of 1937 (42 U.S.C. 1437v) is amended—

(1) in subsection (m)(1), by striking ''fiscal year'' and all that follows through the period at the end and inserting ''fiscal year 2011.''; and

(2) in subsection (o), by striking ''September'' and all that follows through the period at the end and inserting ''September 30, 2011.''.

SEC. 223. Public housing agencies that own and operate 400 or fewer public housing units may elect to be exempt from any asset management requirement imposed by the Secretary of Housing and Urban Development in connection with the operating fund rule: *Provided*, That an agency seeking a discontinuance of a reduction of subsidy under the operating fund formula shall not be exempt from asset management requirements.

SEC. 224. With respect to the use of amounts provided in this Act and in future Acts for the operation, capital improvement and management of public housing as authorized by sections 9(d) and 9(e) of the United States Housing Act of 1937 (42 U.S.C. 1437g(d) and (e)), the Secretary shall not impose any requirement or guideline relating to asset management that restricts or limits in any way the use of capital funds for central office costs pursuant to section 9(g)(1) or 9(g)(2) of the United States Housing Act of 1937 (42 U.S.C. 1437g(g)(1), (2)): *Provided*, That a public housing agency may not use capital funds authorized under section 9(d) for activities that are eligible under section 9(e) for assistance with amounts from the operating fund in excess of the amounts permitted under section 9(g)(1) or 9(g)(2).

SEC. 225. No official or employee of the Department of Housing and Urban Development shall be designated as an allotment holder unless the Office of the Chief Financial Officer has determined that such allotment holder has implemented an adequate system of funds control and has received training in funds control procedures and directives. The Chief Financial Officer shall ensure that, not later than 90 days after the date of enactment of this Act, a trained allotment holder shall be designated for each HUD subaccount under the headings ''Executive Direction'' and heading ''Administration, Operations, and Management'' as well as each account receiving appropriations for ''personnel compensation and benefits'' within the Department of Housing and Urban Development.

SEC. 226. The Secretary of Housing and Urban Development shall report quarterly to the House of Representatives and Senate Committees on Appropriations on the status of all section 8 project-based housing, including the number of all project-based units by region as well as an analysis of all federally subsidized housing being refinanced under the Mark-to-Market program. The Secretary shall in the report identify all existing units maintained by region as section 8 project-based units and all project-based units that have opted out of section 8 or have otherwise been eliminated as section 8 project-based units. The Secretary shall identify in detail and by project all the efforts made by the Department to preserve all section 8 project-based housing units and all the reasons for any units which opted out or otherwise were lost as section 8 project-based units. Such analysis shall include a review of the impact of the loss of any subsidized units in that housing marketplace, such as the impact of cost and the loss of available subsidized, low-income housing in areas with scarce housing resources for low-income families.

SEC. 227. Payment of attorney fees in program-related litigation must be paid from individual program office personnel benefits and compensation funding. The annual budget submission for program office personnel benefit and compensation funding must include program-related litigation costs for attorney fees as a separate line item request.

SEC. 228. The Secretary of the Department of Housing and Urban Development shall for fiscal year 2011 and subsequent fiscal years, notify the public through the Federal Register and other means, as determined appropriate, of the issuance of a notice of the availability of assistance or notice of funding availability (NOFA) for any program or discretionary fund administered by the Secretary that is to be competitively awarded. Notwithstanding any other provision of law, for fiscal year 2011 and subsequent fiscal years, the Secretary may make the NOFA available only on the Internet at the appropriate Government Web site or Web site or through other electronic media, as determined by the Secretary.

SEC. 229. Upon request of the project sponsor of a project assisted with a loan under section 202 of the Housing Act of 1959 (as in effect before the enactment of the Cranston-Gonzalez National Affordable Housing Act), for which the Secretary's consent to prepayment is required, the Secretary may approve the prepayment of any indebtedness to the Secretary relating to any remaining principal and interest under the loan as part of a prepayment plan under which—

(1) the project sponsor agrees to operate the project until the maturity date of the original loan under terms at least as advantageous to existing and future tenants as the

terms required by the original loan agreement or any project-based rental assistance payments contract under section 8 of the United States Housing Act of 1937 (or any other project-based rental housing assistance programs of the Department of Housing and Urban Development, including the rent supplement program under section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s)) or any successor project-based rental assistance program, except as provided by subsection (a)(2)(B); and

(2) the prepayment may involve refinancing of the loan if such refinancing results—

(A) in a lower interest rate on the principal of the loan for the project and in reductions in debt service related to such loan; or

(B) in the case of a project that is assisted with a loan under such section 202 carrying an interest rate of 6 percent or lower, a transaction under which—

(i) the project owner shall address the physical needs of the project;

(ii) the prepayment plan for the transaction, including the refinancing, shall meet a cost benefit analysis, as established by the Secretary, that the benefit of the transaction outweighs the cost of the transaction including any increases in rent charged to unassisted tenants;

(iii) the overall cost for providing rental assistance under section 8 for the project (if any) is not increased, except, upon approval by the Secretary to—

(I) mark-up-to-market contracts pursuant to section 524(a)(3) of the Multifamily Assisted Housing Reform and Affordability Act (42 U.S.C. 1437f note), as such section is carried out by the Secretary for properties owned by nonprofit organizations; or

(II) mark-up-to-budget contracts pursuant to section 524(a)(4) of the Multifamily Assisted Housing Reform and Affordability Act (42 U.S.C. 1437f note), as such section is carried out by the Secretary for properties owned by eligible owners (as such term is defined in section 202(k) of the Housing Act of 1959 (12 U.S.C. 1701q(k));

(iv) the project owner may charge tenants rent sufficient to meet debt service payments and operating cost requirements, as approved by the Secretary, if project-based rental assistance is not available or is insufficient for the debt service and operating cost of the project after refinancing. Such approval by the Secretary—

(I) shall be the basis for the owner to agree to terminate the project-based rental assistance contract that is insufficient for the debt service and operating cost of the project after refinancing; and

(II) shall be an eligibility event for the project for purposes of section 8(t) of the United States Housing Act of 1937 (42 U.S.C. 1437f(t));

(v) units to be occupied by tenants assisted under section 8(t) of the United States Housing Act of 1937 (42 U.S.C. 1437f(t)) shall, upon termination of the occupancy of such tenants, become eligible for project-based assistance under section 8(o)(13) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(13)) without regard to the percentage limitations provided in such section; and

(vi) there shall be a use agreement of 20 years from the date of the maturity date of the original 202 loan for all units, including units to be occupied by tenants assisted under section 8(t) of the United States Housing Act of 1937 (42 U.S.C. 1437f(t)).

SEC. 230. No property identified by the Secretary of Housing and Urban Development as surplus Federal property for use to assist the homeless shall be made available to any homeless group unless the group is a member in good standing under any of HUD's homeless assistance programs or is in good standing with any other program which receives funds from any other Federal or State agency or entity: *Provided*, That an exception may be made for an entity not involved with Federal homeless programs to use surplus Federal property for the homeless only after the Secretary or another responsible Federal agency has fully and comprehensively reviewed all relevant finances of the entity, the track record of the entity in assisting the homeless, the ability of the entity to manage the property, including all costs, the ability of the entity to administer homeless programs in a manner that is effective to meet the needs of the homeless population that is expected to use the property and any other related issues that demonstrate a commitment to assist the homeless: *Provided further*, That the Secretary shall not require the entity to have cash in hand in order to demonstrate financial ability but may rely on the entity's prior demonstrated fundraising ability or commitments for in-kind donations of goods and services: *Provided further*, That the Secretary shall make all such information and its decision regarding the award of the surplus property available to the committees of jurisdiction, including a full justification of the appropriateness of the use of the property to assist the homeless as well as the appropriateness of the group seeking to obtain the property to use such property to assist the homeless: *Provided further*, That, this section shall apply to properties in fiscal years 2010 and 2011 made available as surplus Federal property for use to assist the homeless.

SEC. 231. The Secretary of the Department of Housing and Urban Development is authorized to transfer up to 5 percent or $5,000,000, whichever is less, of the funds made available for personnel or nonpersonnel expenses under any account under this title under the general heading ''Personnel Compensation and Benefits'', or under any set-aside within the accounts under the headings ''Executive Direction'' and ''Administration, Operations and Management'', to any other such account or any other such set-aside within such accounts: *Provided*, That any transfer over 5 percent or $5,000,000, whichever is less, must be submitted to and receive the prior written approval of the House and Senate Committees on Appropriations.

SEC. 232. The Disaster Housing Assistance Programs, administered by the Department of Housing and Urban Development, shall be considered a ''program of the Department of Housing and Urban Development'' under section 904 of the McKinney Act for the purpose of income verifications and matching.

SEC. 233. Of the amounts made available for salaries and expenses under all accounts under this title (except for the Office of Inspector General account), a total of up to $15,000,000 may be transferred to and merged with amounts made available in the ''Working Capital Fund'' account or the ''Transformation Initiative'' account under this title. Any amounts transferred to the ''Transformation Initiative'' account shall only be available for information technology requirements and shall remain available until September 30, 2013.

SEC. 234. The transfer requirement established under the heading ''Flexible Subsidy Fund'' in Public Law 108–447 and in Public Law 109–115 shall not apply in fiscal year 2011 and all subsequent fiscal years.

This title may be cited as the ''Department of Housing and Urban Development Appropriations Act, 2011''.

## TITLE III

## RELATED AGENCIES

### ACCESS BOARD

#### SALARIES AND EXPENSES

For expenses necessary for the Access Board, as authorized by section 502 of the Rehabilitation Act of 1973, as amended, $7,367,000: *Provided*, That, notwithstanding any other provision of law, there may be credited to this appropriation funds received for publications and training expenses.

### FEDERAL MARITIME COMMISSION

#### SALARIES AND EXPENSES

For necessary expenses of the Federal Maritime Commission as authorized by section 201(d) of the Merchant Marine Act, 1936, as amended (46 U.S.C. App. 1111), including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); and uniforms or allowances therefore, as authorized by 5 U.S.C. 5901–5902, $25,300,000: *Provided*, That not to exceed $2,000 shall be available for official reception and representation expenses.

### NATIONAL RAILROAD PASSENGER CORPORATION

#### OFFICE OF INSPECTOR GENERAL

#### SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General for the National Railroad Passenger Corporation to carry out the provisions of the Inspector General Act of 1978, as amended, $20,000,000: *Provided*, That the Inspector General shall have all necessary authority, in carrying out the duties specified in the Inspector General Act, as amended (5 U.S.C. App. 3), to investigate allegations of fraud, including false statements to the government (18 U.S.C. 1001), by any person or entity that is subject to regulation by the National Railroad Passenger Corporation: *Provided further*, That the Inspector General may enter into contracts and other arrangements for audits, studies, analyses, and other services with public agencies and with private persons, subject to the applicable laws and regulations that govern the obtaining of such services within the National Railroad Passenger Corporation: *Provided further*, That the Inspector General may select, appoint, and employ such officers and employees as may be necessary for carrying out the functions, powers, and duties of the Office of Inspector General, subject to the applicable laws and regulations that govern such selections, appointments, and employment within Amtrak: *Provided further*, That concurrent with the President's budget request for fiscal year 2012, the Inspector General shall submit to the House and Senate Committees on Appropriations a budget request for fiscal year 2012 in similar format and substance to those submitted by executive agencies of the Federal Government.

### NATIONAL TRANSPORTATION SAFETY BOARD

#### SALARIES AND EXPENSES

For necessary expenses of the National Transportation Safety Board, including hire of passenger motor vehicles and aircraft; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for a GS–15; uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901–5902) $104,300,000, of which not to exceed $2,000 may be used for official reception and representation expenses: *Provided*, That the amounts made available to the National Transportation Safety Board in this Act include amounts necessary to make lease payments on an obligation incurred in fiscal year 2001 for a capital lease.

NEIGHBORHOOD REINVESTMENT CORPORATION

PAYMENT TO THE NEIGHBORHOOD REINVESTMENT CORPORATION

For payment to the Neighborhood Reinvestment Corporation for use in neighborhood reinvestment activities, as authorized by the Neighborhood Reinvestment Corporation Act (42 U.S.C. 8101–8107), $140,000,000, of which $5,000,000 shall be for a multi-family rental housing program: *Provided*, That in addition, $35,000,000 shall be made available until expended for capital grants to rehabilitate or finance the rehabilitation of affordable housing units, including necessary administrative expenses: *Provided further*, That in addition, $125,000,000 shall be made available until expended to the Neighborhood Reinvestment Corporation for mortgage foreclosure mitigation activities, under the following terms and conditions:

(1) The Neighborhood Reinvestment Corporation (''NRC''), shall make grants to counseling intermediaries approved by the Department of Housing and Urban Development (HUD) (with match to be determined by the NRC based on affordability and the economic conditions of an area; a match also may be waived by the NRC based on the aforementioned conditions) to provide mortgage foreclosure mitigation assistance primarily to States and areas with high rates of defaults and foreclosures to help eliminate the default and foreclosure of mortgages of owner-occupied single-family homes that are at risk of such foreclosure. Other than areas with high rates of defaults and foreclosures, grants may also be provided to approved counseling intermediaries based on a geographic analysis of the Nation by the NRC which determines where there is a prevalence of mortgages that are risky and likely to fail, including any trends for mortgages that are likely to default and face foreclosure. A State Housing Finance Agency may also be eligible where the State Housing Finance Agency meets all the requirements under this paragraph. A HUD-approved counseling intermediary shall meet certain mortgage foreclosure mitigation assistance counseling requirements, as determined by the NRC, and shall be approved by HUD or the NRC as meeting these requirements.

(2) Mortgage foreclosure mitigation assistance shall only be made available to homeowners of owner-occupied homes with mortgages in default or in danger of default. These mortgages shall likely be subject to a foreclosure action and homeowners will be provided such assistance that shall consist of activities that are likely to prevent foreclosures and result in the long-term affordability of the mortgage retained pursuant to such activity or another positive outcome for the homeowner. No funds made available under this paragraph may be provided directly to lenders or homeowners to discharge outstanding mortgage balances or for any other direct debt reduction payments.

(3) The use of Mortgage Foreclosure Mitigation Assistance by approved counseling intermediaries and State Housing Finance Agencies shall involve a reasonable analysis of the borrower's financial situation, an evaluation of the current value of the property that is subject to the mortgage, counseling regarding the assumption of the mortgage by another non-Federal party, counseling regarding the possible purchase of the mortgage by a non-Federal third party, counseling and advice of all likely restructuring and refinancing strategies or the approval of a work-out strategy by all interested parties.

(4) NRC may provide up to 15 percent of the total funds under this paragraph to its own charter members with expertise in foreclosure prevention counseling, subject to a certification by the NRC that the procedures for selection do not consist of any procedures or activities that could be construed as an unacceptable conflict of interest or have the appearance of impropriety.

(5) HUD-approved counseling entities and State Housing Finance Agencies receiving funds under this paragraph shall have demonstrated experience in successfully working with financial institutions as well as borrowers facing default, delinquency and foreclosure as well as documented counseling capacity, outreach capacity, past successful performance and positive outcomes with documented counseling plans (including post mortgage foreclosure mitigation counseling), loan workout agreements and loan modification agreements. NRC may use other criteria to demonstrate capacity in underserved areas.

(6) Of the total amount made available under this paragraph, up to $3,000,000 may be made available to build the mortgage foreclosure and default mitigation counseling capacity of counseling intermediaries through NRC training courses with HUD-approved counseling intermediaries and their partners, except that private financial institutions that participate in NRC training shall pay market rates for such training.

(7) Of the total amount made available under this paragraph, up to 5 percent may be used for associated administrative expenses for the NRC to carry out activities provided under this section.

(8) Mortgage foreclosure mitigation assistance grants may include a budget for outreach and advertising, and training, as determined by the NRC.

(9) The NRC shall continue to report bi-annually to the House and Senate Committees on Appropriations as well as the Senate Banking Committee and House Financial Services Committee on its efforts to mitigate mortgage default.

UNITED STATES INTERAGENCY COUNCIL ON HOMELESSNESS

OPERATING EXPENSES

For necessary expenses (including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms, and the employment of experts and consultants under section 3109 of title 5, United States Code) of the United States Interagency Council on Homelessness in carrying out the functions pursuant to title II of the McKinney-Vento Homeless Assistance Act, as amended, $3,930,000.

Section 209 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11319) is deleted.

TITLE IV

GENERAL PROVISIONS—THIS ACT

SEC. 401. Such sums as may be necessary for fiscal year 2010 pay raises for programs funded in this Act shall be absorbed within the levels appropriated in this Act or previous appropriations Acts.

SEC. 402. None of the funds in this Act shall be used for the planning or execution of any program to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings funded in this Act.

SEC. 403. None of the funds appropriated in this Act shall remain available for obligation beyond the current fiscal year, nor may any be transferred to other appropriations, unless expressly so provided herein.

SEC. 404. The expenditure of any appropriation under this Act for any consulting service through procurement contract pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 405. Except as otherwise provided in this Act, none of the funds provided in this Act, provided by previous appropriations Acts to the agencies or entities funded in this Act that remain available for obligation or expenditure in fiscal year 2011, or provided from any accounts in the Treasury derived by the collection of fees and available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that: (1) creates a new program; (2) eliminates a program, project, or activity; (3) increases funds or personnel for any program, project, or activity for which funds have been denied or restricted by the Congress; (4) proposes to use funds directed for a specific activity by either the House or Senate Committees on Appropriations for a different purpose; (5) augments existing programs, projects, or activities in excess of $5,000,000 or 10 percent, whichever is less; (6) reduces existing programs, projects, or activities by $5,000,000 or 10 percent, whichever is less; or (7) creates, reorganizes, or restructures a branch, division, office, bureau, board, commission, agency, administration, or department different from the budget justifications submitted to the Committees on Appropriations or the table accompanying the explanatory statement accompanying this Act, whichever is more detailed, unless prior approval is received from the House and Senate Committees on Appropriations: *Provided*, That not later than 60 days after the date of enactment of this Act, each agency funded by this Act shall submit a report to the Committees on Appropriations of the Senate and of the House of Representatives to establish the baseline for application of reprogramming and transfer authorities for the current fiscal year: *Provided further*, That the report shall include: (1) a table for each appropriation with a separate column to display the President's budget request, adjustments made by Congress, adjustments due to enacted rescissions, if appropriate, and the fiscal year enacted level; (2) a delineation in the table for each appropriation both by object class and program, project, and activity as detailed in the budget appendix for the respective appropriation; and (3) an identification of items of special congressional interest: *Provided further*, That the amount appropriated or limited for salaries and expenses for an agency shall be reduced by $100,000 per day for each day after the required date that the report has not been submitted to the Congress.

SEC. 406. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2011 from appropriations made available for salaries and expenses for fiscal year 2011 in this Act, shall remain available through September 30, 2012, for each such account for the purposes authorized: *Provided*, That a request shall be submitted to the House and Senate Committees on Appropriations for approval prior to the expenditure of such funds: *Provided further*, That these requests shall be made in compliance with reprogramming guidelines under section 405 of this Act.

SEC. 407. All Federal agencies and departments that are funded under this Act shall issue a report to the House and Senate Committees on Appropriations on all sole-source contracts by no later than July 30, 2011. Such report shall include the contractor, the amount of the contract and the rationale for using a sole-source contract.

SEC. 408. (a) None of the funds made available in this Act may be obligated or expended for any employee training that—

(1) does not meet identified needs for knowledge, skills, and abilities bearing directly upon the performance of official duties;

(2) contains elements likely to induce high levels of emotional response or psychological stress in some participants;

(3) does not require prior employee notification of the content and methods to be used in the training and written end of course evaluation;

(4) contains any methods or content associated with religious or quasi-religious belief systems or ''new age'' belief systems as defined in Equal Employment Opportunity Commission Notice N–915.022, dated September 2, 1988; or

(5) is offensive to, or designed to change, participants' personal values or lifestyle outside the workplace.

(b) Nothing in this section shall prohibit, restrict, or otherwise preclude an agency from conducting training bearing directly upon the performance of official duties.

SEC. 409. No funds in this Act may be used to support any Federal, State, or local projects that seek to use the power of eminent domain, unless eminent domain is employed only for a public use: *Provided*, That for purposes of this section, public use shall not be construed to include economic development that primarily benefits private entities: *Provided further*, That any use of funds for mass transit, railroad, airport, seaport or highway projects as well as utility projects which benefit or serve the general public (including energy-related, communication-related, water-related and wastewater-related infrastructure), other structures designated for use by the general public or which have other common-carrier or public-utility functions that serve the general public and are subject to regulation and oversight by the government, and projects for the removal of an immediate threat to public health and safety or brownsfield as defined in the Small Business Liability Relief and Brownsfield Revitalization Act (Public Law 107–118) shall be considered a public use for purposes of eminent domain.

SEC. 410. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

SEC. 411. No part of any appropriation contained in this Act shall be available to pay the salary for any person filling a position, other than a temporary position, formerly held by an employee who has left to enter the Armed Forces of the United States and has satisfactorily completed his period of active military or naval service, and has within 90 days after his release from such service or from hospitalization continuing after discharge for a period of not more than 1 year, made application for restoration to his former position and has been certified by the Office of Personnel Management as still qualified to perform the duties of his former position and has not been restored thereto.

SEC. 412. No funds appropriated pursuant to this Act may be expended in contravention of sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c, popularly known as the ''Buy American Act'').

SEC. 413. No funds appropriated or otherwise made available under this Act shall be made available to any person or entity that has been convicted of violating the Buy American Act (41 U.S.C. 10a–10c).

SEC. 414. None of the funds made available in this Act may be used for first-class airline accommodations in contravention of sections 301–10.122 and 301–10.123 of title 41, Code of Federal Regulations.

SEC. 415. None of the funds made available in this Act may be used to purchase a light bulb for an office building unless the light bulb has, to the extent practicable, an Energy Star or Federal Energy Management Program designation.

SEC. 416. After any notice of funding availability or any other notice designed to solicit applications for funding issued by either of the following departments for a competitive grant program with an annual budget, including grants, equal to or exceeding $100,000,000, or for the Department of Transportation's Grants for Energy Efficiency and Greenhouse Gas Reductions program, the Secretary of the Department of Transportation and the Secretary of Housing and Urban Development shall post on their Web sites the following information regarding any of the applicable programs including, but not limited to, the primary purpose of the grant program, the criteria for grant selection, and the process for the decision-making by the Department: *Provided*, That once all valid applications have been received by the Department for a program by a date certain established by the Department, the Department shall post on its Web site a summary of the primary information in each grant application, including the applicant's name, address, phone number, point of contact, and the primary funding or other request of each grantee: *Provided further*, That a department shall post on its Web site the name of all successful grantees, the grant award amount, and the justification for the selection by the department as well as the methodology for the award selections, including how the selected awards are consistent with program goals, and as soon as is available, a summary of all benchmarks and deadlines that are expected to be met by a grantee.

SEC. 417. (a) None of the funds made available in this Act may be used to establish, issue, implement, administer, or enforce any prohibition or restriction on the establishment or effectiveness of any occupancy preference for veterans in supportive housing for the elderly that: (1) is provided assistance by the Department of Housing and Urban Development; and (2)(A) is or would be located on property of the Department of Veterans Affairs; or (B) is subject to an enhanced use lease with the Department of Veterans Affairs.

## TITLE V—EXTENSION OF CURRENT SURFACE TRANSPORTATION PROGRAMS

### SEC. 501. SHORT TITLE; RECONCILIATION OF FUNDS.

(a) SHORT TITLE.—This title may be cited as the ''Surface Transportation Extension Act of 2010, Part II''.

(b) RECONCILIATION OF FUNDS.—The Secretary of Transportation shall reduce the amount apportioned or allocated for a program, project, or activity under this title in fiscal year 2011 by amounts apportioned or allocated pursuant to the Surface Transportation Extension Act of 2010 for the period beginning on October 1, 2010, and ending on December 31, 2010.

## Subtitle A—Federal-Aid Highways

### SEC. 511. EXTENSION OF FEDERAL-AID HIGHWAY PROGRAMS.

(a) IN GENERAL.—Section 411 of the Surface Transportation Extension Act of 2010 (Public Law 111–147; 124 Stat. 78) is amended—

(1) by striking ''the period beginning on October 1, 2010, and ending on December 31, 2010'' each place it appears (except in subsection (c)(2)) and inserting ''fiscal year 2011'';

(2) in subsection (a) by striking ''December 31, 2010'' and inserting ''September 30, 2011'';

(3) in subsection (b)(2) by striking ''¼ of'';

(4) in subsection (c)—

(A) in paragraph (2)—

(i) by striking ''¼ of''; and

(ii) by striking ''the period beginning on October 1, 2010, and ending on December 31, 2010,'' and inserting ''fiscal year 2011'';

(B) in paragraph (4)—

(i) in subparagraph (A)(ii) by striking '', except that during such period obligations subject to such limitation shall not exceed ¼ of the limitation on obligations included in an Act making appropriations for fiscal year 2011''; and

(ii) in subparagraph (B)(ii)(II) by striking ''$159,750,000'' and inserting ''$639,000,000''; and

(C) by striking paragraph (5);

(5) in subsection (d)—

(A) by striking ''¼ of'' each place it appears; and

(B) in paragraph (2)(A)—

(i) in the matter preceding clause (i) by striking ''apportioned under sections 104(b) and 144 of title 23, United States Code,'' and inserting ''specified in section 105(a)(2) of title 23, United States Code (except the high priority projects program),''; and

(ii) in clause (ii) by striking ''apportioned under such sections of such Code'' and inserting ''specified in such section 105(a)(2) (except the high priority projects program)''; and

(6) in subsection (e)(1)(B) by striking ''¼''.

(b) ADMINISTRATIVE EXPENSES.—Section 412(a)(2) of the Surface Transportation Extension Act of 2010 (Public Law 111–147; 124 Stat. 83) is amended—

(1) by striking ''$105,606,250'' and inserting ''$422,425,000''; and

(2) by striking ''the period beginning on October 1, 2010, and ending on December 31, 2010'' and inserting ''fiscal year 2011''.

## Subtitle B—Extension of National Highway Traffic Safety Administration, Federal Motor Carrier Safety Administration, and Additional Programs

### SEC. 521. EXTENSION OF NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION HIGHWAY SAFETY PROGRAMS.

(a) CHAPTER 4 HIGHWAY SAFETY PROGRAMS.—Section 2001(a)(1) of SAFETEA–LU (119 Stat. 1519) is amended by striking ''and $58,750,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.'' and inserting ''and $235,000,000 for fiscal year 2011.''.

(b) HIGHWAY SAFETY RESEARCH AND DEVELOPMENT.—Section 2001(a)(2) of SAFETEA–LU (119 Stat. 1519) is amended by striking ''and $27,061,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.'' and inserting ''and $108,244,000 for fiscal year 2011.''.

(c) OCCUPANT PROTECTION INCENTIVE GRANTS.—Section 2001(a)(3) of SAFETEA–LU (119 Stat. 1519) is amended by striking ''and $6,250,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.'' and inserting ''and $25,000,000 for fiscal year 2011.''.

(d) SAFETY BELT PERFORMANCE GRANTS.—Section 2001(a)(4) of SAFETEA–LU (119 Stat. 1519) is amended by striking ''and $31,125,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.'' and inserting ''and $124,500,000 for fiscal year 2011.''.

(e) STATE TRAFFIC SAFETY INFORMATION SYSTEM IMPROVEMENTS.—Section 2001(a)(5) of SAFETEA–LU (119 Stat. 1519) is amended by striking ''and $8,625,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.'' and inserting ''and $34,500,000 for fiscal year 2011.''.

(f) ALCOHOL-IMPAIRED DRIVING COUNTERMEASURES INCENTIVE GRANT PROGRAM.—Section 2001(a)(6) of SAFETEA–LU (119 Stat. 1519) is amended by striking ''and $34,750,000 for the period beginning on October 1, 2010,

and ending on December 31, 2010.'' and inserting ''and $139,000,000 for fiscal year 2011.''.

(g) NATIONAL DRIVER REGISTER.—Section 2001(a)(7) of SAFETEA–LU (119 Stat. 1520) is amended by striking ''and $1,029,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.'' and inserting ''and $4,116,000 for fiscal year 2011.''.

(h) HIGH VISIBILITY ENFORCEMENT PROGRAM.—Section 2001(a)(8) of SAFETEA–LU (119 Stat. 1520) is amended by striking ''and $7,250,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.'' and inserting ''and $29,000,000 for fiscal year 2011.''.

(i) MOTORCYCLIST SAFETY.—Section 2001(a)(9) of SAFETEA–LU (119 Stat. 1520) is amended by striking ''and $1,750,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.'' and inserting ''and $7,000,000 for fiscal year 2011.''.

(j) CHILD SAFETY AND CHILD BOOSTER SEAT SAFETY INCENTIVE GRANTS.—Section 2001(a)(10) of SAFETEA–LU (119 Stat. 1520) is amended by striking ''and $1,750,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.'' and inserting ''and $7,000,000 for fiscal year 2011.''.

(k) ADMINISTRATIVE EXPENSES.—Section 2001(a)(11) of SAFETEA–LU (119 Stat. 1520) is amended by striking ''and $6,332,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.'' and inserting ''and $25,328,000 for fiscal year 2011.''.

**SEC. 522. EXTENSION OF FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION PROGRAMS.**

(a) MOTOR CARRIER SAFETY GRANTS.—Section 31104(a)(7) of title 49, United States Code, is amended by striking ''$52,679,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.'' and inserting ''$209,000,000 for fiscal year 2011.''.

(b) ADMINISTRATIVE EXPENSES.—Section 31104(i)(1)(G) of title 49, United States Code, is amended by striking ''$61,036,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.'' and inserting ''$244,144,000 for fiscal year 2011.''.

(c) GRANT PROGRAMS.—Section 4101(c) of SAFETEA–LU (119 Stat. 1715) is amended—

(1) in paragraph (1)—

(A) by striking ''and'' after ''2009,''; and

(B) by striking ''and $6,301,000 for the period beginning on October 1, 2010, and ending on December 31, 2010'' and inserting ''and $25,000,000 for fiscal year 2011'';

(2) in paragraph (2) by striking ''and $8,066,000 for the period beginning on October 1, 2010, and ending on December 31, 2010'' and inserting ''and $32,000,000 for fiscal year 2011'';

(3) in paragraph (3) by striking ''and $1,260,000 for the period beginning on October 1, 2010, and ending on December 31, 2010'' and inserting ''and $5,000,000 for fiscal year 2011'';

(4) in paragraph (4) by striking ''and $6,301,000 for the period beginning on October 1, 2010, and ending on December 31, 2010'' and inserting ''and $25,000,000 for fiscal year 2011''; and

(5) in paragraph (5) by striking ''and $756,000 for the period beginning on October 1, 2010, and ending on December 31, 2010'' and inserting ''and $3,000,000 for fiscal year 2011''.

(d) HIGH-PRIORITY ACTIVITIES.—Section 31104(k)(2) of title 49, United States Code, is amended by striking ''and $3,781,000 for the period beginning on October 1, 2010, and ending on December 31, 2010'' and inserting ''and $15,000,000 for fiscal year 2011''.

(e) NEW ENTRANT AUDITS.—Section 31144(g)(5)(B) of title 49, United States Code, is amended by striking ''(and up to $7,310,000 for the period beginning on October 1, 2010, and ending on December 31, 2010)''.

(f) COMMERCIAL DRIVER'S LICENSE INFORMATION SYSTEM MODERNIZATION.—Section 4123(d)(6) of SAFETEA–LU (119 Stat. 1736) is amended by striking ''$2,016,000 for the period beginning on October 1, 2010, and ending on December 31, 2010.'' and inserting ''$8,000,000 for fiscal year 2011.''.

(g) OUTREACH AND EDUCATION.—Section 4127(e) of SAFETEA–LU (119 Stat. 1741) is amended by striking ''and 2010'' and all that follows before ''to carry out'' and inserting ''2010, and 2011''.

(h) GRANT PROGRAM FOR COMMERCIAL MOTOR VEHICLE OPERATORS.—Section 4134(c) of SAFETEA–LU (119 Stat. 1744) is amended by striking ''2009, 2010, and $252,000 for the period beginning on October 1, 2010, and ending on December 31, 2010,'' and inserting ''2011''.

(i) MOTOR CARRIER SAFETY ADVISORY COMMITTEE.—Section 4144(d) of SAFETEA–LU (119 Stat. 1748) is amended by striking ''December 31, 2010'' and inserting ''September 30, 2011''.

(j) WORKING GROUP FOR DEVELOPMENT OF PRACTICES AND PROCEDURES TO ENHANCE FEDERAL-STATE RELATIONS.—Section 4213(d) of SAFETEA–LU (49 U.S.C. 14710 note; 119 Stat. 1759) is amended by striking ''December 31, 2010'' and inserting ''September 30, 2011''.

**SEC. 523. ADDITIONAL PROGRAMS.**

(a) HAZARDOUS MATERIALS RESEARCH PROJECTS.—Section 7131(c) of SAFETEA–LU (119 Stat. 1910) is amended by striking ''through 2010'' and all that follows before ''shall be available'' and inserting ''through 2011''.

(b) DINGELL-JOHNSON SPORT FISH RESTORATION ACT.—Section 4 of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c) is amended—

(1) in subsection (a) by striking ''For each of fiscal years 2006'' and all that follows before paragraph (1) and inserting the following: ''For each of fiscal years 2006 through 2011, the balance of each annual appropriation made in accordance with the provisions of section 3 remaining after the distributions for administrative expenses and other purposes under subsection (b) and for multistate conservation grants under section 14 shall be distributed as follows:''; and

(2) in subsection (b)(1)(A) by striking the first sentence and inserting the following: ''From the annual appropriation made in accordance with section 3, for each of fiscal years 2006 through 2011, the Secretary of the Interior may use no more than the amount specified in subparagraph (B) for the fiscal year for expenses for administration incurred in the implementation of this Act, in accordance with this section and section 9.''.

(c) SURFACE TRANSPORTATION PROJECT DELIVERY PILOT PROGRAM.—Section 327(i)(1) of title 23, United States Code, is amended by striking ''6 years after'' and inserting ''7 years after''.

(d) IMPLEMENTATION OF FUTURE STRATEGIC HIGHWAY RESEARCH PROGRAM.—Section 510 of title 23, United States Code, is amended by adding at the end the following:

''(h) IMPLEMENTATION.—Notwithstanding any other provision of this section, the Secretary may use funds made available to carry out this section for implementation of research products related to the future strategic highway research program, including development, demonstration, evaluation, and technology transfer activities.''.

## Subtitle C—Public Transportation Programs

**SEC. 531. ALLOCATION OF FUNDS FOR PLANNING PROGRAMS.**

Section 5305(g) of title 49, United States Code, is amended by striking ''2010, and for the period beginning October 1, 2010, and ending December 31, 2010,'' and inserting ''2011''.

**SEC. 532. SPECIAL RULE FOR URBANIZED AREA FORMULA GRANTS.**

Section 5307(b)(2) of title 49, United States Code, is amended—

(1) in the paragraph heading by striking ''2010, AND THE PERIOD BEGINNING OCTOBER 1, 2010, AND ENDING DECEMBER 31, 2010'' and inserting ''2011'';

(2) in subparagraph (A) by striking ''2010, and the period beginning October 1, 2010, and ending December 31, 2010,'' and inserting ''2011,''; and

(3) in subparagraph (E)—

(A) in the subparagraph heading by striking ''2010 AND DURING THE PERIOD BEGINNING OCTOBER 1, 2010, AND ENDING DECEMBER 31, 2010'' and inserting ''2011''; and

(B) in the matter preceding clause (i) by striking ''In fiscal years 2008 through 2010, and during the period beginning October 1, 2010, and ending December 31, 2010,'' and inserting ''In each of fiscal years 2008 through 2011''.

**SEC. 533. ALLOCATING AMOUNTS FOR CAPITAL INVESTMENT GRANTS.**

Section 5309(m) of title 49, United States Code, is amended—

(1) in paragraph (2)—

(A) in the paragraph heading by striking ''2010 AND OCTOBER 1, 2010, THROUGH DECEMBER 31, 2010'' and inserting ''2011'';

(B) in the matter preceding subparagraph (A) by striking ''2010, and during the period beginning October 1, 2010, and ending December 31, 2010,'' and inserting ''2011''; and

(C) in subparagraph (A)(i) by striking ''2010, and $50,000,000 for the period beginning October 1, 2010, and ending December 31, 2010,'' and inserting ''2011'';

(2) in paragraph (6)—

(A) in subparagraph (B) by striking ''2010, and $3,750,000 shall be available for the period beginning October 1, 2010, and ending December 31, 2010,'' and inserting ''2011''; and

(B) in subparagraph (C) by striking ''2010, and $1,250,000 shall be available for the period beginning October 1, 2010 and ending December 31, 2010,'' and inserting ''2011''; and

(3) in paragraph (7)—

(A) in subparagraph (A)—

(i) by striking ''(A) FERRY BOAT SYSTEMS.—'' and all that follows through ''(i) FISCAL YEAR 2006 THROUGH 2010.—$10,000,000 shall be available in each of fiscal years 2006 through 2010'' and inserting the following:

''(A) FERRY BOAT SYSTEMS.—$10,000,000 shall be available in each of fiscal years 2006 through 2011'';

(ii) by striking clause (ii);

(iii) by redesignating subclauses (I) through (VIII) as clauses (i) through (viii), respectively, and moving the text of such clauses 2 ems to the left; and

(iv) by inserting a period at the end of clause (iv) (as so redesignated);

(B) by striking subparagraph (B)(vi) and inserting the following:

''(vi) $13,500,000 for fiscal year 2011.'';

(C) in subparagraph (C) by striking '', and during the period beginning October 1, 2010, and ending December 31, 2010,'';

(D) in subparagraph (D) by striking '', and not less than $8,750,000 shall be available for the period beginning October 1, 2010, and ending December 31, 2010,''; and

(E) in subparagraph (E) by striking '', and $750,000 shall be available for the period beginning October 1, 2010, and ending December 31, 2010,''.

**SEC. 534. APPORTIONMENT OF FORMULA GRANTS FOR OTHER THAN URBANIZED AREAS.**

Section 5311(c)(1)(F) of title 49, United States Code, is amended to read as follows:

''(F) $15,000,000 for fiscal year 2011.''.

**SEC. 535. APPORTIONMENT BASED ON FIXED GUIDEWAY FACTORS.**

Section 5337 of title 49, United States Code, is amended—

(1) in subsection (a), in the matter preceding paragraph (1), by striking ''2010'' and inserting ''2011''; and

(2) by striking subsection (g).

**SEC. 536. AUTHORIZATIONS FOR PUBLIC TRANSPORTATION.**

(a) FORMULA AND BUS GRANTS.—Section 5338(b) of title 49, United States Code, is amended—

(1) by striking paragraph (1)(F) and inserting the following:

''(F) $8,360,565,000 for fiscal year 2011.''; and

(2) in paragraph (2)—

(A) in subparagraph (A) by striking ''$28,375,000 for the period beginning October 1, 2010, and ending December 31, 2010,'' and inserting ''$113,500,000 for fiscal year 2011'';

(B) in subparagraph (B) by striking ''$1,040,091,250 for the period beginning October 1, 2010, and ending December 31, 2010,'' and inserting ''$4,160,365,000 for fiscal year 2011'';

(C) in subparagraph (C) by striking ''$12,875,000 for the period beginning October 1, 2010, and ending December 31, 2010,'' and inserting ''$51,500,000 for fiscal year 2011'';

(D) in subparagraph (D) by striking ''$416,625,000 for the period beginning October 1, 2010 and ending December 31, 2010,'' and inserting ''$1,666,500,000 for fiscal year 2011'';

(E) in subparagraph (E) by striking ''$246,000,000 for the period beginning October 1, 2010 and ending December 31, 2010,'' and inserting ''$984,000,000 for fiscal year 2011'';

(F) in subparagraph (F) by striking ''$33,375,000 for the period beginning October 1, 2010 and ending December 31, 2010,'' and inserting ''$133,500,000 for fiscal year 2011'';

(G) in subparagraph (G) by striking ''$116,250,000 for the period beginning October 1, 2010 and ending December 31, 2010,'' and inserting ''$465,000,000 for fiscal year 2011'';

(H) in subparagraph (H) by striking ''$41,125,000 for the period beginning October 1, 2010 and ending December 31, 2010,'' and inserting ''$164,500,000 for fiscal year 2011'';

(I) in subparagraph (I) by striking ''$23,125,000 for the period beginning October 1, 2010 and ending December 31, 2010,'' and inserting ''$92,500,000 for fiscal year 2011'';

(J) in subparagraph (J) by striking ''$6,725,000 for the period beginning October 1, 2010 and ending December 31, 2010,'' and inserting ''$26,900,000 for fiscal year 2011'';

(K) in subparagraph (K) by striking ''$875,000 for the period beginning October 1, 2010 and ending December 31, 2010,'' and inserting ''$3,500,000 for fiscal year 2011'';

(L) in subparagraph (L) by striking ''$6,250,000 for the period beginning October 1, 2010 and ending December 31, 2010,'' and inserting ''$25,000,000 for fiscal year 2011'';

(M) in subparagraph (M) by striking ''$116,250,000 for the period beginning October 1, 2010 and ending December 31, 2010,'' and inserting ''$465,000,000 for fiscal year 2011''; and

(N) in subparagraph (N) by striking ''$2,200,000 for the period beginning October 1, 2010 and ending December 31, 2010,'' and inserting ''$8,800,000 for fiscal year 2011''.

(b) CAPITAL INVESTMENT GRANTS.—Section 5338(c)(6) of title 49, United States Code, is amended to read as follows:

''(6) $2,000,000,000 for fiscal year 2011.''.

(c) RESEARCH AND UNIVERSITY RESEARCH CENTERS.—Section 5338(d) of title 49, United States Code, is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A) by striking ''$17,437,500 for the period beginning October 1, 2010, and ending December 31, 2010'' and inserting ''$69,750,000 for fiscal year 2011''; and

(B) in subparagraph (A) by striking ''fiscal year 2009'' and inserting ''each of fiscal years 2009, 2010, and 2011'';

(2) in paragraph (2)(A)—

(A) in clauses (i), (ii), and (iii) by striking ''2009'' and inserting ''2011''; and

(B) in clauses (v), (vi), (vii), and (viii) by striking ''and 2009'' and inserting ''through 2011''; and

(3) by striking paragraph (3) and inserting the following:

''(3) FUNDING.—If the Secretary determines that a project or activity described in paragraph (2) received sufficient funds in fiscal year 2010, or a previous fiscal year, to carry out the purpose for which the project or activity was authorized, the Secretary may not allocate any amounts under paragraph (2) for the project or activity for fiscal year 2011, or any subsequent fiscal year.''.

(d) ADMINISTRATION.—Section 5338(e)(6) of title 49, United States Code, is amended to read as follows:

''(6) $98,911,000 for fiscal year 2011.''.

**SEC. 537. AMENDMENTS TO SAFETEA–LU.**

(a) CONTRACTED PARATRANSIT PILOT.—Section 3009(i)(1) of SAFETEA–LU (119 Stat. 1572) is amended by striking ''2010, and for the period beginning October 1, 2010, and ending December 31, 2010'' and inserting ''2011''.

(b) PUBLIC-PRIVATE PARTNERSHIP PILOT PROGRAM.—Section 3011 of SAFETEA–LU (49 U.S.C. 5309 note; 119 Stat. 1588) is amended—

(1) in subsection (c)(5) by striking ''2010 and the period beginning October 1, 2010, and ending December 31, 2010'' and inserting ''2011''; and

(2) in subsection (d) by striking ''2010, and for the period beginning October 1, 2010, and ending December 31, 2010'' and inserting ''2011''.

(c) ELDERLY INDIVIDUALS AND INDIVIDUALS WITH DISABILITIES PILOT PROGRAM.—Section 3012(b)(8) of SAFETEA–LU (49 U.S.C. 5310 note; 119 Stat. 1593) is amended by striking ''December 31, 2010'' and inserting ''September 30, 2011''.

(d) OBLIGATION CEILING.—Section 3040(7) of SAFETEA–LU (119 Stat. 1639) is amended to read as follows:

''(7) $10,507,752,000 for fiscal year 2011, of which not more than $8,360,565,000 shall be from the Mass Transit Account.''.

(e) PROJECT AUTHORIZATIONS FOR NEW FIXED GUIDEWAY CAPITAL PROJECTS.—Section 3043 of SAFETEA–LU (119 Stat. 1640) is amended—

(1) in subsection (b), in the matter preceding paragraph (1), by striking ''2010, and for the period beginning October 1, 2010, and ending December 31, 2010,'' and inserting ''2011''; and

(2) in subsection (c), in the matter preceding paragraph (1), by striking ''2010, and for the period beginning October 1, 2010, and ending December 31, 2010,'' and inserting ''2011''.

(f) ALLOCATIONS FOR NATIONAL RESEARCH AND TECHNOLOGY PROGRAMS.—Section 3046 of SAFETEA–LU (49 U.S.C. 5338 note; 119 Stat. 1706) is amended—

(1) in subsection (b) by striking ''or period'';

(2) by striking subsection (c) and inserting the following:

''(c) ADDITIONAL APPROPRIATIONS.—The Secretary shall allocate amounts appropriated pursuant to section 5338(d) of title 49, United States Code, for national research and technology programs under sections 5312, 5314, and 5322 of such title for fiscal years 2010 and 2011, in amounts equal to the amounts allocated for fiscal year 2009 under each of paragraphs (2), (3), (5), (6), and (8) through (25) of subsection (a).''; and

(3) in subsection (d)—

(A) by striking ''2009'' and inserting ''2010''; and

(B) by striking ''2010'' and inserting ''2011''.

**SEC. 538. LEVEL OF OBLIGATION LIMITATIONS.**

(a) HIGHWAY CATEGORY.—Section 8003(a) of SAFETEA–LU (2 U.S.C. 901 note; 119 Stat. 1917) is amended—

(1) in paragraph (6) by striking ''for the period beginning on October 1, 2009, and ending on September 30, 2010,'' and inserting ''for fiscal year 2010,''; and

(2) by striking paragraph (7) and inserting the following:

''(7) for fiscal year 2011, $42,469,970,178.''.

(b) MASS TRANSIT CATEGORY.—Section 8003(b) of SAFETEA–LU (2 U.S.C. 901 note; 119 Stat. 1917) is amended—

(1) in paragraph (6) by striking ''for the period beginning on October 1, 2009, and ending on December 31, 2010,'' and inserting ''for fiscal year 2010,''; and

(2) by striking paragraph (7) and inserting the following:

''(7) for fiscal year 2011, $10,338,065,000.''.

## Subtitle D—Extension of Expenditure Authority

**SEC. 541. EXTENSION OF EXPENDITURE AUTHORITY.**

(a) HIGHWAY TRUST FUND.—Section 9503 of the Internal Revenue Code of 1986 is amended—

(1) by striking ''December 31, 2010 (January 1, 2011, in the case of expenditures for administrative expenses)'' in subsections (b)(6)(B) and (c)(1) and inserting ''October 1, 2011'',

(2) by striking ''the Surface Transportation Extension Act of 2010'' in subsections (c)(1) and (e)(3) and inserting ''the Surface Transportation Extension Act of 2010, Part II'', and

(3) by striking ''January 1, 2011'' in subsection (e)(3) and inserting ''October 1, 2011''.

(b) SPORT FISH RESTORATION AND BOATING TRUST FUND.—Section 9504 of the Internal Revenue Code of 1986 is amended—

(1) by striking ''Surface Transportation Extension Act of 2010'' each place it appears in subsection (b)(2) and inserting ''Surface Transportation Extension Act of 2010, Part II'', and

(2) by striking ''January 1, 2011'' in subsection (d)(2) and inserting ''October 1, 2011''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on December 31, 2010.

## TITLE VI—EXTENSION OF AVIATION PROGRAMS

**SECTION 601. SHORT TITLE.**

This title may be cited as the ''Airport and Airway Extension Act of 2010, Part IV''.

**SEC. 602. EXTENSION OF TAXES FUNDING AIRPORT AND AIRWAY TRUST FUND.**

(a) FUEL TAXES.—Subparagraph (B) of section 4081(d)(2) of the Internal Revenue Code of 1986 is amended by striking ''December 31, 2010'' and inserting ''September 30, 2011''.

(b) TICKET TAXES.—

(1) PERSONS.—Clause (ii) of section 4261(j)(1)(A) of the Internal Revenue Code of 1986 is amended by striking ''December 31, 2010'' and inserting ''September 30, 2011''.

(2) PROPERTY.—Clause (ii) of section 4271(d)(1)(A) of such Code is amended by striking ''December 31, 2010'' and inserting ''September 30, 2011''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2011.

**SEC. 603. EXTENSION OF AIRPORT AND AIRWAY TRUST FUND EXPENDITURE AUTHORITY.**

(a) IN GENERAL.—Paragraph (1) of section 9502(d) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''January 1, 2011'' and inserting ''October 1, 2011''; and

(2) by inserting ''or the Airport and Airway Extension Act of 2010, Part IV'' before the semicolon at the end of subparagraph (A).

(b) CONFORMING AMENDMENT.—Paragraph (2) of section 9502(e) of such Code is amended by striking ''January 1, 2011'' and inserting ''October 1, 2011''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2011.

**SEC. 604. EXTENSION OF AIRPORT IMPROVEMENT PROGRAM.**

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 48103(8) of title 49, United States Code, is amended to read as follows:

''(8) $3,700,000,000 for fiscal year 2011.''.

(b) PROJECT GRANT AUTHORITY.—Section 47104(c) of such title is amended by striking ''December 31, 2010,'' and inserting ''September 30, 2011,''.

**SEC. 605. EXTENSION OF EXPIRING AUTHORITIES.**

(a) Section 40117(l)(7) of title 49, United States Code, is amended by striking ''January 1, 2011.'' and inserting ''October 1, 2011.''.

(b) Section 44302(f)(1) of such title is amended—

(1) by striking ''December 31, 2010,'' and inserting ''September 30, 2011,''; and

(2) by striking ''March 31, 2011,'' and inserting ''December 31, 2011,''.

(c) Section 44303(b) of such title is amended by striking ''March 31, 2011,'' and inserting ''December 31, 2011,''.

(d) Section 47107(s)(3) of such title is amended by striking ''January 1, 2011.'' and inserting ''October 1, 2011.''.

(e) Section 47115(j) of such title is amended by striking ''fiscal years 2004 through 2010, and for the portion of fiscal year 2011 ending before January 1, 2011,'' and inserting ''fiscal years 2004 through 2011,''.

(f) Section 47141(f) of such title is amended by striking ''December 31, 2010.'' and inserting ''September 30, 2011.''.

(g) Section 49108 of such title is amended by striking ''December 31, 2010,'' and inserting ''September 30, 2011,''.

(h) Section 161 of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 47109 note) is amended by striking ''fiscal year 2009 or 2010, or in the portion of fiscal year 2011 ending before January 1, 2011,'' and inserting ''fiscal year 2009, 2010, or 2011''.

(i) Section 186(d) of such Act (117 Stat. 2518) is amended by striking ''for fiscal years ending before October 1, 2010, and for the portion of fiscal year 2011 ending before January 1, 2011,'' and inserting ''for fiscal years ending before October 1, 2011,''.

(j) The amendments made by this section shall take effect on January 1, 2011.

This division may be cited as the ''Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2011''.

## DIVISION M—FOOD SAFETY

**SEC. 6001. SHORT TITLE; REFERENCES; TABLE OF CONTENTS.**

(a) SHORT TITLE.—This division may be cited as the ''FDA Food Safety Modernization Act''.

(b) REFERENCES.—Except as otherwise specified, whenever in this division an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.).

(c) TABLE OF CONTENTS.—The table of contents for 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.

## TITLE I—IMPROVING CAPACITY TO PREVENT FOOD SAFETY PROBLEMS

**SEC. 6101. INSPECTIONS OF RECORDS.**

(a) IN GENERAL.—Section 414(a) (21 U.S.C. 350c(a)) is amended—

(1) by striking the subsection heading and all that follows through ''of food is'' and inserting the following: ''RECORDS INSPECTION.—

''(1) ADULTERATED FOOD.—If the Secretary has a reasonable belief that an article of food, and any other article of food that the Secretary reasonably believes is likely to be affected in a similar manner, is'';

(2) by inserting '', and to any other article of food that the Secretary reasonably believes is likely to be affected in a similar manner,'' after ''relating to such article'';

(3) by striking the last sentence; and

(4) by inserting at the end the following:

''(2) USE OF OR EXPOSURE TO FOOD OF CONCERN.—If the Secretary believes that there is a reasonable probability that the use of or exposure to an article of food, and any other article of food that the Secretary reasonably believes is likely to be affected in a similar manner, will cause serious adverse health consequences or death to humans or animals, each person (excluding farms and restaurants) who manufactures, processes, packs, distributes, receives, holds, or imports such article shall, at the request of an officer or employee duly designated by the Secretary, permit such officer or employee, upon presentation of appropriate credentials and a written notice to such person, at reasonable times and within reasonable limits and in a reasonable manner, to have access to and copy all records relating to such article and to any other article of food that the Secretary reasonably believes is likely to be affected in a similar manner, that are needed to assist the Secretary in determining whether there is a reasonable probability that the use of or exposure to the food will cause serious adverse health consequences or death to humans or animals.

''(3) APPLICATION.—The requirement under paragraphs (1) and (2) applies to all records relating to the manufacture, processing, packing, distribution, receipt, holding, or importation of such article maintained by or on behalf of such person in any format (including paper and electronic formats) and at any location.''.

(b) CONFORMING AMENDMENT.—Section 704(a)(1)(B) (21 U.S.C. 374(a)(1)(B)) is amended by striking ''section 414 when'' and all that follows through ''subject to'' and inserting ''section 414, when the standard for records inspection under paragraph (1) or (2) of section 414(a) applies, subject to''.

**SEC. 6102. REGISTRATION OF FOOD FACILITIES.**

(a) UPDATING OF FOOD CATEGORY REGULATIONS; BIENNIAL REGISTRATION RENEWAL.—Section 415(a) (21 U.S.C. 350d(a)) is amended—

(1) in paragraph (2), by—

(A) striking ''conducts business and'' and inserting ''conducts business, the e-mail address for the contact person of the facility or, in the case of a foreign facility, the United States agent for the facility, and''; and

(B) inserting '', or any other food categories as determined appropriate by the Secretary, including by guidance'' after ''Code of Federal Regulations'';

(2) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(3) by inserting after paragraph (2) the following:

''(3) BIENNIAL REGISTRATION RENEWAL.—During the period beginning on October 1 and ending on December 31 of each even-numbered year, a registrant that has submitted a registration under paragraph (1) shall submit to the Secretary a renewal registration containing the information described in paragraph (2). The Secretary shall provide for an abbreviated registration renewal process for any registrant that has not had any changes to such information since the registrant submitted the preceding registration or registration renewal for the facility involved.''.

(b) SUSPENSION OF REGISTRATION.—

(1) IN GENERAL.—Section 415 (21 U.S.C. 350d) is amended—

(A) in subsection (a)(2), by inserting after the first sentence the following: ''The registration shall contain an assurance that the Secretary will be permitted to inspect such facility at the times and in the manner permitted by this Act.'';

(B) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(C) by inserting after subsection (a) the following:

''(b) SUSPENSION OF REGISTRATION.—

''(1) IN GENERAL.—If the Secretary determines that food manufactured, processed, packed, received, or held by a facility registered under this section has a reasonable probability of causing serious adverse health consequences or death to humans or animals, the Secretary may by order suspend the registration of a facility—

''(A) that created, caused, or was otherwise responsible for such reasonable probability; or

''(B)(i) that knew of, or had reason to know of, such reasonable probability; and

''(ii) packed, received, or held such food.

''(2) HEARING ON SUSPENSION.—The Secretary shall provide the registrant subject to an order under paragraph (1) with an opportunity for an informal hearing, to be held as soon as possible but not later than 2 business days after the issuance of the order or such other time period, as agreed upon by the Secretary and the registrant, on the actions required for reinstatement of registration and why the registration that is subject to suspension should be reinstated. The Secretary shall reinstate a registration if the Secretary determines, based on evidence presented, that adequate grounds do not exist to continue the suspension of the registration.

''(3) POST-HEARING CORRECTIVE ACTION PLAN; VACATING OF ORDER.—

''(A) CORRECTIVE ACTION PLAN.—If, after providing opportunity for an informal hearing under paragraph (2), the Secretary determines that the suspension of registration remains necessary, the Secretary shall require the registrant to submit a corrective action plan to demonstrate how the registrant plans to correct the conditions found by the Secretary. The Secretary shall review such plan not later than 14 days after the submission of the corrective action plan or such other time period as determined by the Secretary.

''(B) VACATING OF ORDER.—Upon a determination by the Secretary that adequate grounds do not exist to continue the suspension actions required by the order, or that such actions should be modified, the Secretary shall promptly vacate the order and reinstate the registration of the facility subject to the order or modify the order, as appropriate.

''(4) EFFECT OF SUSPENSION.—If the registration of a facility is suspended under this subsection, no person shall import or export food into the United States from such facility, offer to import or export food into the United States from such facility, or otherwise introduce food from such facility into interstate or intrastate commerce in the United States.

''(5) REGULATIONS.—

''(A) IN GENERAL.—The Secretary shall promulgate regulations to implement this subsection. The Secretary may promulgate such regulations on an interim final basis.

''(B) REGISTRATION REQUIREMENT.—The Secretary may require that registration under this section be submitted in an electronic format. Such requirement may not take effect before the date that is 5 years after the date of enactment of the FDA Food Safety Modernization Act.

''(6) APPLICATION DATE.—Facilities shall be subject to the requirements of this subsection beginning on the earlier of—

''(A) the date on which the Secretary issues regulations under paragraph (5); or

''(B) 180 days after the date of enactment of the FDA Food Safety Modernization Act.

''(7) NO DELEGATION.—The authority conferred by this subsection to issue an order to suspend a registration or vacate an order of suspension shall not be delegated to any officer or employee other than the Commissioner.''.

(2) SMALL ENTITY COMPLIANCE POLICY GUIDE.—Not later than 180 days after the issuance of the regulations promulgated under section 415(b)(5) of the Federal Food, Drug, and Cosmetic Act (as added by this section), the Secretary shall issue a small entity compliance policy guide setting forth in plain language the requirements of such regulations to assist small entities in complying with registration requirements and other activities required under such section.

(3) IMPORTED FOOD.—Section 801(l) (21 U.S.C. 381(l)) is amended by inserting ''(or for which a registration has been suspended under such section)'' after ''section 415''.

(c) CLARIFICATION OF INTENT.—

(1) RETAIL FOOD ESTABLISHMENT.—The Secretary shall amend the definition of the term ''retail food establishment'' in section 1.227(b)(11) of title 21, Code of Federal Regulations to clarify that, in determining the primary function of an establishment or a retail food establishment under such section, the sale of food products directly to consumers by such establishment and the sale of food directly to consumers by such retail food establishment include—

(A) the sale of such food products or food directly to consumers by such establishment at a roadside stand or farmers' market where such stand or market is located other than where the food was manufactured or processed;

(B) the sale and distribution of such food through a community supported agriculture program; and

(C) the sale and distribution of such food at any other such direct sales platform as determined by the Secretary.

(2) DEFINITIONS.—For purposes of paragraph (1)—

(A) the term ''community supported agriculture program'' has the same meaning given the term ''community supported agriculture (CSA) program'' in section 249.2 of title 7, Code of Federal Regulations (or any successor regulation); and

(B) the term ''consumer'' does not include a business.

(d) CONFORMING AMENDMENTS.—

(1) Section 301(d) (21 U.S.C. 331(d)) is amended by inserting ''415,'' after ''404,''.

(2) Section 415(d), as redesignated by subsection (b), is amended by adding at the end before the period ''for a facility to be registered, except with respect to the reinstatement of a registration that is suspended under subsection (b)''.

**SEC. 6103. HAZARD ANALYSIS AND RISK-BASED PREVENTIVE CONTROLS.**

(a) IN GENERAL.—Chapter IV (21 U.S.C. 341 et seq.) is amended by adding at the end the following:

**''SEC. 418. HAZARD ANALYSIS AND RISK-BASED PREVENTIVE CONTROLS.**

''(a) IN GENERAL.—The owner, operator, or agent in charge of a facility shall, in accordance with this section, evaluate the hazards that could affect food manufactured, processed, packed, or held by such facility, identify and implement preventive controls to significantly minimize or prevent the occurrence of such hazards and provide assurances that such food is not adulterated under section 402 or misbranded under section 403(w), monitor the performance of those controls, and maintain records of this monitoring as a matter of routine practice.

''(b) HAZARD ANALYSIS.—The owner, operator, or agent in charge of a facility shall—

''(1) identify and evaluate known or reasonably foreseeable hazards that may be associated with the facility, including—

''(A) biological, chemical, physical, and radiological hazards, natural toxins, pesticides, drug residues, decomposition, parasites, allergens, and unapproved food and color additives; and

''(B) hazards that occur naturally, or may be unintentionally introduced; and

''(2) identify and evaluate hazards that may be intentionally introduced, including by acts of terrorism; and

''(3) develop a written analysis of the hazards.

''(c) PREVENTIVE CONTROLS.—The owner, operator, or agent in charge of a facility shall identify and implement preventive controls, including at critical control points, if any, to provide assurances that—

''(1) hazards identified in the hazard analysis conducted under subsection (b)(1) will be significantly minimized or prevented;

''(2) any hazards identified in the hazard analysis conducted under subsection (b)(2) will be significantly minimized or prevented and addressed, consistent with section 420, as applicable; and

''(3) the food manufactured, processed, packed, or held by such facility will not be adulterated under section 402 or misbranded under section 403(w).

''(d) MONITORING OF EFFECTIVENESS.—The owner, operator, or agent in charge of a facility shall monitor the effectiveness of the preventive controls implemented under subsection (c) to provide assurances that the outcomes described in subsection (c) shall be achieved.

''(e) CORRECTIVE ACTIONS.—The owner, operator, or agent in charge of a facility shall establish procedures to ensure that, if the preventive controls implemented under subsection (c) are not properly implemented or are found to be ineffective—

''(1) appropriate action is taken to reduce the likelihood of recurrence of the implementation failure;

''(2) all affected food is evaluated for safety; and

''(3) all affected food is prevented from entering into commerce if the owner, operator, or agent in charge of such facility cannot ensure that the affected food is not adulterated under section 402 or misbranded under section 403(w).

''(f) VERIFICATION.—The owner, operator, or agent in charge of a facility shall verify that—

''(1) the preventive controls implemented under subsection (c) are adequate to control the hazards identified under subsection (b);

''(2) the owner, operator, or agent is conducting monitoring in accordance with subsection (d);

''(3) the owner, operator, or agent is making appropriate decisions about corrective actions taken under subsection (e);

''(4) the preventive controls implemented under subsection (c) are effectively and significantly minimizing or preventing the occurrence of identified hazards, including through the use of environmental and product testing programs and other appropriate means; and

''(5) there is documented, periodic reanalysis of the plan under subsection (i) to ensure that the plan is still relevant to the raw materials, conditions, and processes in the facility, and new and emerging threats.

''(g) RECORDKEEPING.—The owner, operator, or agent in charge of a facility shall maintain, for not less than 2 years, records documenting the monitoring of the preventive controls implemented under subsection (c), instances of nonconformance material to food safety, the results of testing and other appropriate means of verification under subsection (f)(4), instances when corrective actions were implemented, and the efficacy of preventive controls and corrective actions.

''(h) WRITTEN PLAN AND DOCUMENTATION.—The owner, operator, or agent in charge of a facility shall prepare a written plan that documents and describes the procedures used by the facility to comply with the requirements of this section, including analyzing the hazards under subsection (b) and identifying the preventive controls adopted under subsection (c) to address those hazards. Such written plan, together with the documentation described in subsection (g), shall be made promptly available to a duly authorized representative of the Secretary upon oral or written request.

''(i) REQUIREMENT TO REANALYZE.—The owner, operator, or agent in charge of a facility shall conduct a reanalysis under subsection (b) whenever a significant change is made in the activities conducted at a facility operated by such owner, operator, or agent if the change creates a reasonable potential for a new hazard or a significant increase in a previously identified hazard or not less frequently than once every 3 years, whichever is earlier. Such reanalysis shall be completed and additional preventive controls needed to address the hazard identified, if any, shall be implemented before the change in activities at the facility is operative. Such owner, operator, or agent shall revise the written plan required under subsection (h) if such a significant change is made or document the basis for the conclusion that no additional or revised preventive controls are needed. The Secretary may require a reanalysis under this section to respond to new hazards and developments in scientific understanding, including, as appropriate, results from the Department of Homeland Security biological, chemical, radiological, or other terrorism risk assessment.

''(j) EXEMPTION FOR SEAFOOD, JUICE, AND LOW-ACID CANNED FOOD FACILITIES SUBJECT TO HACCP.—

''(1) IN GENERAL.—This section shall not apply to a facility if the owner, operator, or agent in charge of such facility is required to comply with, and is in compliance with, 1 of the following standards and regulations with respect to such facility:

''(A) The Seafood Hazard Analysis Critical Control Points Program of the Food and Drug Administration.

''(B) The Juice Hazard Analysis Critical Control Points Program of the Food and Drug Administration.

''(C) The Thermally Processed Low-Acid Foods Packaged in Hermetically Sealed Containers standards of the Food and Drug Administration (or any successor standards).

''(2) APPLICABILITY.—The exemption under paragraph (1)(C) shall apply only with respect to microbiological hazards that are regulated under the standards for Thermally Processed Low-Acid Foods Packaged in Hermetically Sealed Containers under part 113 of chapter 21, Code of Federal Regulations (or any successor regulations).

''(k) EXCEPTION FOR ACTIVITIES OF FACILITIES SUBJECT TO SECTION 419.—This section shall not apply to activities of a facility that are subject to section 419.

''(l) MODIFIED REQUIREMENTS FOR QUALIFIED FACILITIES.—

''(1) QUALIFIED FACILITIES.—

''(A) IN GENERAL.—A facility is a qualified facility for purposes of this subsection if the facility meets the conditions under subparagraph (B) or (C).

''(B) VERY SMALL BUSINESS.—A facility is a qualified facility under this subparagraph—

''(i) if the facility, including any subsidiary or affiliate of the facility, is, collectively, a very small business (as defined in the regulations promulgated under subsection (n)); and

''(ii) in the case where the facility is a subsidiary or affiliate of an entity, if such subsidiaries or affiliates, are, collectively, a very small business (as so defined).

''(C) LIMITED ANNUAL MONETARY VALUE OF SALES.—

''(i) IN GENERAL.—A facility is a qualified facility under this subparagraph if clause (ii) applies—

''(I) to the facility, including any subsidiary or affiliate of the facility, collectively; and

''(II) to the subsidiaries or affiliates, collectively, of any entity of which the facility is a subsidiary or affiliate.

''(ii) AVERAGE ANNUAL MONETARY VALUE.—This clause applies if—

''(I) during the 3-year period preceding the applicable calendar year, the average annual monetary value of the food manufactured, processed, packed, or held at such facility (or the collective average annual monetary value of such food at any subsidiary or affiliate, as described in clause (i)) that is sold directly to qualified end-users during such period exceeded the average annual monetary value of the food manufactured, processed, packed, or held at such facility (or the collective average annual monetary value of such food at any subsidiary or affiliate, as so described) sold by such facility (or collectively by any such subsidiary or affiliate) to all other purchasers during such period; and

''(II) the average annual monetary value of all food sold by such facility (or the collective average annual monetary value of such food sold by any subsidiary or affiliate, as described in clause (i)) during such period was less than $500,000, adjusted for inflation.

''(2) EXEMPTION.—A qualified facility—

''(A) shall not be subject to the requirements under subsections (a) through (i) and subsection (n) in an applicable calendar year; and

''(B) shall submit to the Secretary—

''(i)(I) documentation that demonstrates that the owner, operator, or agent in charge of the facility has identified potential hazards associated with the food being produced, is implementing preventive controls to address the hazards, and is monitoring the preventive controls to ensure that such controls are effective; or

''(II) documentation (which may include licenses, inspection reports, certificates, permits, credentials, certification by an appropriate agency (such as a State department of agriculture), or other evidence of oversight), as specified by the Secretary, that the facility is in compliance with State, local, county, or other applicable non-Federal food safety law; and

''(ii) documentation, as specified by the Secretary in a guidance document issued not later than 1 year after the date of enactment of this section, that the facility is a qualified facility under paragraph (1)(B) or (1)(C).

''(3) WITHDRAWAL; RULE OF CONSTRUCTION.—

''(A) IN GENERAL.—In the event of an active investigation of a foodborne illness outbreak that is directly linked to a qualified facility subject to an exemption under this subsection, or if the Secretary determines that it is necessary to protect the public health and prevent or mitigate a foodborne illness outbreak based on conduct or conditions associated with a qualified facility that are material to the safety of the food manufactured, processed, packed, or held at such facility, the Secretary may withdraw the exemption provided to such facility under this subsection.

''(B) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to expand or limit the inspection authority of the Secretary.

''(4) DEFINITIONS.—In this subsection:

''(A) AFFILIATE.—The term 'affiliate' means any facility that controls, is controlled by, or is under common control with another facility.

''(B) QUALIFIED END-USER.—The term 'qualified end-user', with respect to a food, means—

''(i) the consumer of the food; or

''(ii) a restaurant or retail food establishment (as those terms are defined by the Secretary for purposes of section 415) that—

''(I) is located—

''(aa) in the same State as the qualified facility that sold the food to such restaurant or establishment; or

''(bb) not more than 275 miles from such facility; and

''(II) is purchasing the food for sale directly to consumers at such restaurant or retail food establishment.

''(C) CONSUMER.—For purposes of subparagraph (B), the term 'consumer' does not include a business.

''(D) SUBSIDIARY.—The term 'subsidiary' means any company which is owned or controlled directly or indirectly by another company.

''(5) STUDY.—

''(A) IN GENERAL.—The Secretary, in consultation with the Secretary of Agriculture, shall conduct a study of the food processing sector regulated by the Secretary to determine—

''(i) the distribution of food production by type and size of operation, including monetary value of food sold;

''(ii) the proportion of food produced by each type and size of operation;

''(iii) the number and types of food facilities co-located on farms, including the number and proportion by commodity and by manufacturing or processing activity;

''(iv) the incidence of foodborne illness originating from each size and type of operation and the type of food facilities for which no reported or known hazard exists; and

''(v) the effect on foodborne illness risk associated with commingling, processing, transporting, and storing food and raw agricultural commodities, including differences in risk based on the scale and duration of such activities.

''(B) SIZE.—The results of the study conducted under subparagraph (A) shall include the information necessary to enable the Secretary to define the terms 'small business' and 'very small business', for purposes of promulgating the regulation under subsection (n). In defining such terms, the Secretary shall include consideration of harvestable acres, income, the number of employees, and the volume of food harvested.

''(C) SUBMISSION OF REPORT.—Not later than 18 months after the date of enactment the FDA Food Safety Modernization Act, the Secretary shall submit to Congress a report that describes the results of the study conducted under subparagraph (A).

''(6) NO PREEMPTION.—Nothing in this subsection preempts State, local, county, or other non-Federal law regarding the safe production of food. Compliance with this subsection shall not relieve any person from liability at common law or under State statutory law.

''(7) NOTIFICATION TO CONSUMERS.—

''(A) IN GENERAL.—A qualified facility that is exempt from the requirements under subsections (a) through (i) and subsection (n) and does not prepare documentation under paragraph (2)(B)(i)(I) shall—

''(i) with respect to a food for which a food packaging label is required by the Secretary under any other provision of this Act, include prominently and conspicuously on such label the name and business address of the facility where the food was manufactured or processed; or

''(ii) with respect to a food for which a food packaging label is not required by the Secretary under any other provisions of this Act, prominently and conspicuously display,

at the point of purchase, the name and business address of the facility where the food was manufactured or processed, on a label, poster, sign, placard, or documents delivered contemporaneously with the food in the normal course of business, or, in the case of Internet sales, in an electronic notice.

''(B) NO ADDITIONAL LABEL.—Subparagraph (A) does not provide authority to the Secretary to require a label that is in addition to any label required under any other provision of this Act.

''(m) AUTHORITY WITH RESPECT TO CERTAIN FACILITIES.—The Secretary may, by regulation, exempt or modify the requirements for compliance under this section with respect to facilities that are solely engaged in the production of food for animals other than man, the storage of raw agricultural commodities (other than fruits and vegetables) intended for further distribution or processing, or the storage of packaged foods that are not exposed to the environment.

''(n) REGULATIONS.—

''(1) IN GENERAL.—Not later than 18 months after the date of enactment of the FDA Food Safety Modernization Act, the Secretary shall promulgate regulations—

''(A) to establish science-based minimum standards for conducting a hazard analysis, documenting hazards, implementing preventive controls, and documenting the implementation of the preventive controls under this section; and

''(B) to define, for purposes of this section, the terms 'small business' and 'very small business', taking into consideration the study described in subsection (l)(5).

''(2) COORDINATION.—In promulgating the regulations under paragraph (1)(A), with regard to hazards that may be intentionally introduced, including by acts of terrorism, the Secretary shall coordinate with the Secretary of Homeland Security, as appropriate.

''(3) CONTENT.—The regulations promulgated under paragraph (1)(A) shall—

''(A) provide sufficient flexibility to be practicable for all sizes and types of facilities, including small businesses such as a small food processing facility co-located on a farm;

''(B) comply with chapter 35 of title 44, United States Code (commonly known as the 'Paperwork Reduction Act'), with special attention to minimizing the burden (as defined in section 3502(2) of such Act) on the facility, and collection of information (as defined in section 3502(3) of such Act), associated with such regulations;

''(C) acknowledge differences in risk and minimize, as appropriate, the number of separate standards that apply to separate foods; and

''(D) not require a facility to hire a consultant or other third party to identify, implement, certify, or audit preventative controls, except in the case of negotiated enforcement resolutions that may require such a consultant or third party.

''(4) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to provide the Secretary with the authority to prescribe specific technologies, practices, or critical controls for an individual facility.

''(5) REVIEW.—In promulgating the regulations under paragraph (1)(A), the Secretary shall review regulatory hazard analysis and preventive control programs in existence on the date of enactment of the FDA Food Safety Modernization Act, including the Grade 'A' Pasteurized Milk Ordinance to ensure that such regulations are consistent, to the extent practicable, with applicable domestic and internationally recognized standards in existence on such date.

''(o) DEFINITIONS.—For purposes of this section:

''(1) CRITICAL CONTROL POINT.—The term 'critical control point' means a point, step, or procedure in a food process at which control can be applied and is essential to prevent or eliminate a food safety hazard or reduce such hazard to an acceptable level.

''(2) FACILITY.—The term 'facility' means a domestic facility or a foreign facility that is required to register under section 415.

''(3) PREVENTIVE CONTROLS.—The term 'preventive controls' means those risk-based, reasonably appropriate procedures, practices, and processes that a person knowledgeable about the safe manufacturing, processing, packing, or holding of food would employ to significantly minimize or prevent the hazards identified under the hazard analysis conducted under subsection (b) and that are consistent with the current scientific understanding of safe food manufacturing, processing, packing, or holding at the time of the analysis. Those procedures, practices, and processes may include the following:

''(A) Sanitation procedures for food contact surfaces and utensils and food-contact surfaces of equipment.

''(B) Supervisor, manager, and employee hygiene training.

''(C) An environmental monitoring program to verify the effectiveness of pathogen controls in processes where a food is exposed to a potential contaminant in the environment.

''(D) A food allergen control program.

''(E) A recall plan.

''(F) Current Good Manufacturing Practices (cGMPs) under part 110 of title 21, Code of Federal Regulations (or any successor regulations).

''(G) Supplier verification activities that relate to the safety of food.''.

(b) GUIDANCE DOCUMENT.—The Secretary shall issue a guidance document related to the regulations promulgated under subsection (b)(1) with respect to the hazard analysis and preventive controls under section 418 of the Federal Food, Drug, and Cosmetic Act (as added by subsection (a)).

(c) RULEMAKING.—

(1) PROPOSED RULEMAKING.—

(A) IN GENERAL.—Not later than 9 months after the date of enactment of this Act, the Secretary of Health and Human Services (referred to in this subsection as the ''Secretary'') shall publish a notice of proposed rulemaking in the Federal Register to promulgate regulations with respect to—

(i) activities that constitute on-farm packing or holding of food that is not grown, raised, or consumed on such farm or another farm under the same ownership for purposes of section 415 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 350d), as amended by this Act; and

(ii) activities that constitute on-farm manufacturing or processing of food that is not consumed on that farm or on another farm under common ownership for purposes of such section 415.

(B) CLARIFICATION.—The rulemaking described under subparagraph (A) shall enhance the implementation of such section 415 and clarify the activities that are included as part of the definition of the term ''facility'' under such section 415. Nothing in this Act authorizes the Secretary to modify the definition of the term ''facility'' under such section.

(C) SCIENCE-BASED RISK ANALYSIS.—In promulgating regulations under subparagraph (A), the Secretary shall conduct a science-based risk analysis of—

(i) specific types of on-farm packing or holding of food that is not grown, raised, or consumed on such farm or another farm under the same ownership, as such packing and holding relates to specific foods; and

(ii) specific on-farm manufacturing and processing activities as such activities relate to specific foods that are not consumed on that farm or on another farm under common ownership.

(D) AUTHORITY WITH RESPECT TO CERTAIN FACILITIES.—

(i) IN GENERAL.—In promulgating the regulations under subparagraph (A), the Secretary shall consider the results of the science-based risk analysis conducted under subparagraph (C), and shall exempt certain facilities from the requirements in section 418 of the Federal Food, Drug, and Cosmetic Act (as added by this section), including hazard analysis and preventive controls, and the mandatory inspection frequency in section 421 of such Act (as added by section 6201), or modify the requirements in such sections 418 or 421, as the Secretary determines appropriate, if such facilities are engaged only in specific types of on-farm manufacturing, processing, packing, or holding activities that the Secretary determines to be low risk involving specific foods the Secretary determines to be low risk.

(ii) LIMITATION.—The exemptions or modifications under clause (i) shall not include an exemption from the requirement to register under section 415 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 350d), as amended by this Act, if applicable, and shall apply only to small businesses and very small businesses, as defined in the regulation promulgated under section 418(n) of the Federal Food, Drug, and Cosmetic Act (as added under subsection (a)).

(2) FINAL REGULATIONS.—Not later than 9 months after the close of the comment period for the proposed rulemaking under paragraph (1), the Secretary shall adopt final rules with respect to—

(A) activities that constitute on-farm packing or holding of food that is not grown, raised, or consumed on such farm or another farm under the same ownership for purposes of section 415 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 350d), as amended by this Act;

(B) activities that constitute on-farm manufacturing or processing of food that is not consumed on that farm or on another farm under common ownership for purposes of such section 415; and

(C) the requirements under sections 418 and 421 of the Federal Food, Drug, and Cosmetic Act, as added by this Act, from which the Secretary may issue exemptions or modifications of the requirements for certain types of facilities.

(d) SMALL ENTITY COMPLIANCE POLICY GUIDE.—Not later than 180 days after the issuance of the regulations promulgated under subsection (n) of section 418 of the Federal Food, Drug, and Cosmetic Act (as added by subsection (a)), the Secretary shall issue a small entity compliance policy guide setting forth in plain language the requirements of such section 418 and this section to assist small entities in complying with the hazard analysis and other activities required under such section 418 and this section.

(e) PROHIBITED ACTS.—Section 301 (21 U.S.C. 331) is amended by adding at the end the following:

''(uu) The operation of a facility that manufactures, processes, packs, or holds food for sale in the United States if the owner, operator, or agent in charge of such facility is not in compliance with section 418.''.

(f) NO EFFECT ON HACCP AUTHORITIES.—Nothing in the amendments made by this section limits the authority of the Secretary under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) or the Public Health Service Act (42 U.S.C. 201 et seq.) to revise, issue, or enforce Hazard Analysis Critical Control programs and the Thermally

Processed Low-Acid Foods Packaged in Hermetically Sealed Containers standards.

(g) DIETARY SUPPLEMENTS.—Nothing in the amendments made by this section shall apply to any facility with regard to the manufacturing, processing, packing, or holding of a dietary supplement that is in compliance with the requirements of sections 402(g)(2) and 761 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 342(g)(2), 379aa–1).

(h) UPDATING GUIDANCE RELATING TO FISH AND FISHERIES PRODUCTS HAZARDS AND CONTROLS.—The Secretary shall, not later than 180 days after the date of enactment of this Act, update the Fish and Fisheries Products Hazards and Control Guidance to take into account advances in technology that have occurred since the previous publication of such Guidance by the Secretary.

(i) EFFECTIVE DATES.—

(1) GENERAL RULE.—The amendments made by this section shall take effect 18 months after the date of enactment of this Act.

(2) FLEXIBILITY FOR SMALL BUSINESSES.—Notwithstanding paragraph (1)—

(A) the amendments made by this section shall apply to a small business (as defined in the regulations promulgated under section 418(n) of the Federal Food, Drug, and Cosmetic Act (as added by this section)) beginning on the date that is 6 months after the effective date of such regulations; and

(B) the amendments made by this section shall apply to a very small business (as defined in such regulations) beginning on the date that is 18 months after the effective date of such regulations.

**SEC. 6104. PERFORMANCE STANDARDS.**

(a) IN GENERAL.—The Secretary shall, in coordination with the Secretary of Agriculture, not less frequently than every 2 years, review and evaluate relevant health data and other relevant information, including from toxicological and epidemiological studies and analyses, current Good Manufacturing Practices issued by the Secretary relating to food, and relevant recommendations of relevant advisory committees, including the Food Advisory Committee, to determine the most significant foodborne contaminants.

(b) GUIDANCE DOCUMENTS AND REGULATIONS.—Based on the review and evaluation conducted under subsection (a), and when appropriate to reduce the risk of serious illness or death to humans or animals or to prevent adulteration of the food under section 402 of the Federal Food, Drug, or Cosmetic Act (21 U.S.C. 342) or to prevent the spread by food of communicable disease under section 361 of the Public Health Service Act (42 U.S.C. 264), the Secretary shall issue contaminant-specific and science-based guidance documents, including guidance documents regarding action levels, or regulations. Such guidance, including guidance regarding action levels, or regulations—

(1) shall apply to products or product classes;

(2) shall, where appropriate, differentiate between food for human consumption and food intended for consumption by animals other than humans; and

(3) shall not be written to be facility-specific.

(c) NO DUPLICATION OF EFFORTS.—The Secretary shall coordinate with the Secretary of Agriculture to avoid issuing duplicative guidance on the same contaminants.

(d) REVIEW.—The Secretary shall periodically review and revise, as appropriate, the guidance documents, including guidance documents regarding action levels, or regulations promulgated under this section.

**SEC. 6105. STANDARDS FOR PRODUCE SAFETY.**

(a) IN GENERAL.—Chapter IV (21 U.S.C. 341 et seq.), as amended by section 6103, is amended by adding at the end the following:

**"SEC. 419. STANDARDS FOR PRODUCE SAFETY.**

"(a) PROPOSED RULEMAKING.—

"(1) IN GENERAL.—

"(A) RULEMAKING.—Not later than 1 year after the date of enactment of the FDA Food Safety Modernization Act, the Secretary, in coordination with the Secretary of Agriculture and representatives of State departments of agriculture (including with regard to the national organic program established under the Organic Foods Production Act of 1990), and in consultation with the Secretary of Homeland Security, shall publish a notice of proposed rulemaking to establish science-based minimum standards for the safe production and harvesting of those types of fruits and vegetables, including specific mixes or categories of fruits and vegetables, that are raw agricultural commodities for which the Secretary has determined that such standards minimize the risk of serious adverse health consequences or death.

"(B) DETERMINATION BY SECRETARY.—With respect to small businesses and very small businesses (as such terms are defined in the regulation promulgated under subparagraph (A)) that produce and harvest those types of fruits and vegetables that are raw agricultural commodities that the Secretary has determined are low risk and do not present a risk of serious adverse health consequences or death, the Secretary may determine not to include production and harvesting of such fruits and vegetables in such rulemaking, or may modify the applicable requirements of regulations promulgated pursuant to this section.

"(2) PUBLIC INPUT.—During the comment period on the notice of proposed rulemaking under paragraph (1), the Secretary shall conduct not less than 3 public meetings in diverse geographical areas of the United States to provide persons in different regions an opportunity to comment.

"(3) CONTENT.—The proposed rulemaking under paragraph (1) shall—

"(A) provide sufficient flexibility to be applicable to various types of entities engaged in the production and harvesting of fruits and vegetables that are raw agricultural commodities, including small businesses and entities that sell directly to consumers, and be appropriate to the scale and diversity of the production and harvesting of such commodities;

"(B) include, with respect to growing, harvesting, sorting, packing, and storage operations, science-based minimum standards related to soil amendments, hygiene, packaging, temperature controls, animals in the growing area, and water;

"(C) consider hazards that occur naturally, may be unintentionally introduced, or may be intentionally introduced, including by acts of terrorism;

"(D) take into consideration, consistent with ensuring enforceable public health protection, conservation and environmental practice standards and policies established by Federal natural resource conservation, wildlife conservation, and environmental agencies;

"(E) in the case of production that is certified organic, not include any requirements that conflict with or duplicate the requirements of the national organic program established under the Organic Foods Production Act of 1990, while providing the same level of public health protection as the requirements under guidance documents, including guidance documents regarding action levels, and regulations under the FDA Food Safety Modernization Act; and

"(F) define, for purposes of this section, the terms 'small business' and 'very small business'.

"(4) PRIORITIZATION.—The Secretary shall prioritize the implementation of the regulations under this section for specific fruits and vegetables that are raw agricultural commodities based on known risks which may include a history and severity of foodborne illness outbreaks.

"(b) FINAL REGULATION.—

"(1) IN GENERAL.—Not later than 1 year after the close of the comment period for the proposed rulemaking under subsection (a), the Secretary shall adopt a final regulation to provide for minimum science-based standards for those types of fruits and vegetables, including specific mixes or categories of fruits or vegetables, that are raw agricultural commodities, based on known safety risks, which may include a history of foodborne illness outbreaks.

"(2) FINAL REGULATION.—The final regulation shall—

"(A) provide for coordination of education and enforcement activities by State and local officials, as designated by the Governors of the respective States or the appropriate elected State official as recognized by State statute; and

"(B) include a description of the variance process under subsection (c) and the types of permissible variances the Secretary may grant.

"(3) FLEXIBILITY FOR SMALL BUSINESSES.—Notwithstanding paragraph (1)—

"(A) the regulations promulgated under this section shall apply to a small business (as defined in the regulation promulgated under subsection (a)(1)) after the date that is 1 year after the effective date of the final regulation under paragraph (1); and

"(B) the regulations promulgated under this section shall apply to a very small business (as defined in the regulation promulgated under subsection (a)(1)) after the date that is 2 years after the effective date of the final regulation under paragraph (1).

"(c) CRITERIA.—

"(1) IN GENERAL.—The regulations adopted under subsection (b) shall—

"(A) set forth those procedures, processes, and practices that the Secretary determines to minimize the risk of serious adverse health consequences or death, including procedures, processes, and practices that the Secretary determines to be reasonably necessary to prevent the introduction of known or reasonably foreseeable biological, chemical, and physical hazards, including hazards that occur naturally, may be unintentionally introduced, or may be intentionally introduced, including by acts of terrorism, into fruits and vegetables, including specific mixes or categories of fruits and vegetables, that are raw agricultural commodities and to provide reasonable assurances that the produce is not adulterated under section 402;

"(B) provide sufficient flexibility to be practicable for all sizes and types of businesses, including small businesses such as a small food processing facility co-located on a farm;

"(C) comply with chapter 35 of title 44, United States Code (commonly known as the 'Paperwork Reduction Act'), with special attention to minimizing the burden (as defined in section 3502(2) of such Act) on the business, and collection of information (as defined in section 3502(3) of such Act), associated with such regulations;

"(D) acknowledge differences in risk and minimize, as appropriate, the number of separate standards that apply to separate foods; and

"(E) not require a business to hire a consultant or other third party to identify, implement, or certify compliance with these procedures, processes, and practices, except in the case of negotiated enforcement resolutions that may require such a consultant or third party; and

''(F) permit States and foreign countries from which food is imported into the United States to request from the Secretary variances from the requirements of the regulations, subject to paragraph (2), where the State or foreign country determines that the variance is necessary in light of local growing conditions and that the procedures, processes, and practices to be followed under the variance are reasonably likely to ensure that the produce is not adulterated under section 402 and to provide the same level of public health protection as the requirements of the regulations adopted under subsection (b).

''(2) VARIANCES.—

''(A) REQUESTS FOR VARIANCES.—A State or foreign country from which food is imported into the United States may in writing request a variance from the Secretary. Such request shall describe the variance requested and present information demonstrating that the variance does not increase the likelihood that the food for which the variance is requested will be adulterated under section 402, and that the variance provides the same level of public health protection as the requirements of the regulations adopted under subsection (b). The Secretary shall review such requests in a reasonable timeframe.

''(B) APPROVAL OF VARIANCES.—The Secretary may approve a variance in whole or in part, as appropriate, and may specify the scope of applicability of a variance to other similarly situated persons.

''(C) DENIAL OF VARIANCES.—The Secretary may deny a variance request if the Secretary determines that such variance is not reasonably likely to ensure that the food is not adulterated under section 402 and is not reasonably likely to provide the same level of public health protection as the requirements of the regulation adopted under subsection (b). The Secretary shall notify the person requesting such variance of the reasons for the denial.

''(D) MODIFICATION OR REVOCATION OF A VARIANCE.—The Secretary, after notice and an opportunity for a hearing, may modify or revoke a variance if the Secretary determines that such variance is not reasonably likely to ensure that the food is not adulterated under section 402 and is not reasonably likely to provide the same level of public health protection as the requirements of the regulations adopted under subsection (b).

''(d) ENFORCEMENT.—The Secretary may coordinate with the Secretary of Agriculture and, as appropriate, shall contract and coordinate with the agency or department designated by the Governor of each State to perform activities to ensure compliance with this section.

''(e) GUIDANCE.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of the FDA Food Safety Modernization Act, the Secretary shall publish, after consultation with the Secretary of Agriculture, representatives of State departments of agriculture, farmer representatives, and various types of entities engaged in the production and harvesting or importing of fruits and vegetables that are raw agricultural commodities, including small businesses, updated good agricultural practices and guidance for the safe production and harvesting of specific types of fresh produce under this section.

''(2) PUBLIC MEETINGS.—The Secretary shall conduct not fewer than 3 public meetings in diverse geographical areas of the United States as part of an effort to conduct education and outreach regarding the guidance described in paragraph (1) for persons in different regions who are involved in the production and harvesting of fruits and vegetables that are raw agricultural commodities, including persons that sell directly to consumers and farmer representatives, and for importers of fruits and vegetables that are raw agricultural commodities.

''(3) PAPERWORK REDUCTION.—The Secretary shall ensure that any updated guidance under this section will—

''(A) provide sufficient flexibility to be practicable for all sizes and types of facilities, including small businesses such as a small food processing facility co-located on a farm; and

''(B) acknowledge differences in risk and minimize, as appropriate, the number of separate standards that apply to separate foods.

''(f) EXEMPTION FOR DIRECT FARM MARKETING.—

''(1) IN GENERAL.—A farm shall be exempt from the requirements under this section in a calendar year if—

''(A) during the previous 3-year period, the average annual monetary value of the food sold by such farm directly to qualified end-users during such period exceeded the average annual monetary value of the food sold by such farm to all other buyers during such period; and

''(B) the average annual monetary value of all food sold during such period was less than $500,000, adjusted for inflation.

''(2) NOTIFICATION TO CONSUMERS.—

''(A) IN GENERAL.—A farm that is exempt from the requirements under this section shall—

''(i) with respect to a food for which a food packaging label is required by the Secretary under any other provision of this Act, include prominently and conspicuously on such label the name and business address of the farm where the produce was grown; or

''(ii) with respect to a food for which a food packaging label is not required by the Secretary under any other provision of this Act, prominently and conspicuously display, at the point of purchase, the name and business address of the farm where the produce was grown, on a label, poster, sign, placard, or document delivered contemporaneously with the food in the normal course of business, or, in the case of Internet sales, in an electronic notice.

''(B) NO ADDITIONAL LABEL.—Subparagraph (A) does not provide authority to the Secretary to require a label that is in addition to any label required under any other provision of this Act.

''(3) WITHDRAWAL; RULE OF CONSTRUCTION.—

''(A) IN GENERAL.—In the event of an active investigation of a foodborne illness outbreak that is directly linked to a farm subject to an exemption under this subsection, or if the Secretary determines that it is necessary to protect the public health and prevent or mitigate a foodborne illness outbreak based on conduct or conditions associated with a farm that are material to the safety of the food produced or harvested at such farm, the Secretary may withdraw the exemption provided to such farm under this subsection.

''(B) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to expand or limit the inspection authority of the Secretary.

''(4) DEFINITIONS.—

''(A) QUALIFIED END-USER.—In this subsection, the term 'qualified end-user', with respect to a food means—

''(i) the consumer of the food; or

''(ii) a restaurant or retail food establishment (as those terms are defined by the Secretary for purposes of section 415) that is located—

''(I) in the same State as the farm that produced the food; or

''(II) not more than 275 miles from such farm.

''(B) CONSUMER.—For purposes of subparagraph (A), the term 'consumer' does not include a business.

''(5) NO PREEMPTION.—Nothing in this subsection preempts State, local, county, or other non-Federal law regarding the safe production, harvesting, holding, transportation, and sale of fresh fruits and vegetables. Compliance with this subsection shall not relieve any person from liability at common law or under State statutory law.

''(6) LIMITATION OF EFFECT.—Nothing in this subsection shall prevent the Secretary from exercising any authority granted in the other sections of this Act.

''(g) CLARIFICATION.—This section shall not apply to produce that is produced by an individual for personal consumption.

''(h) EXCEPTION FOR ACTIVITIES OF FACILITIES SUBJECT TO SECTION 418.—This section shall not apply to activities of a facility that are subject to section 418.''.

(b) SMALL ENTITY COMPLIANCE POLICY GUIDE.—Not later than 180 days after the issuance of regulations under section 419 of the Federal Food, Drug, and Cosmetic Act (as added by subsection (a)), the Secretary of Health and Human Services shall issue a small entity compliance policy guide setting forth in plain language the requirements of such section 419 and to assist small entities in complying with standards for safe production and harvesting and other activities required under such section.

(c) PROHIBITED ACTS.—Section 301 (21 U.S.C. 331), as amended by section 6103, is amended by adding at the end the following:

''(vv) The failure to comply with the requirements under section 419.''.

(d) NO EFFECT ON HACCP AUTHORITIES.—Nothing in the amendments made by this section limits the authority of the Secretary under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) or the Public Health Service Act (42 U.S.C. 201 et seq.) to revise, issue, or enforce product and category-specific regulations, such as the Seafood Hazard Analysis Critical Controls Points Program, the Juice Hazard Analysis Critical Control Program, and the Thermally Processed Low-Acid Foods Packaged in Hermetically Sealed Containers standards.

**SEC. 6106. PROTECTION AGAINST INTENTIONAL ADULTERATION.**

(a) IN GENERAL.—Chapter IV (21 U.S.C. 341 et seq.), as amended by section 6105, is amended by adding at the end the following:

**''SEC. 420. PROTECTION AGAINST INTENTIONAL ADULTERATION.**

''(a) DETERMINATIONS.—

''(1) IN GENERAL.—The Secretary shall—

''(A) conduct a vulnerability assessment of the food system, including by consideration of the Department of Homeland Security biological, chemical, radiological, or other terrorism risk assessments;

''(B) consider the best available understanding of uncertainties, risks, costs, and benefits associated with guarding against intentional adulteration of food at vulnerable points; and

''(C) determine the types of science-based mitigation strategies or measures that are necessary to protect against the intentional adulteration of food.

''(2) LIMITED DISTRIBUTION.—In the interest of national security, the Secretary, in consultation with the Secretary of Homeland Security, may determine the time, manner, and form in which determinations made under paragraph (1) are made publicly available.

''(b) REGULATIONS.—Not later than 18 months after the date of enactment of the FDA Food Safety Modernization Act, the Secretary, in coordination with the Secretary of Homeland Security and in consultation with the Secretary of Agriculture, shall promulgate regulations to protect against the intentional adulteration of food subject to this Act. Such regulations shall—

''(1) specify how a person shall assess whether the person is required to implement mitigation strategies or measures intended to protect against the intentional adulteration of food; and

''(2) specify appropriate science-based mitigation strategies or measures to prepare and protect the food supply chain at specific vulnerable points, as appropriate.

''(c) APPLICABILITY.—Regulations promulgated under subsection (b) shall apply only to food for which there is a high risk of intentional contamination, as determined by the Secretary, in consultation with the Secretary of Homeland Security, under subsection (a), that could cause serious adverse health consequences or death to humans or animals and shall include those foods—

''(1) for which the Secretary has identified clear vulnerabilities (including short shelf-life or susceptibility to intentional contamination at critical control points); and

''(2) in bulk or batch form, prior to being packaged for the final consumer.

''(d) EXCEPTION.—This section shall not apply to farms, except for those that produce milk.

''(e) DEFINITION.—For purposes of this section, the term 'farm' has the meaning given that term in section 1.227 of title 21, Code of Federal Regulations (or any successor regulation).''.

(b) GUIDANCE DOCUMENTS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services, in consultation with the Secretary of Homeland Security and the Secretary of Agriculture, shall issue guidance documents related to protection against the intentional adulteration of food, including mitigation strategies or measures to guard against such adulteration as required under section 420 of the Federal Food, Drug, and Cosmetic Act, as added by subsection (a).

(2) CONTENT.—The guidance documents issued under paragraph (1) shall—

(A) include a model assessment for a person to use under subsection (b)(1) of section 420 of the Federal Food, Drug, and Cosmetic Act, as added by subsection (a);

(B) include examples of mitigation strategies or measures described in subsection (b)(2) of such section; and

(C) specify situations in which the examples of mitigation strategies or measures described in subsection (b)(2) of such section are appropriate.

(3) LIMITED DISTRIBUTION.—In the interest of national security, the Secretary of Health and Human Services, in consultation with the Secretary of Homeland Security, may determine the time, manner, and form in which the guidance documents issued under paragraph (1) are made public, including by releasing such documents to targeted audiences.

(c) PERIODIC REVIEW.—The Secretary of Health and Human Services shall periodically review and, as appropriate, update the regulations under section 420(b) of the Federal Food, Drug, and Cosmetic Act, as added by subsection (a), and the guidance documents under subsection (b).

(d) PROHIBITED ACTS.—Section 301 (21 U.S.C. 331 et seq.), as amended by section 6105, is amended by adding at the end the following:

''(ww) The failure to comply with section 420.''.

**SEC. 6107. AUTHORITY TO COLLECT FEES.**

(a) FEES FOR REINSPECTION, RECALL, AND IMPORTATION ACTIVITIES.—Subchapter C of chapter VII (21 U.S.C. 379f et seq.) is amended by adding at the end the following:

**''PART 6—FEES RELATED TO FOOD**

**''SEC. 743. AUTHORITY TO COLLECT AND USE FEES.**

''(a) IN GENERAL.—

''(1) PURPOSE AND AUTHORITY.—For fiscal year 2010 and each subsequent fiscal year, the Secretary shall, in accordance with this section, assess and collect fees from—

''(A) the responsible party for each domestic facility (as defined in section 415(b)) and the United States agent for each foreign facility subject to a reinspection in such fiscal year, to cover reinspection-related costs for such year;

''(B) the responsible party for a domestic facility (as defined in section 415(b)) and an importer who does not comply with a recall order under section 423 or under section 412(f) in such fiscal year, to cover food recall activities associated with such order performed by the Secretary, including technical assistance, follow-up effectiveness checks, and public notifications, for such year;

''(C) each importer participating in the voluntary qualified importer program under section 806 in such year, to cover the administrative costs of such program for such year; and

''(D) each importer subject to a reinspection in such fiscal year, to cover reinspection-related costs for such year.

''(2) DEFINITIONS.—For purposes of this section—

''(A) the term 'reinspection' means—

''(i) with respect to domestic facilities (as defined in section 415(b)), 1 or more inspections conducted under section 704 subsequent to an inspection conducted under such provision which identified noncompliance materially related to a food safety requirement of this Act, specifically to determine whether compliance has been achieved to the Secretary's satisfaction; and

''(ii) with respect to importers, 1 or more examinations conducted under section 801 subsequent to an examination conducted under such provision which identified noncompliance materially related to a food safety requirement of this Act, specifically to determine whether compliance has been achieved to the Secretary's satisfaction;

''(B) the term 'reinspection-related costs' means all expenses, including administrative expenses, incurred in connection with—

''(i) arranging, conducting, and evaluating the results of reinspections; and

''(ii) assessing and collecting reinspection fees under this section; and

''(C) the term 'responsible party' has the meaning given such term in section 417(a)(1).

''(b) ESTABLISHMENT OF FEES.—

''(1) IN GENERAL.—Subject to subsections (c) and (d), the Secretary shall establish the fees to be collected under this section for each fiscal year specified in subsection (a)(1), based on the methodology described under paragraph (2), and shall publish such fees in a Federal Register notice not later than 60 days before the start of each such year.

''(2) FEE METHODOLOGY.—

''(A) FEES.—Fees amounts established for collection—

''(i) under subparagraph (A) of subsection (a)(1) for a fiscal year shall be based on the Secretary's estimate of 100 percent of the costs of the reinspection-related activities (including by type or level of reinspection activity, as the Secretary determines applicable) described in such subparagraph (A) for such year;

''(ii) under subparagraph (B) of subsection (a)(1) for a fiscal year shall be based on the Secretary's estimate of 100 percent of the costs of the activities described in such subparagraph (B) for such year;

''(iii) under subparagraph (C) of subsection (a)(1) for a fiscal year shall be based on the Secretary's estimate of 100 percent of the costs of the activities described in such subparagraph (C) for such year; and

''(iv) under subparagraph (D) of subsection (a)(1) for a fiscal year shall be based on the Secretary's estimate of 100 percent of the costs of the activities described in such subparagraph (D) for such year.

''(B) OTHER CONSIDERATIONS.—

''(i) VOLUNTARY QUALIFIED IMPORTER PROGRAM.—In establishing the fee amounts under subparagraph (A)(iii) for a fiscal year, the Secretary shall provide for the number of importers who have submitted to the Secretary a notice under section 806(c) informing the Secretary of the intent of such importer to participate in the program under section 806 in such fiscal year.

''(ii) CREDITING OF FEES.—In establishing the fee amounts under subparagraph (A) for a fiscal year, the Secretary shall provide for the crediting of fees from the previous year to the next year if the Secretary overestimated the amount of fees needed to carry out such activities, and consider the need to account for any adjustment of fees and such other factors as the Secretary determines appropriate.

''(iii) PUBLISHED GUIDELINES.—Not later than 180 days after the date of enactment of the FDA Food Safety Modernization Act, the Secretary shall publish in the Federal Register a proposed set of guidelines in consideration of the burden of fee amounts on small business. Such consideration may include reduced fee amounts for small businesses. The Secretary shall provide for a period of public comment on such guidelines. The Secretary shall adjust the fee schedule for small businesses subject to such fees only through notice and comment rulemaking.

''(3) USE OF FEES.—The Secretary shall make all of the fees collected pursuant to clause (i), (ii), (iii), and (iv) of paragraph (2)(A) available solely to pay for the costs referred to in such clause (i), (ii), (iii), and (iv) of paragraph (2)(A), respectively.

''(c) LIMITATIONS.—

''(1) IN GENERAL.—Fees under subsection (a) shall be refunded for a fiscal year beginning after fiscal year 2010 unless the amount of the total appropriations for food safety activities at the Food and Drug Administration for such fiscal year (excluding the amount of fees appropriated for such fiscal year) is equal to or greater than the amount of appropriations for food safety activities at the Food and Drug Administration for fiscal year 2009 (excluding the amount of fees appropriated for such fiscal year), multiplied by the adjustment factor under paragraph (3).

''(2) AUTHORITY.—If—

''(A) the Secretary does not assess fees under subsection (a) for a portion of a fiscal year because paragraph (1) applies; and

''(B) at a later date in such fiscal year, such paragraph (1) ceases to apply,

the Secretary may assess and collect such fees under subsection (a), without any modification to the rate of such fees, notwithstanding the provisions of subsection (a) relating to the date fees are to be paid.

''(3) ADJUSTMENT FACTOR.—

''(A) IN GENERAL.—The adjustment factor described in paragraph (1) shall be the total percentage change that occurred in the Consumer Price Index for all urban consumers (all items; United States city average) for the 12-month period ending June 30 preceding the fiscal year, but in no case shall such adjustment factor be negative.

''(B) COMPOUNDED BASIS.—The adjustment under subparagraph (A) made each fiscal year shall be added on a compounded basis to the sum of all adjustments made each fiscal year after fiscal year 2009.

''(4) LIMITATION ON AMOUNT OF CERTAIN FEES.—

''(A) IN GENERAL.—Notwithstanding any other provision of this section and subject to subparagraph (B), the Secretary may not collect fees in a fiscal year such that the amount collected—

''(i) under subparagraph (B) of subsection (a)(1) exceeds $20,000,000; and

''(ii) under subparagraphs (A) and (D) of subsection (a)(1) exceeds $25,000,000 combined.

''(B) EXCEPTION.—If a domestic facility (as defined in section 415(b)) or an importer becomes subject to a fee described in subparagraph (A), (B), or (D) of subsection (a)(1) after the maximum amount of fees has been collected by the Secretary under subparagraph (A), the Secretary may collect a fee from such facility or importer.

''(d) CREDITING AND AVAILABILITY OF FEES.—Fees authorized under subsection (a) shall be collected and available for obligation only to the extent and in the amount provided in appropriations Acts. Such fees are authorized to remain available until expended. Such sums as may be necessary may be transferred from the Food and Drug Administration salaries and expenses account without fiscal year limitation to such appropriation account for salaries and expenses with such fiscal year limitation. The sums transferred shall be available solely for the purpose of paying the operating expenses of the Food and Drug Administration employees and contractors performing activities associated with these food safety fees.

''(e) COLLECTION OF FEES.—

''(1) IN GENERAL.—The Secretary shall specify in the Federal Register notice described in subsection (b)(1) the time and manner in which fees assessed under this section shall be collected.

''(2) COLLECTION OF UNPAID FEES.—In any case where the Secretary does not receive payment of a fee assessed under this section within 30 days after it is due, such fee shall be treated as a claim of the United States Government subject to provisions of subchapter II of chapter 37 of title 31, United States Code.

''(f) ANNUAL REPORT TO CONGRESS.—Not later than 120 days after each fiscal year for which fees are assessed under this section, the Secretary shall submit a report to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives, to include a description of fees assessed and collected for each such year and a summary description of the entities paying such fees and the types of business in which such entities engage.

''(g) AUTHORIZATION OF APPROPRIATIONS.—For fiscal year 2010 and each fiscal year thereafter, there is authorized to be appropriated for fees under this section an amount equal to the total revenue amount determined under subsection (b) for the fiscal year, as adjusted or otherwise affected under the other provisions of this section.''.

(b) EXPORT CERTIFICATION FEES FOR FOODS AND ANIMAL FEED.—

(1) AUTHORITY FOR EXPORT CERTIFICATIONS FOR FOOD, INCLUDING ANIMAL FEED.—Section 801(e)(4)(A) (21 U.S.C. 381(e)(4)(A)) is amended—

(A) in the matter preceding clause (i), by striking ''a drug'' and inserting ''a food, drug'';

(B) in clause (i) by striking ''exported drug'' and inserting ''exported food, drug''; and

(C) in clause (ii) by striking ''the drug'' each place it appears and inserting ''the food, drug''.

(2) CLARIFICATION OF CERTIFICATION.—Section 801(e)(4) (21 U.S.C. 381(e)(4)) is amended by inserting after subparagraph (B) the following new subparagraph:

''(C) For purposes of this paragraph, a certification by the Secretary shall be made on such basis, and in such form (including a publicly available listing) as the Secretary determines appropriate.''.

(3) LIMITATIONS ON USE AND AMOUNT OF FEES.—Paragraph (4) of section 801(e) (21 U.S.C. 381(e)) is amended by adding at the end the following:

''(D) With regard to fees pursuant to subparagraph (B) in connection with written export certifications for food:

''(i) Such fees shall be collected and available solely for the costs of the Food and Drug Administration associated with issuing such certifications.

''(ii) Such fees may not be retained in an amount that exceeds such costs.''.

**SEC. 6108. NATIONAL AGRICULTURE AND FOOD DEFENSE STRATEGY.**

(a) DEVELOPMENT AND SUBMISSION OF STRATEGY.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services and the Secretary of Agriculture, in coordination with the Secretary of Homeland Security, shall prepare and transmit to the relevant committees of Congress, and make publicly available on the Internet Web sites of the Department of Health and Human Services and the Department of Agriculture, the National Agriculture and Food Defense Strategy.

(2) IMPLEMENTATION PLAN.—The strategy shall include an implementation plan for use by the Secretaries described under paragraph (1) in carrying out the strategy.

(3) RESEARCH.—The strategy shall include a coordinated research agenda for use by the Secretaries described under paragraph (1) in conducting research to support the goals and activities described in paragraphs (1) and (2) of subsection (b).

(4) REVISIONS.—Not later than 4 years after the date on which the strategy is submitted to the relevant committees of Congress under paragraph (1), and not less frequently than every 4 years thereafter, the Secretary of Health and Human Services and the Secretary of Agriculture, in coordination with the Secretary of Homeland Security, shall revise and submit to the relevant committees of Congress the strategy.

(5) CONSISTENCY WITH EXISTING PLANS.—The strategy described in paragraph (1) shall be consistent with—

(A) the National Incident Management System;

(B) the National Response Framework;

(C) the National Infrastructure Protection Plan;

(D) the National Preparedness Goals; and

(E) other relevant national strategies.

(b) COMPONENTS.—

(1) IN GENERAL.—The strategy shall include a description of the process to be used by the Department of Health and Human Services, the Department of Agriculture, and the Department of Homeland Security—

(A) to achieve each goal described in paragraph (2); and

(B) to evaluate the progress made by Federal, State, local, and tribal governments towards the achievement of each goal described in paragraph (2).

(2) GOALS.—The strategy shall include a description of the process to be used by the Department of Health and Human Services, the Department of Agriculture, and the Department of Homeland Security to achieve the following goals:

(A) PREPAREDNESS GOAL.—Enhance the preparedness of the agriculture and food system by—

(i) conducting vulnerability assessments of the agriculture and food system;

(ii) mitigating vulnerabilities of the system;

(iii) improving communication and training relating to the system;

(iv) developing and conducting exercises to test decontamination and disposal plans;

(v) developing modeling tools to improve event consequence assessment and decision support; and

(vi) preparing risk communication tools and enhancing public awareness through outreach.

(B) DETECTION GOAL.—Improve agriculture and food system detection capabilities by—

(i) identifying contamination in food products at the earliest possible time; and

(ii) conducting surveillance to prevent the spread of diseases.

(C) EMERGENCY RESPONSE GOAL.—Ensure an efficient response to agriculture and food emergencies by—

(i) immediately investigating animal disease outbreaks and suspected food contamination;

(ii) preventing additional human illnesses;

(iii) organizing, training, and equipping animal, plant, and food emergency response teams of—

(I) the Federal Government; and

(II) State, local, and tribal governments;

(iv) designing, developing, and evaluating training and exercises carried out under agriculture and food defense plans; and

(v) ensuring consistent and organized risk communication to the public by—

(I) the Federal Government;

(II) State, local, and tribal governments; and

(III) the private sector.

(D) RECOVERY GOAL.—Secure agriculture and food production after an agriculture or food emergency by—

(i) working with the private sector to develop business recovery plans to rapidly resume agriculture, food production, and international trade;

(ii) conducting exercises of the plans described in subparagraph (C) with the goal of long-term recovery results;

(iii) rapidly removing, and effectively disposing of—

(I) contaminated agriculture and food products; and

(II) infected plants and animals; and

(iv) decontaminating and restoring areas affected by an agriculture or food emergency.

(3) EVALUATION.—The Secretary, in coordination with the Secretary of Agriculture and the Secretary of Homeland Security, shall—

(A) develop metrics to measure progress for the evaluation process described in paragraph (1)(B); and

(B) report on the progress measured in subparagraph (A) as part of the National Agriculture and Food Defense strategy described in subsection (a)(1).

(c) LIMITED DISTRIBUTION.—In the interest of national security, the Secretary of Health and Human Services and the Secretary of Agriculture, in coordination with the Secretary of Homeland Security, may determine the manner and format in which the National Agriculture and Food Defense strategy established under this section is made publicly available on the Internet Web sites of the Department of Health and Human Services, the Department of Homeland Security, and the Department of Agriculture, as described in subsection (a)(1).

**SEC. 6109. FOOD AND AGRICULTURE COORDINATING COUNCILS.**

The Secretary of Homeland Security, in coordination with the Secretary of Health and Human Services and the Secretary of

Agriculture, shall within 180 days of enactment of this Act, and annually thereafter, submit to the relevant committees of Congress, and make publicly available on the Internet Web site of the Department of Homeland Security, a report on the activities of the Food and Agriculture Government Coordinating Council and the Food and Agriculture Sector Coordinating Council, including the progress of such Councils on—

(1) facilitating partnerships between public and private entities to help coordinate and enhance the protection of the agriculture and food system of the United States;

(2) providing for the regular and timely interchange of information between each council relating to the security of the agriculture and food system (including intelligence information);

(3) identifying best practices and methods for improving the coordination among Federal, State, local, and private sector preparedness and response plans for agriculture and food defense; and

(4) recommending methods by which to protect the economy and the public health of the United States from the effects of—

(A) animal or plant disease outbreaks;

(B) food contamination; and

(C) natural disasters affecting agriculture and food.

**SEC. 6110. BUILDING DOMESTIC CAPACITY.**

(a) IN GENERAL.—

(1) INITIAL REPORT.—The Secretary, in coordination with the Secretary of Agriculture and the Secretary of Homeland Security, shall, not later than 2 years after the date of enactment of this Act, submit to Congress a comprehensive report that identifies programs and practices that are intended to promote the safety and supply chain security of food and to prevent outbreaks of foodborne illness and other food-related hazards that can be addressed through preventive activities. Such report shall include a description of the following:

(A) Analysis of the need for further regulations or guidance to industry.

(B) Outreach to food industry sectors, including through the Food and Agriculture Coordinating Councils referred to in section 6109, to identify potential sources of emerging threats to the safety and security of the food supply and preventive strategies to address those threats.

(C) Systems to ensure the prompt distribution to the food industry of information and technical assistance concerning preventive strategies.

(D) Communication systems to ensure that information about specific threats to the safety and security of the food supply are rapidly and effectively disseminated.

(E) Surveillance systems and laboratory networks to rapidly detect and respond to foodborne illness outbreaks and other food-related hazards, including how such systems and networks are integrated.

(F) Outreach, education, and training provided to States and local governments to build State and local food safety and food defense capabilities, including progress implementing strategies developed under sections 6108 and 6205.

(G) The estimated resources needed to effectively implement the programs and practices identified in the report developed in this section over a 5-year period.

(H) The impact of requirements under this Act (including amendments made by this Act) on certified organic farms and facilities (as defined in section 415 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 350d)).

(I) Specific efforts taken pursuant to the agreements authorized under section 421(c) of the Federal Food, Drug, and Cosmetic Act (as added by section 6201), together with, as necessary, a description of any additional authorities necessary to improve seafood safety.

(2) BIENNIAL REPORTS.—On a biennial basis following the submission of the report under paragraph (1), the Secretary shall submit to Congress a report that—

(A) reviews previous food safety programs and practices;

(B) outlines the success of those programs and practices;

(C) identifies future programs and practices; and

(D) includes information related to any matter described in subparagraphs (A) through (H) of paragraph (1), as necessary.

(b) RISK-BASED ACTIVITIES.—The report developed under subsection (a)(1) shall describe methods that seek to ensure that resources available to the Secretary for food safety-related activities are directed at those actions most likely to reduce risks from food, including the use of preventive strategies and allocation of inspection resources. The Secretary shall promptly undertake those risk-based actions that are identified during the development of the report as likely to contribute to the safety and security of the food supply.

(c) CAPABILITY FOR LABORATORY ANALYSES; RESEARCH.—The report developed under subsection (a)(1) shall provide a description of methods to increase capacity to undertake analyses of food samples promptly after collection, to identify new and rapid analytical techniques, including commercially available techniques that can be employed at ports of entry and by Food Emergency Response Network laboratories, and to provide for well-equipped and staffed laboratory facilities and progress toward laboratory accreditation under section 422 of the Federal Food, Drug, and Cosmetic Act (as added by section 6202).

(d) INFORMATION TECHNOLOGY.—The report developed under subsection (a)(1) shall include a description of such information technology systems as may be needed to identify risks and receive data from multiple sources, including foreign governments, State, local, and tribal governments, other Federal agencies, the food industry, laboratories, laboratory networks, and consumers. The information technology systems that the Secretary describes shall also provide for the integration of the facility registration system under section 415 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 350d), and the prior notice system under section 801(m) of such Act (21 U.S.C. 381(m)) with other information technology systems that are used by the Federal Government for the processing of food offered for import into the United States.

(e) AUTOMATED RISK ASSESSMENT.—The report developed under subsection (a)(1) shall include a description of progress toward developing and improving an automated risk assessment system for food safety surveillance and allocation of resources.

(f) TRACEBACK AND SURVEILLANCE REPORT.—The Secretary shall include in the report developed under subsection (a)(1) an analysis of the Food and Drug Administration's performance in foodborne illness outbreaks during the 5-year period preceding the date of enactment of this Act involving fruits and vegetables that are raw agricultural commodities (as defined in section 6201(r) (21 U.S.C. 321(r)) and recommendations for enhanced surveillance, outbreak response, and traceability. Such findings and recommendations shall address communication and coordination with the public, industry, and State and local governments, as such communication and coordination relates to outbreak identification and traceback.

(g) BIENNIAL FOOD SAFETY AND FOOD DEFENSE RESEARCH PLAN.—The Secretary, the Secretary of Agriculture, and the Secretary of Homeland Security shall, on a biennial basis, submit to Congress a joint food safety and food defense research plan which may include studying the long-term health effects of foodborne illness. Such biennial plan shall include a list and description of projects conducted during the previous 2-year period and the plan for projects to be conducted during the subsequent 2-year period.

(h) EFFECTIVENESS OF PROGRAMS ADMINISTERED BY THE DEPARTMENT OF HEALTH AND HUMAN SERVICES.—

(1) IN GENERAL.—To determine whether existing Federal programs administered by the Department of Health and Human Services are effective in achieving the stated goals of such programs, the Secretary shall, beginning not later than 1 year after the date of enactment of this Act—

(A) conduct an annual evaluation of each program of such Department to determine the effectiveness of each such program in achieving legislated intent, purposes, and objectives; and

(B) submit to Congress a report concerning such evaluation.

(2) CONTENT.—The report described under paragraph (1)(B) shall—

(A) include conclusions concerning the reasons that such existing programs have proven successful or not successful and what factors contributed to such conclusions;

(B) include recommendations for consolidation and elimination to reduce duplication and inefficiencies in such programs at such Department as identified during the evaluation conduct under this subsection; and

(C) be made publicly available in a publication entitled ''Guide to the U.S. Department of Health and Human Services Programs''.

(i) UNIQUE IDENTIFICATION NUMBERS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary, acting through the Commissioner of Food and Drugs, shall conduct a study regarding the need for, and challenges associated with, development and implementation of a program that requires a unique identification number for each food facility registered with the Secretary and, as appropriate, each broker that imports food into the United States. Such study shall include an evaluation of the costs associated with development and implementation of such a system, and make recommendations about what new authorities, if any, would be necessary to develop and implement such a system.

(2) REPORT.—Not later than 15 months after the date of enactment of this Act, the Secretary shall submit to Congress a report that describes the findings of the study conducted under paragraph (1) and that includes any recommendations determined appropriate by the Secretary.

**SEC. 6111. SANITARY TRANSPORTATION OF FOOD.**

(a) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Secretary shall promulgate regulations described in section 416(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 350e(b)).

(b) FOOD TRANSPORTATION STUDY.—The Secretary, acting through the Commissioner of Food and Drugs, shall conduct a study of the transportation of food for consumption in the United States, including transportation by air, that includes an examination of the unique needs of rural and frontier areas with regard to the delivery of safe food.

**SEC. 6112. FOOD ALLERGY AND ANAPHYLAXIS MANAGEMENT.**

(a) DEFINITIONS.—In this section:

(1) EARLY CHILDHOOD EDUCATION PROGRAM.—The term ''early childhood education program'' means—

(A) a Head Start program or an Early Head Start program carried out under the Head Start Act (42 U.S.C. 9831 et seq.);

(B) a State licensed or regulated child care program or school; or

(C) a State prekindergarten program that serves children from birth through kindergarten.

(2) ESEA DEFINITIONS.—The terms ''local educational agency'', ''secondary school'', ''elementary school'', and ''parent'' have the meanings given the terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(3) SCHOOL.—The term ''school'' includes public—

(A) kindergartens;

(B) elementary schools; and

(C) secondary schools.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

(b) ESTABLISHMENT OF VOLUNTARY FOOD ALLERGY AND ANAPHYLAXIS MANAGEMENT GUIDELINES.—

(1) ESTABLISHMENT.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary, in consultation with the Secretary of Education, shall—

(i) develop guidelines to be used on a voluntary basis to develop plans for individuals to manage the risk of food allergy and anaphylaxis in schools and early childhood education programs; and

(ii) make such guidelines available to local educational agencies, schools, early childhood education programs, and other interested entities and individuals to be implemented on a voluntary basis only.

(B) APPLICABILITY OF FERPA.—Each plan described in subparagraph (A) that is developed for an individual shall be considered an education record for the purpose of section 444 of the General Education Provisions Act (commonly referred to as the ''Family Educational Rights and Privacy Act of 1974'') (20 U.S.C. 1232g).

(2) CONTENTS.—The voluntary guidelines developed by the Secretary under paragraph (1) shall address each of the following and may be updated as the Secretary determines necessary:

(A) Parental obligation to provide the school or early childhood education program, prior to the start of every school year, with—

(i) documentation from their child's physician or nurse—

(I) supporting a diagnosis of food allergy, and any risk of anaphylaxis, if applicable;

(II) identifying any food to which the child is allergic;

(III) describing, if appropriate, any prior history of anaphylaxis;

(IV) listing any medication prescribed for the child for the treatment of anaphylaxis;

(V) detailing emergency treatment procedures in the event of a reaction;

(VI) listing the signs and symptoms of a reaction; and

(VII) assessing the child's readiness for self-administration of prescription medication; and

(ii) a list of substitute meals that may be offered to the child by school or early childhood education program food service personnel.

(B) The creation and maintenance of an individual plan for food allergy management, in consultation with the parent, tailored to the needs of each child with a documented risk for anaphylaxis, including any procedures for the self-administration of medication by such children in instances where—

(i) the children are capable of self-administering medication; and

(ii) such administration is not prohibited by State law.

(C) Communication strategies between individual schools or early childhood education programs and providers of emergency medical services, including appropriate instructions for emergency medical response.

(D) Strategies to reduce the risk of exposure to anaphylactic causative agents in classrooms and common school or early childhood education program areas such as cafeterias.

(E) The dissemination of general information on life-threatening food allergies to school or early childhood education program staff, parents, and children.

(F) Food allergy management training of school or early childhood education program personnel who regularly come into contact with children with life-threatening food allergies.

(G) The authorization and training of school or early childhood education program personnel to administer epinephrine when the nurse is not immediately available.

(H) The timely accessibility of epinephrine by school or early childhood education program personnel when the nurse is not immediately available.

(I) The creation of a plan contained in each individual plan for food allergy management that addresses the appropriate response to an incident of anaphylaxis of a child while such child is engaged in extracurricular programs of a school or early childhood education program, such as nonacademic outings and field trips, before- and after-school programs or before- and after-early child education program programs, and school-sponsored or early childhood education program-sponsored programs held on weekends.

(J) Maintenance of information for each administration of epinephrine to a child at risk for anaphylaxis and prompt notification to parents.

(K) Other elements the Secretary determines necessary for the management of food allergies and anaphylaxis in schools and early childhood education programs.

(3) RELATION TO STATE LAW.—Nothing in this section or the guidelines developed by the Secretary under paragraph (1) shall be construed to preempt State law, including any State law regarding whether students at risk for anaphylaxis may self-administer medication.

(c) SCHOOL-BASED FOOD ALLERGY MANAGEMENT GRANTS.—

(1) IN GENERAL.—The Secretary may award grants to local educational agencies to assist such agencies with implementing voluntary food allergy and anaphylaxis management guidelines described in subsection (b).

(2) APPLICATION.—

(A) IN GENERAL.—To be eligible to receive a grant under this subsection, a local educational agency shall submit an application to the Secretary at such time, in such manner, and including such information as the Secretary may reasonably require.

(B) CONTENTS.—Each application submitted under subparagraph (A) shall include—

(i) an assurance that the local educational agency has developed plans in accordance with the food allergy and anaphylaxis management guidelines described in subsection (b);

(ii) a description of the activities to be funded by the grant in carrying out the food allergy and anaphylaxis management guidelines, including—

(I) how the guidelines will be carried out at individual schools served by the local educational agency;

(II) how the local educational agency will inform parents and students of the guidelines in place;

(III) how school nurses, teachers, administrators, and other school-based staff will be made aware of, and given training on, when applicable, the guidelines in place; and

(IV) any other activities that the Secretary determines appropriate;

(iii) an itemization of how grant funds received under this subsection will be expended;

(iv) a description of how adoption of the guidelines and implementation of grant activities will be monitored; and

(v) an agreement by the local educational agency to report information required by the Secretary to conduct evaluations under this subsection.

(3) USE OF FUNDS.—Each local educational agency that receives a grant under this subsection may use the grant funds for the following:

(A) Purchase of materials and supplies, including limited medical supplies such as epinephrine and disposable wet wipes, to support carrying out the food allergy and anaphylaxis management guidelines described in subsection (b).

(B) In partnership with local health departments, school nurse, teacher, and personnel training for food allergy management.

(C) Programs that educate students as to the presence of, and policies and procedures in place related to, food allergies and anaphylactic shock.

(D) Outreach to parents.

(E) Any other activities consistent with the guidelines described in subsection (b).

(4) DURATION OF AWARDS.—The Secretary may award grants under this subsection for a period of not more than 2 years. In the event the Secretary conducts a program evaluation under this subsection, funding in the second year of the grant, where applicable, shall be contingent on a successful program evaluation by the Secretary after the first year.

(5) LIMITATION ON GRANT FUNDING.—The Secretary may not provide grant funding to a local educational agency under this subsection after such local educational agency has received 2 years of grant funding under this subsection.

(6) MAXIMUM AMOUNT OF ANNUAL AWARDS.—A grant awarded under this subsection may not be made in an amount that is more than $50,000 annually.

(7) PRIORITY.—In awarding grants under this subsection, the Secretary shall give priority to local educational agencies with the highest percentages of children who are counted under section 1124(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333(c)).

(8) MATCHING FUNDS.—

(A) IN GENERAL.—The Secretary may not award a grant under this subsection unless the local educational agency agrees that, with respect to the costs to be incurred by such local educational agency in carrying out the grant activities, the local educational agency shall make available (directly or through donations from public or private entities) non-Federal funds toward such costs in an amount equal to not less than 25 percent of the amount of the grant.

(B) DETERMINATION OF AMOUNT OF NON-FEDERAL CONTRIBUTION.—Non-Federal funds required under subparagraph (A) may be cash or in kind, including plant, equipment, or services. Amounts provided by the Federal Government, and any portion of any service subsidized by the Federal Government, may not be included in determining the amount of such non-Federal funds.

(9) ADMINISTRATIVE FUNDS.—A local educational agency that receives a grant under

this subsection may use not more than 2 percent of the grant amount for administrative costs related to carrying out this subsection.

(10) PROGRESS AND EVALUATIONS.—At the completion of the grant period referred to in paragraph (4), a local educational agency shall provide the Secretary with information on how grant funds were spent and the status of implementation of the food allergy and anaphylaxis management guidelines described in subsection (b).

(11) SUPPLEMENT, NOT SUPPLANT.—Grant funds received under this subsection shall be used to supplement, and not supplant, non-Federal funds and any other Federal funds available to carry out the activities described in this subsection.

(12) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $30,000,000 for fiscal year 2011 and such sums as may be necessary for each of the 4 succeeding fiscal years.

(d) VOLUNTARY NATURE OF GUIDELINES.—

(1) IN GENERAL.—The food allergy and anaphylaxis management guidelines developed by the Secretary under subsection (b) are voluntary. Nothing in this section or the guidelines developed by the Secretary under subsection (b) shall be construed to require a local educational agency to implement such guidelines.

(2) EXCEPTION.—Notwithstanding paragraph (1), the Secretary may enforce an agreement by a local educational agency to implement food allergy and anaphylaxis management guidelines as a condition of the receipt of a grant under subsection (c).

**SEC. 6113. NEW DIETARY INGREDIENTS.**

(a) IN GENERAL.—Section 413 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 350b) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following:

''(c) NOTIFICATION.—

''(1) IN GENERAL.—If the Secretary determines that the information in a new dietary ingredient notification submitted under this section for an article purported to be a new dietary ingredient is inadequate to establish that a dietary supplement containing such article will reasonably be expected to be safe because the article may be, or may contain, an anabolic steroid or an analogue of an anabolic steroid, the Secretary shall notify the Drug Enforcement Administration of such determination. Such notification by the Secretary shall include, at a minimum, the name of the dietary supplement or article, the name of the person or persons who marketed the product or made the submission of information regarding the article to the Secretary under this section, and any contact information for such person or persons that the Secretary has.

''(2) DEFINITIONS.—For purposes of this subsection—

''(A) the term 'anabolic steroid' has the meaning given such term in section 102(41) of the Controlled Substances Act; and

''(B) the term 'analogue of an anabolic steroid' means a substance whose chemical structure is substantially similar to the chemical structure of an anabolic steroid.''.

(b) GUIDANCE.—Not later than 180 days after the date of enactment of this Act, the Secretary shall publish guidance that clarifies when a dietary supplement ingredient is a new dietary ingredient, when the manufacturer or distributor of a dietary ingredient or dietary supplement should provide the Secretary with information as described in section 413(a)(2) of the Federal Food, Drug, and Cosmetic Act, the evidence needed to document the safety of new dietary ingredients, and appropriate methods for establishing the identify of a new dietary ingredient.

**SEC. 6114. REQUIREMENT FOR GUIDANCE RELATING TO POST-HARVEST PROCESSING OF RAW OYSTERS.**

(a) IN GENERAL.—Not later than 90 days prior to the issuance of any guidance, regulation, or suggested amendment by the Food and Drug Administration to the National Shellfish Sanitation Program's Model Ordinance, or the issuance of any guidance or regulation by the Food and Drug Administration relating to the Seafood Hazard Analysis Critical Control Points Program of the Food and Drug Administration (parts 123 and 1240 of title 21, Code of Federal Regulations (or any successor regulations), where such guidance, regulation, or suggested amendment relates to post-harvest processing for raw oysters, the Secretary shall prepare and submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report which shall include—

(1) an assessment of how post-harvest processing or other equivalent controls feasibly may be implemented in the fastest, safest, and most economical manner;

(2) the projected public health benefits of any proposed post-harvest processing;

(3) the projected costs of compliance with such post-harvest processing measures;

(4) the impact post-harvest processing is expected to have on the sales, cost, and availability of raw oysters;

(5) criteria for ensuring post-harvest processing standards will be applied equally to shellfish imported from all nations of origin;

(6) an evaluation of alternative measures to prevent, eliminate, or reduce to an acceptable level the occurrence of foodborne illness; and

(7) the extent to which the Food and Drug Administration has consulted with the States and other regulatory agencies, as appropriate, with regard to post-harvest processing measures.

(b) LIMITATION.—Subsection (a) shall not apply to the guidance described in section 6103(h).

(c) REVIEW AND EVALUATION.—Not later than 30 days after the Secretary issues a proposed regulation or guidance described in subsection (a), the Comptroller General of the United States shall—

(1) review and evaluate the report described in subsection (a) and report to Congress on the findings of the estimates and analysis in the report;

(2) compare such proposed regulation or guidance to similar regulations or guidance with respect to other regulated foods, including a comparison of risks the Secretary may find associated with seafood and the instances of those risks in such other regulated foods; and

(3) evaluate the impact of post-harvest processing on the competitiveness of the domestic oyster industry in the United States and in international markets.

(d) WAIVER.—The requirement of preparing a report under subsection (a) shall be waived if the Secretary issues a guidance that is adopted as a consensus agreement between Federal and State regulators and the oyster industry, acting through the Interstate Shellfish Sanitation Conference.

(e) PUBLIC ACCESS.—Any report prepared under this section shall be made available to the public.

**SEC. 6115. PORT SHOPPING.**

Until the date on which the Secretary promulgates a final rule that implements the amendments made by section 308 of the Public Health Security and Bioterrorism Preparedness and Response Act of 2002 (Public Law 107–188), the Secretary shall notify the Secretary of Homeland Security of all instances in which the Secretary refuses to admit a food into the United States under section 801(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381(a)) so that the Secretary of Homeland Security, acting through the Commissioner of Customs and Border Protection, may prevent food refused admittance into the United States by a United States port of entry from being admitted by another United States port of entry, through the notification of other such United States ports of entry.

**SEC. 6116. ALCOHOL-RELATED FACILITIES.**

(a) IN GENERAL.—Except as provided by sections 6102, 6206, 6207, 6302, 6304, 6402, 6403, and 6404 of this Act, and the amendments made by such sections, nothing in this Act, or the amendments made by this Act, shall be construed to apply to a facility that—

(1) under the Federal Alcohol Administration Act (27 U.S.C. 201 et seq.) or chapter 51 of subtitle E of the Internal Revenue Code of 1986 (26 U.S.C. 5001 et seq.) is required to obtain a permit or to register with the Secretary of the Treasury as a condition of doing business in the United States; and

(2) under section 415 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 350d) is required to register as a facility because such facility is engaged in manufacturing, processing, packing, or holding 1 or more alcoholic beverages, with respect to the activities of such facility that relate to the manufacturing, processing, packing, or holding of alcoholic beverages.

(b) LIMITED RECEIPT AND DISTRIBUTION OF NONALCOHOL FOOD.—Subsection (a) shall not apply to a facility engaged in the receipt and distribution of any nonalcohol food, except that such paragraph shall apply to a facility described in such paragraph that receives and distributes nonalcohol food, provided such food is received and distributed—

(1) in a prepackaged form that prevents any direct human contact with such food; and

(2) in amounts that constitute not more than 5 percent of the overall sales of such facility, as determined by the Secretary of the Treasury.

(c) RULE OF CONSTRUCTION.—Except as provided in subsections (a) and (b), this section shall not be construed to exempt any food, other than alcoholic beverages, as defined in section 214 of the Federal Alcohol Administration Act (27 U.S.C. 214), from the requirements of this Act (including the amendments made by this Act).

## 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.**

(a) TARGETING OF INSPECTION RESOURCES FOR DOMESTIC FACILITIES, FOREIGN FACILITIES, AND PORTS OF ENTRY.—Chapter IV (21 U.S.C. 341 et seq.), as amended by section 6106, is amended by adding at the end the following:

**''SEC. 421. TARGETING OF INSPECTION RESOURCES FOR DOMESTIC FACILITIES, FOREIGN FACILITIES, AND PORTS OF ENTRY; ANNUAL REPORT.**

''(a) IDENTIFICATION AND INSPECTION OF FACILITIES.—

''(1) IDENTIFICATION.—The Secretary shall identify high-risk facilities and shall allocate resources to inspect facilities according to the known safety risks of the facilities, which shall be based on the following factors:

''(A) The known safety risks of the food manufactured, processed, packed, or held at the facility.

''(B) The compliance history of a facility, including with regard to food recalls, outbreaks of foodborne illness, and violations of food safety standards.

''(C) The rigor and effectiveness of the facility's hazard analysis and risk-based preventive controls.

''(D) Whether the food manufactured, processed, packed, or held at the facility meets the criteria for priority under section 801(h)(1).

''(E) Whether the food or the facility that manufactured, processed, packed, or held such food has received a certification as described in section 801(q) or 806, as appropriate.

''(F) Any other criteria deemed necessary and appropriate by the Secretary for purposes of allocating inspection resources.

''(2) INSPECTIONS.—

''(A) IN GENERAL.—Beginning on the date of enactment of the FDA Food Safety Modernization Act, the Secretary shall increase the frequency of inspection of all facilities.

''(B) DOMESTIC HIGH-RISK FACILITIES.—The Secretary shall increase the frequency of inspection of domestic facilities identified under paragraph (1) as high-risk facilities such that each such facility is inspected—

''(i) not less often than once in the 5-year period following the date of enactment of the FDA Food Safety Modernization Act; and

''(ii) not less often than once every 3 years thereafter.

''(C) DOMESTIC NON-HIGH-RISK FACILITIES.—The Secretary shall ensure that each domestic facility that is not identified under paragraph (1) as a high-risk facility is inspected—

''(i) not less often than once in the 7-year period following the date of enactment of the FDA Food Safety Modernization Act; and

''(ii) not less often than once every 5 years thereafter.

''(D) FOREIGN FACILITIES.—

''(i) YEAR 1.—In the 1-year period following the date of enactment of the FDA Food Safety Modernization Act, the Secretary shall inspect not fewer than 600 foreign facilities.

''(ii) SUBSEQUENT YEARS.—In each of the 5 years following the 1-year period described in clause (i), the Secretary shall inspect not fewer than twice the number of foreign facilities inspected by the Secretary during the previous year.

''(E) RELIANCE ON FEDERAL, STATE, OR LOCAL INSPECTIONS.—In meeting the inspection requirements under this subsection for domestic facilities, the Secretary may rely on inspections conducted by other Federal, State, or local agencies under interagency agreements, contracts, memoranda of understanding, or other obligations.

''(b) IDENTIFICATION AND INSPECTION AT PORTS OF ENTRY.—The Secretary, in consultation with the Secretary of Homeland Security, shall allocate resources to inspect any article of food imported into the United States according to the known safety risks of the article of food, which shall be based on the following factors:

''(1) The known safety risks of the food imported.

''(2) The known safety risks of the countries or regions of origin and countries through which such article of food is transported.

''(3) The compliance history of the importer, including with regard to food recalls, outbreaks of foodborne illness, and violations of food safety standards.

''(4) The rigor and effectiveness of the activities conducted by the importer of such article of food to satisfy the requirements of the foreign supplier verification program under section 805.

''(5) Whether the food importer participates in the voluntary qualified importer program under section 806.

''(6) Whether the food meets the criteria for priority under section 801(h)(1).

''(7) Whether the food or the facility that manufactured, processed, packed, or held such food received a certification as described in section 801(q) or 806.

''(8) Any other criteria deemed necessary and appropriate by the Secretary for purposes of allocating inspection resources.

''(c) INTERAGENCY AGREEMENTS WITH RESPECT TO SEAFOOD.—

''(1) IN GENERAL.—The Secretary of Health and Human Services, the Secretary of Commerce, the Secretary of Homeland Security, the Chairman of the Federal Trade Commission, and the heads of other appropriate agencies may enter into such agreements as may be necessary or appropriate to improve seafood safety.

''(2) SCOPE OF AGREEMENTS.—The agreements under paragraph (1) may include—

''(A) cooperative arrangements for examining and testing seafood imports that leverage the resources, capabilities, and authorities of each party to the agreement;

''(B) coordination of inspections of foreign facilities to increase the percentage of imported seafood and seafood facilities inspected;

''(C) standardization of data on seafood names, inspection records, and laboratory testing to improve interagency coordination;

''(D) coordination to detect and investigate violations under applicable Federal law;

''(E) a process, including the use or modification of existing processes, by which officers and employees of the National Oceanic and Atmospheric Administration may be duly designated by the Secretary to carry out seafood examinations and investigations under section 801 of this Act or section 203 of the Food Allergen Labeling and Consumer Protection Act of 2004;

''(F) the sharing of information concerning observed noncompliance with United States food requirements domestically and in foreign nations and new regulatory decisions and policies that may affect the safety of food imported into the United States;

''(G) conducting joint training on subjects that affect and strengthen seafood inspection effectiveness by Federal authorities; and

''(H) outreach on Federal efforts to enhance seafood safety and compliance with Federal food safety requirements.

''(d) COORDINATION.—The Secretary shall improve coordination and cooperation with the Secretary of Agriculture and the Secretary of Homeland Security to target food inspection resources.

''(e) FACILITY.—For purposes of this section, the term 'facility' means a domestic facility or a foreign facility that is required to register under section 415.''.

(b) ANNUAL REPORT.—Section 1003 (21 U.S.C. 393) is amended by adding at the end the following:

''(h) ANNUAL REPORT REGARDING FOOD.—Not later than February 1 of each year, the Secretary shall submit to Congress a report, including efforts to coordinate and cooperate with other Federal agencies with responsibilities for food inspections, regarding—

''(1) information about food facilities including—

''(A) the appropriations used to inspect facilities registered pursuant to section 415 in the previous fiscal year;

''(B) the average cost of both a non-high-risk food facility inspection and a high-risk food facility inspection, if such a difference exists, in the previous fiscal year;

''(C) the number of domestic facilities and the number of foreign facilities registered pursuant to section 415 that the Secretary inspected in the previous fiscal year;

''(D) the number of domestic facilities and the number of foreign facilities registered pursuant to section 415 that were scheduled for inspection in the previous fiscal year and which the Secretary did not inspect in such year;

''(E) the number of high-risk facilities identified pursuant to section 421 that the Secretary inspected in the previous fiscal year; and

''(F) the number of high-risk facilities identified pursuant to section 421 that were scheduled for inspection in the previous fiscal year and which the Secretary did not inspect in such year.

''(2) information about food imports including—

''(A) the number of lines of food imported into the United States that the Secretary physically inspected or sampled in the previous fiscal year;

''(B) the number of lines of food imported into the United States that the Secretary did not physically inspect or sample in the previous fiscal year; and

''(C) the average cost of physically inspecting or sampling a line of food subject to this Act that is imported or offered for import into the United States; and

''(3) information on the foreign offices of the Food and Drug Administration including—

''(A) the number of foreign offices established; and

''(B) the number of personnel permanently stationed in each foreign office.

''(i) PUBLIC AVAILABILITY OF ANNUAL FOOD REPORTS.—The Secretary shall make the reports required under subsection (h) available to the public on the Internet Web site of the Food and Drug Administration.''.

(c) ADVISORY COMMITTEE CONSULTATION.—In allocating inspection resources as described in section 421 of the Federal Food, Drug, and Cosmetic Act (as added by subsection (a)), the Secretary may, as appropriate, consult with any relevant advisory committee within the Department of Health and Human Services.

**SEC. 6202. LABORATORY ACCREDITATION FOR ANALYSES OF FOODS.**

(a) IN GENERAL.—Chapter IV (21 U.S.C. 341 et seq.), as amended by section 6201, is amended by adding at the end the following:

**''SEC. 422. LABORATORY ACCREDITATION FOR ANALYSES OF FOODS.**

''(a) RECOGNITION OF LABORATORY ACCREDITATION.—

''(1) IN GENERAL.—Not later than 2 years after the date of enactment of the FDA Food Safety Modernization Act, the Secretary shall—

''(A) establish a program for the testing of food by accredited laboratories;

''(B) establish a publicly available registry of accreditation bodies recognized by the Secretary and laboratories accredited by a recognized accreditation body, including the name of, contact information for, and other information deemed appropriate by the Secretary about such bodies and laboratories; and

''(C) require, as a condition of recognition or accreditation, as appropriate, that recognized accreditation bodies and accredited laboratories report to the Secretary any changes that would affect the recognition of such accreditation body or the accreditation of such laboratory.

''(2) PROGRAM REQUIREMENTS.—The program established under paragraph (1)(A) shall provide for the recognition of laboratory accreditation bodies that meet criteria established by the Secretary for accreditation of laboratories, including independent private laboratories and laboratories run and operated by a Federal agency (including the Department of Commerce), State, or locality with a demonstrated capability to conduct 1

or more sampling and analytical testing methodologies for food.

''(3) INCREASING THE NUMBER OF QUALIFIED LABORATORIES.—The Secretary shall work with the laboratory accreditation bodies recognized under paragraph (1), as appropriate, to increase the number of qualified laboratories that are eligible to perform testing under subsection (b) beyond the number so qualified on the date of enactment of the FDA Food Safety Modernization Act.

''(4) LIMITED DISTRIBUTION.—In the interest of national security, the Secretary, in coordination with the Secretary of Homeland Security, may determine the time, manner, and form in which the registry established under paragraph (1)(B) is made publicly available.

''(5) FOREIGN LABORATORIES.—Accreditation bodies recognized by the Secretary under paragraph (1) may accredit laboratories that operate outside the United States, so long as such laboratories meet the accreditation standards applicable to domestic laboratories accredited under this section.

''(6) MODEL LABORATORY STANDARDS.—The Secretary shall develop model standards that a laboratory shall meet to be accredited by a recognized accreditation body for a specified sampling or analytical testing methodology and included in the registry provided for under paragraph (1). In developing the model standards, the Secretary shall consult existing standards for guidance. The model standards shall include—

''(A) methods to ensure that—

''(i) appropriate sampling, analytical procedures (including rapid analytical procedures), and commercially available techniques are followed and reports of analyses are certified as true and accurate;

''(ii) internal quality systems are established and maintained;

''(iii) procedures exist to evaluate and respond promptly to complaints regarding analyses and other activities for which the laboratory is accredited; and

''(iv) individuals who conduct the sampling and analyses are qualified by training and experience to do so; and

''(B) any other criteria determined appropriate by the Secretary.

''(7) REVIEW OF RECOGNITION.—To ensure compliance with the requirements of this section, the Secretary—

''(A) shall periodically, and in no case less than once every 5 years, reevaluate accreditation bodies recognized under paragraph (1) and may accompany auditors from an accreditation body to assess whether the accreditation body meets the criteria for recognition; and

''(B) shall promptly revoke the recognition of any accreditation body found not to be in compliance with the requirements of this section, specifying, as appropriate, any terms and conditions necessary for laboratories accredited by such body to continue to perform testing as described in this section.

''(b) TESTING PROCEDURES.—

''(1) IN GENERAL.—Not later than 30 months after the date of enactment of the FDA Food Safety Modernization Act, food testing shall be conducted by Federal laboratories or non-Federal laboratories that have been accredited for the appropriate sampling or analytical testing methodology or methodologies by a recognized accreditation body on the registry established by the Secretary under subsection (a)(1)(B) whenever such testing is conducted—

''(A) by or on behalf of an owner or consignee—

''(i) in response to a specific testing requirement under this Act or implementing regulations, when applied to address an identified or suspected food safety problem; and

''(ii) as required by the Secretary, as the Secretary deems appropriate, to address an identified or suspected food safety problem; or

''(B) on behalf of an owner or consignee—

''(i) in support of admission of an article of food under section 801(a); and

''(ii) under an Import Alert that requires successful consecutive tests.

''(2) RESULTS OF TESTING.—The results of any such testing shall be sent directly to the Food and Drug Administration, except the Secretary may by regulation exempt test results from such submission requirement if the Secretary determines that such results do not contribute to the protection of public health. Test results required to be submitted may be submitted to the Food and Drug Administration through electronic means.

''(3) EXCEPTION.—The Secretary may waive requirements under this subsection if—

''(A) a new methodology or methodologies have been developed and validated but a laboratory has not yet been accredited to perform such methodology or methodologies; and

''(B) the use of such methodology or methodologies are necessary to prevent, control, or mitigate a food emergency or foodborne illness outbreak.

''(c) REVIEW BY SECRETARY.—If food sampling and testing performed by a laboratory run and operated by a State or locality that is accredited by a recognized accreditation body on the registry established by the Secretary under subsection (a) result in a State recalling a food, the Secretary shall review the sampling and testing results for the purpose of determining the need for a national recall or other compliance and enforcement activities.

''(d) NO LIMIT ON SECRETARIAL AUTHORITY.—Nothing in this section shall be construed to limit the ability of the Secretary to review and act upon information from food testing, including determining the sufficiency of such information and testing.''.

(b) FOOD EMERGENCY RESPONSE NETWORK.—The Secretary, in coordination with the Secretary of Agriculture, the Secretary of Homeland Security, and State, local, and tribal governments shall, not later than 180 days after the date of enactment of this Act, and biennially thereafter, submit to the relevant committees of Congress, and make publicly available on the Internet Web site of the Department of Health and Human Services, a report on the progress in implementing a national food emergency response laboratory network that—

(1) provides ongoing surveillance, rapid detection, and surge capacity for large-scale food-related emergencies, including intentional adulteration of the food supply;

(2) coordinates the food laboratory capacities of State, local, and tribal food laboratories, including the adoption of novel surveillance and identification technologies and the sharing of data among Federal agencies and State laboratories to develop national situational awareness;

(3) provides accessible, timely, accurate, and consistent food laboratory services throughout the United States;

(4) develops and implements a methods repository for use by Federal, State, and local officials;

(5) responds to food-related emergencies; and

(6) is integrated with relevant laboratory networks administered by other Federal agencies.

**SEC. 6203. INTEGRATED CONSORTIUM OF LABORATORY NETWORKS.**

(a) IN GENERAL.—The Secretary of Homeland Security, in coordination with the Secretary of Health and Human Services, the Secretary of Agriculture, the Secretary of Commerce, and the Administrator of the Environmental Protection Agency, shall maintain an agreement through which relevant laboratory network members, as determined by the Secretary of Homeland Security, shall—

(1) agree on common laboratory methods in order to reduce the time required to detect and respond to foodborne illness outbreaks and facilitate the sharing of knowledge and information relating to animal health, agriculture, and human health;

(2) identify means by which laboratory network members could work cooperatively—

(A) to optimize national laboratory preparedness; and

(B) to provide surge capacity during emergencies; and

(3) engage in ongoing dialogue and build relationships that will support a more effective and integrated response during emergencies.

(b) REPORTING REQUIREMENT.—The Secretary of Homeland Security shall, on a biennial basis, submit to the relevant committees of Congress, and make publicly available on the Internet Web site of the Department of Homeland Security, a report on the progress of the integrated consortium of laboratory networks, as established under subsection (a), in carrying out this section.

**SEC. 6204. ENHANCING TRACKING AND TRACING OF FOOD AND RECORDKEEPING.**

(a) PILOT PROJECTS.—

(1) IN GENERAL.—Not later than 270 days after the date of enactment of this Act, the Secretary of Health and Human Services (referred to in this section as the ''Secretary''), taking into account recommendations from the Secretary of Agriculture and representatives of State departments of health and agriculture, shall establish pilot projects in coordination with the food industry to explore and evaluate methods to rapidly and effectively identify recipients of food to prevent or mitigate a foodborne illness outbreak and to address credible threats of serious adverse health consequences or death to humans or animals as a result of such food being adulterated under section 402 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 342) or misbranded under section 403(w) of such Act (21 U.S.C. 343(w)).

(2) CONTENT.—The Secretary shall conduct 1 or more pilot projects under paragraph (1) in coordination with the processed food sector and 1 or more such pilot projects in coordination with processors or distributors of fruits and vegetables that are raw agricultural commodities. The Secretary shall ensure that the pilot projects under paragraph (1) reflect the diversity of the food supply and include at least 3 different types of foods that have been the subject of significant outbreaks during the 5-year period preceding the date of enactment of this Act, and are selected in order to—

(A) develop and demonstrate methods for rapid and effective tracking and tracing of foods in a manner that is practicable for facilities of varying sizes, including small businesses;

(B) develop and demonstrate appropriate technologies, including technologies existing on the date of enactment of this Act, that enhance the tracking and tracing of food; and

(C) inform the promulgation of regulations under subsection (d).

(3) REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary shall report to Congress on the findings of the pilot projects under this subsection together with recommendations for improving the tracking and tracing of food.

(b) ADDITIONAL DATA GATHERING.—

(1) IN GENERAL.—The Secretary, in coordination with the Secretary of Agriculture and

multiple representatives of State departments of health and agriculture, shall assess—

(A) the costs and benefits associated with the adoption and use of several product tracing technologies, including technologies used in the pilot projects under subsection (a);

(B) the feasibility of such technologies for different sectors of the food industry, including small businesses; and

(C) whether such technologies are compatible with the requirements of this subsection.

(2) REQUIREMENTS.—To the extent practicable, in carrying out paragraph (1), the Secretary shall—

(A) evaluate domestic and international product tracing practices in commercial use;

(B) consider international efforts, including an assessment of whether product tracing requirements developed under this section are compatible with global tracing systems, as appropriate; and

(C) consult with a diverse and broad range of experts and stakeholders, including representatives of the food industry, agricultural producers, and nongovernmental organizations that represent the interests of consumers.

(c) PRODUCT TRACING SYSTEM.—The Secretary, in consultation with the Secretary of Agriculture, shall, as appropriate, establish within the Food and Drug Administration a product tracing system to receive information that improves the capacity of the Secretary to effectively and rapidly track and trace food that is in the United States or offered for import into the United States. Prior to the establishment of such product tracing system, the Secretary shall examine the results of applicable pilot projects and shall ensure that the activities of such system are adequately supported by the results of such pilot projects.

(d) ADDITIONAL RECORDKEEPING REQUIREMENTS FOR HIGH-RISK FOODS.—

(1) IN GENERAL.—In order to rapidly and effectively identify recipients of a food to prevent or mitigate a foodborne illness outbreak and to address credible threats of serious adverse health consequences or death to humans or animals as a result of such food being adulterated under section 402 of the Federal Food, Drug, and Cosmetic Act or misbranded under section 403(w) of such Act, not later than 2 years after the date of enactment of this Act, the Secretary shall publish a notice of proposed rulemaking to establish recordkeeping requirements, in addition to the requirements under section 414 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 350c) and subpart J of part 1 of title 21, Code of Federal Regulations (or any successor regulations), for facilities that manufacture, process, pack, or hold foods that the Secretary designates under paragraph (2) as high-risk foods. The Secretary shall set an appropriate effective date of such additional requirements for foods designated as high risk that takes into account the length of time necessary to comply with such requirements. Such requirements shall—

(A) relate only to information that is reasonably available and appropriate;

(B) be science-based;

(C) not prescribe specific technologies for the maintenance of records;

(D) ensure that the public health benefits of imposing additional recordkeeping requirements outweigh the cost of compliance with such requirements;

(E) be scale-appropriate and practicable for facilities of varying sizes and capabilities with respect to costs and recordkeeping burdens, and not require the creation and maintenance of duplicate records where the information is contained in other company records kept in the normal course of business;

(F) minimize the number of different recordkeeping requirements for facilities that handle more than 1 type of food;

(G) to the extent practicable, not require a facility to change business systems to comply with such requirements;

(H) allow any person subject to this subsection to maintain records required under this subsection at a central or reasonably accessible location provided that such records can be made available to the Secretary not later than 24 hours after the Secretary requests such records;

(I) include a process by which the Secretary may issue a waiver of the requirements under this subsection if the Secretary determines that such requirements would result in an economic hardship for an individual facility or a type of facility;

(J) be commensurate with the known safety risks of the designated food;

(K) take into account international trade obligations;

(L) not require—

(i) a full pedigree, or a record of the complete previous distribution history of the food from the point of origin of such food;

(ii) records of recipients of a food beyond the immediate subsequent recipient of such food; or

(iii) product tracking to the case level by persons subject to such requirements; and

(M) include a process by which the Secretary may remove a high-risk food designation developed under paragraph (2) for a food or type of food.

(2) DESIGNATION OF HIGH-RISK FOODS.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and thereafter as the Secretary determines necessary, the Secretary shall designate high-risk foods for which the additional recordkeeping requirements described in paragraph (1) are appropriate and necessary to protect the public health. Each such designation shall be based on—

(i) the known safety risks of a particular food, including the history and severity of foodborne illness outbreaks attributed to such food, taking into consideration foodborne illness data collected by the Centers for Disease Control and Prevention;

(ii) the likelihood that a particular food has a high potential risk for microbiological or chemical contamination or would support the growth of pathogenic microorganisms due to the nature of the food or the processes used to produce such food;

(iii) the point in the manufacturing process of the food where contamination is most likely to occur;

(iv) the likelihood of contamination and steps taken during the manufacturing process to reduce the possibility of contamination;

(v) the likelihood that consuming a particular food will result in a foodborne illness due to contamination of the food; and

(vi) the likely or known severity, including health and economic impacts, of a foodborne illness attributed to a particular food.

(B) LIST OF HIGH-RISK FOODS.—At the time the Secretary promulgates the final rules under paragraph (1), the Secretary shall publish the list of the foods designated under subparagraph (A) as high-risk foods on the Internet website of the Food and Drug Administration. The Secretary may update the list to designate new high-risk foods and to remove foods that are no longer deemed to be high-risk foods, provided that each such update to the list is consistent with the requirements of this subsection and notice of such update is published in the Federal Register.

(3) PROTECTION OF SENSITIVE INFORMATION.—In promulgating regulations under this subsection, the Secretary shall take appropriate measures to ensure that there are effective procedures to prevent the unauthorized disclosure of any trade secret or confidential information that is obtained by the Secretary pursuant to this section, including periodic risk assessment and planning to prevent unauthorized release and controls to—

(A) prevent unauthorized reproduction of trade secret or confidential information;

(B) prevent unauthorized access to trade secret or confidential information; and

(C) maintain records with respect to access by any person to trade secret or confidential information maintained by the agency.

(4) PUBLIC INPUT.—During the comment period in the notice of proposed rulemaking under paragraph (1), the Secretary shall conduct not less than 3 public meetings in diverse geographical areas of the United States to provide persons in different regions an opportunity to comment.

(5) RETENTION OF RECORDS.—Except as otherwise provided in this subsection, the Secretary may require that a facility retain records under this subsection for not more than 2 years, taking into consideration the risk of spoilage, loss of value, or loss of palatability of the applicable food when determining the appropriate timeframes.

(6) LIMITATIONS.—

(A) FARM-TO-SCHOOL PROGRAMS.—In establishing requirements under this subsection, the Secretary shall, in consultation with the Secretary of Agriculture, consider the impact of requirements on farm-to-school or farm-to-institution programs of the Department of Agriculture and other farm-to-school and farm-to-institution programs outside such agency, and shall modify the requirements under this subsection, as appropriate, with respect to such programs so that the requirements do not place undue burdens on farm-to-school or farm-to-institution programs.

(B) IDENTITY-PRESERVED LABELS WITH RESPECT TO FARM SALES OF FOOD THAT IS PRODUCED AND PACKAGED ON A FARM.—The requirements under this subsection shall not apply to a food that is produced and packaged on a farm if—

(i) the packaging of the food maintains the integrity of the product and prevents subsequent contamination or alteration of the product; and

(ii) the labeling of the food includes the name, complete address (street address, town, State, country, and zip or other postal code), and business phone number of the farm, unless the Secretary waives the requirement to include a business phone number of the farm, as appropriate, in order to accommodate a religious belief of the individual in charge of such farm.

(C) FISHING VESSELS.—The requirements under this subsection with respect to a food that is produced through the use of a fishing vessel (as defined in section 3(18) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1802(18))) shall be limited to the requirements under subparagraph (F) until such time as the food is sold by the owner, operator, or agent in charge of such fishing vessel.

(D) COMMINGLED RAW AGRICULTURAL COMMODITIES.—

(i) LIMITATION ON EXTENT OF TRACING.—Recordkeeping requirements under this subsection with regard to any commingled raw agricultural commodity shall be limited to the requirements under subparagraph (F).

(ii) DEFINITIONS.—For the purposes of this subparagraph—

(I) the term ''commingled raw agricultural commodity'' means any commodity that is

combined or mixed after harvesting, but before processing;

(II) the term ''commingled raw agricultural commodity'' shall not include types of fruits and vegetables that are raw agricultural commodities for which the Secretary has determined that standards promulgated under section 419 of the Federal Food, Drug, and Cosmetic Act (as added by section 6105) would minimize the risk of serious adverse health consequences or death; and

(III) the term ''processing'' means operations that alter the general state of the commodity, such as canning, cooking, freezing, dehydration, milling, grinding, pasteurization, or homogenization.

(E) EXEMPTION OF OTHER FOODS.—The Secretary may, by notice in the Federal Register, modify the requirements under this subsection with respect to, or exempt a food or a type of facility from, the requirements of this subsection (other than the requirements under subparagraph (F), if applicable) if the Secretary determines that product tracing requirements for such food (such as bulk or commingled ingredients that are intended to be processed to destroy pathogens) or type of facility is not necessary to protect the public health.

(F) RECORDKEEPING REGARDING PREVIOUS SOURCES AND SUBSEQUENT RECIPIENTS.—In the case of a person or food to which a limitation or exemption under subparagraph (C), (D), or (E) applies, if such person, or a person who manufactures, processes, packs, or holds such food, is required to register with the Secretary under section 415 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 350d) with respect to the manufacturing, processing, packing, or holding of the applicable food, the Secretary shall require such person to maintain records that identify the immediate previous source of such food and the immediate subsequent recipient of such food.

(G) GROCERY STORES.—With respect to a sale of a food described in subparagraph (H) to a grocery store, the Secretary shall not require such grocery store to maintain records under this subsection other than records documenting the farm that was the source of such food. The Secretary shall not require that such records be kept for more than 180 days.

(H) FARM SALES TO CONSUMERS.—The Secretary shall not require a farm to maintain any distribution records under this subsection with respect to a sale of a food described in subparagraph (I) (including a sale of a food that is produced and packaged on such farm), if such sale is made by the farm directly to a consumer.

(I) SALE OF A FOOD.—A sale of a food described in this subparagraph is a sale of a food in which—

(i) the food is produced on a farm; and

(ii) the sale is made by the owner, operator, or agent in charge of such farm directly to a consumer or grocery store.

(7) NO IMPACT ON NON-HIGH-RISK FOODS.—The recordkeeping requirements established under paragraph (1) shall have no effect on foods that are not designated by the Secretary under paragraph (2) as high-risk foods. Foods described in the preceding sentence shall be subject solely to the recordkeeping requirements under section 414 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 350c) and subpart J of part 1 of title 21, Code of Federal Regulations (or any successor regulations).

(e) EVALUATION AND RECOMMENDATIONS.—

(1) REPORT.—Not later than 1 year after the effective date of the final rule promulgated under subsection (d)(1), the Comptroller General of the United States shall submit to Congress a report, taking into consideration the costs of compliance and other regulatory burdens on small businesses and Federal, State, and local food safety practices and requirements, that evaluates the public health benefits and risks, if any, of limiting—

(A) the product tracing requirements under subsection (d) to foods identified under paragraph (2) of such subsection, including whether such requirements provide adequate assurance of traceability in the event of intentional adulteration, including by acts of terrorism; and

(B) the participation of restaurants in the recordkeeping requirements.

(2) DETERMINATION AND RECOMMENDATIONS.—In conducting the evaluation and report under paragraph (1), if the Comptroller General of the United States determines that the limitations described in such paragraph do not adequately protect the public health, the Comptroller General shall submit to Congress recommendations, if appropriate, regarding recordkeeping requirements for restaurants and additional foods, in order to protect the public health.

(f) FARMS.—

(1) REQUEST FOR INFORMATION.—Notwithstanding subsection (d), during an active investigation of a foodborne illness outbreak, or if the Secretary determines it is necessary to protect the public health and prevent or mitigate a foodborne illness outbreak, the Secretary, in consultation and coordination with State and local agencies responsible for food safety, as appropriate, may request that the owner, operator, or agent of a farm identify potential immediate recipients, other than consumers, of an article of the food that is the subject of such investigation if the Secretary reasonably believes such article of food—

(A) is adulterated under section 402 of the Federal Food, Drug, and Cosmetic Act;

(B) presents a threat of serious adverse health consequences or death to humans or animals; and

(C) was adulterated as described in subparagraph (A) on a particular farm (as defined in section 1.227 of chapter 21, Code of Federal Regulations (or any successor regulation)).

(2) MANNER OF REQUEST.—In making a request under paragraph (1), the Secretary, in consultation and coordination with State and local agencies responsible for food safety, as appropriate, shall issue a written notice to the owner, operator, or agent of the farm to which the article of food has been traced. The individual providing such notice shall present to such owner, operator, or agent appropriate credentials and shall deliver such notice at reasonable times and within reasonable limits and in a reasonable manner.

(3) DELIVERY OF INFORMATION REQUESTED.—The owner, operator, or agent of a farm shall deliver the information requested under paragraph (1) in a prompt and reasonable manner. Such information may consist of records kept in the normal course of business, and may be in electronic or nonelectronic format.

(4) LIMITATION.—A request made under paragraph (1) shall not include a request for information relating to the finances, pricing of commodities produced, personnel, research, sales (other than information relating to shipping), or other disclosures that may reveal trade secrets or confidential information from the farm to which the article of food has been traced, other than information necessary to identify potential immediate recipients of such food. Section 301(j) of the Federal Food, Drug, and Cosmetic Act and the Freedom of Information Act shall apply with respect to any confidential commercial information that is disclosed to the Food and Drug Administration in the course of responding to a request under paragraph (1).

(5) RECORDS.—Except with respect to identifying potential immediate recipients in response to a request under this subsection, nothing in this subsection shall require the establishment or maintenance by farms of new records.

(g) NO LIMITATION ON COMMINGLING OF FOOD.—Nothing in this section shall be construed to authorize the Secretary to impose any limitation on the commingling of food.

(h) SMALL ENTITY COMPLIANCE GUIDE.—Not later than 180 days after promulgation of a final rule under subsection (d), the Secretary shall issue a small entity compliance guide setting forth in plain language the requirements of the regulations under such subsection in order to assist small entities, including farms and small businesses, in complying with the recordkeeping requirements under such subsection.

(i) FLEXIBILITY FOR SMALL BUSINESSES.—Notwithstanding any other provision of law, the regulations promulgated under subsection (d) shall apply—

(1) to small businesses (as defined by the Secretary in section 6103, not later than 90 days after the date of enactment of this Act) beginning on the date that is 1 year after the effective date of the final regulations promulgated under subsection (d); and

(2) to very small businesses (as defined by the Secretary in section 6103, not later than 90 days after the date of enactment of this Act) beginning on the date that is 2 years after the effective date of the final regulations promulgated under subsection (d).

(j) ENFORCEMENT.—

(1) PROHIBITED ACTS.—Section 301(e) (21 U.S.C. 331(e)) is amended by inserting ''; or the violation of any recordkeeping requirement under section 6204 of the FDA Food Safety Modernization Act (except when such violation is committed by a farm)'' before the period at the end.

(2) IMPORTS.—Section 801(a) (21 U.S.C. 381(a)) is amended by inserting ''or (4) the recordkeeping requirements under section 6204 of the FDA Food Safety Modernization Act (other than the requirements under subsection (f) of such section) have not been complied with regarding such article,'' in the third sentence before ''then such article shall be refused admission''.

**SEC. 6205. SURVEILLANCE.**

(a) DEFINITION OF FOODBORNE ILLNESS OUTBREAK.—In this Act, the term ''foodborne illness outbreak'' means the occurrence of 2 or more cases of a similar illness resulting from the ingestion of a certain food.

(b) FOODBORNE ILLNESS SURVEILLANCE SYSTEMS.—

(1) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall enhance foodborne illness surveillance systems to improve the collection, analysis, reporting, and usefulness of data on foodborne illnesses by—

(A) coordinating Federal, State, and local foodborne illness surveillance systems, including complaint systems, and increasing participation in national networks of public health and food regulatory agencies and laboratories;

(B) facilitating sharing of surveillance information on a more timely basis among governmental agencies, including the Food and Drug Administration, the Department of Agriculture, the Department of Homeland Security, and State and local agencies, and with the public;

(C) developing improved epidemiological tools for obtaining quality exposure data and microbiological methods for classifying cases;

(D) augmenting such systems to improve attribution of a foodborne illness outbreak to a specific food;

(E) expanding capacity of such systems, including working toward automatic electronic searches, for implementation of identification practices, including fingerprinting strategies, for foodborne infectious agents, in order to identify new or rarely documented causes of foodborne illness and submit standardized information to a centralized database;

(F) allowing timely public access to aggregated, de-identified surveillance data;

(G) at least annually, publishing current reports on findings from such systems;

(H) establishing a flexible mechanism for rapidly initiating scientific research by academic institutions;

(I) integrating foodborne illness surveillance systems and data with other biosurveillance and public health situational awareness capabilities at the Federal, State, and local levels, including by sharing foodborne illness surveillance data with the National Biosurveillance Integration Center; and

(J) other activities as determined appropriate by the Secretary.

(2) WORKING GROUP.—The Secretary shall support and maintain a diverse working group of experts and stakeholders from Federal, State, and local food safety and health agencies, the food and food testing industries, consumer organizations, and academia. Such working group shall provide the Secretary, through at least annual meetings of the working group and an annual public report, advice and recommendations on an ongoing and regular basis regarding the improvement of foodborne illness surveillance and implementation of this section, including advice and recommendations on—

(A) the priority needs of regulatory agencies, the food industry, and consumers for information and analysis on foodborne illness and its causes;

(B) opportunities to improve the effectiveness of initiatives at the Federal, State, and local levels, including coordination and integration of activities among Federal agencies, and among the Federal, State, and local levels of government;

(C) improvement in the timeliness and depth of access by regulatory and health agencies, the food industry, academic researchers, and consumers to foodborne illness aggregated, de-identified surveillance data collected by government agencies at all levels, including data compiled by the Centers for Disease Control and Prevention;

(D) key barriers at Federal, State, and local levels to improving foodborne illness surveillance and the utility of such surveillance for preventing foodborne illness;

(E) the capabilities needed for establishing automatic electronic searches of surveillance data; and

(F) specific actions to reduce barriers to improvement, implement the working group's recommendations, and achieve the purposes of this section, with measurable objectives and timelines, and identification of resource and staffing needs.

(3) AUTHORIZATION OF APPROPRIATIONS.—To carry out the activities described in paragraph (1), there is authorized to be appropriated $24,000,000 for each fiscal years 2011 through 2015.

(c) IMPROVING FOOD SAFETY AND DEFENSE CAPACITY AT THE STATE AND LOCAL LEVEL.—

(1) IN GENERAL.—The Secretary shall develop and implement strategies to leverage and enhance the food safety and defense capacities of State and local agencies in order to achieve the following goals:

(A) Improve foodborne illness outbreak response and containment.

(B) Accelerate foodborne illness surveillance and outbreak investigation, including rapid shipment of clinical isolates from clinical laboratories to appropriate State laboratories, and conducting more standardized illness outbreak interviews.

(C) Strengthen the capacity of State and local agencies to carry out inspections and enforce safety standards.

(D) Improve the effectiveness of Federal, State, and local partnerships to coordinate food safety and defense resources and reduce the incidence of foodborne illness.

(E) Share information on a timely basis among public health and food regulatory agencies, with the food industry, with health care providers, and with the public.

(F) Strengthen the capacity of State and local agencies to achieve the goals described in section 6108.

(2) REVIEW.—In developing of the strategies required by paragraph (1), the Secretary shall, not later than 1 year after the date of enactment of the FDA Food Safety Modernization Act, complete a review of State and local capacities, and needs for enhancement, which may include a survey with respect to—

(A) staffing levels and expertise available to perform food safety and defense functions;

(B) laboratory capacity to support surveillance, outbreak response, inspection, and enforcement activities;

(C) information systems to support data management and sharing of food safety and defense information among State and local agencies and with counterparts at the Federal level; and

(D) other State and local activities and needs as determined appropriate by the Secretary.

(d) FOOD SAFETY CAPACITY BUILDING GRANTS.—Section 317R(b) of the Public Health Service Act (42 U.S.C. 247b–20(b)) is amended—

(1) by striking ''2002'' and inserting ''2010''; and

(2) by striking ''2003 through 2006'' and inserting ''2011 through 2015''.

**SEC. 6206. MANDATORY RECALL AUTHORITY.**

(a) IN GENERAL.—Chapter IV (21 U.S.C. 341 et seq.), as amended by section 6202, is amended by adding at the end the following:

**''SEC. 423. MANDATORY RECALL AUTHORITY.**

''(a) VOLUNTARY PROCEDURES.—If the Secretary determines, based on information gathered through the reportable food registry under section 417 or through any other means, that there is a reasonable probability that an article of food (other than infant formula) is adulterated under section 402 or misbranded under section 403(w) and the use of or exposure to such article will cause serious adverse health consequences or death to humans or animals, the Secretary shall provide the responsible party (as defined in section 417) with an opportunity to cease distribution and recall such article.

''(b) PREHEARING ORDER TO CEASE DISTRIBUTION AND GIVE NOTICE.—

''(1) IN GENERAL.—If the responsible party refuses to or does not voluntarily cease distribution or recall such article within the time and in the manner prescribed by the Secretary (if so prescribed), the Secretary may, by order require, as the Secretary deems necessary, such person to—

''(A) immediately cease distribution of such article; and

''(B) as applicable, immediately notify all persons—

''(i) manufacturing, processing, packing, transporting, distributing, receiving, holding, or importing and selling such article; and

''(ii) to which such article has been distributed, transported, or sold, to immediately cease distribution of such article.

''(2) REQUIRED ADDITIONAL INFORMATION.—

''(A) IN GENERAL.—If an article of food covered by a recall order issued under paragraph (1)(B) has been distributed to a warehouse-based third-party logistics provider without providing such provider sufficient information to know or reasonably determine the precise identity of the article of food covered by a recall order that is in its possession, the notice provided by the responsible party subject to the order issued under paragraph (1)(B) shall include such information as is necessary for the warehouse-based third-party logistics provider to identify the food.

''(B) RULES OF CONSTRUCTION.—Nothing in this paragraph shall be construed—

''(i) to exempt a warehouse-based third-party logistics provider from the requirements of this Act, including the requirements in this section and section 414; or

''(ii) to exempt a warehouse-based third party logistics provider from being the subject of a mandatory recall order.

''(3) DETERMINATION TO LIMIT AREAS AFFECTED.—If the Secretary requires a responsible party to cease distribution under paragraph (1)(A) of an article of food identified in subsection (a), the Secretary may limit the size of the geographic area and the markets affected by such cessation if such limitation would not compromise the public health.

''(c) HEARING ON ORDER.—The Secretary shall provide the responsible party subject to an order under subsection (b) with an opportunity for an informal hearing, to be held as soon as possible, but not later than 2 days after the issuance of the order, on the actions required by the order and on why the article that is the subject of the order should not be recalled.

''(d) POST-HEARING RECALL ORDER AND MODIFICATION OF ORDER.—

''(1) AMENDMENT OF ORDER.—If, after providing opportunity for an informal hearing under subsection (c), the Secretary determines that removal of the article from commerce is necessary, the Secretary shall, as appropriate—

''(A) amend the order to require recall of such article or other appropriate action;

''(B) specify a timetable in which the recall shall occur;

''(C) require periodic reports to the Secretary describing the progress of the recall; and

''(D) provide notice to consumers to whom such article was, or may have been, distributed.

''(2) VACATING OF ORDER.—If, after such hearing, the Secretary determines that adequate grounds do not exist to continue the actions required by the order, or that such actions should be modified, the Secretary shall vacate the order or modify the order.

''(e) RULE REGARDING ALCOHOLIC BEVERAGES.—The Secretary shall not initiate a mandatory recall or take any other action under this section with respect to any alcohol beverage until the Secretary has provided the Alcohol and Tobacco Tax and Trade Bureau with a reasonable opportunity to cease distribution and recall such article under the Alcohol and Tobacco Tax and Trade Bureau authority.

''(f) COOPERATION AND CONSULTATION.—The Secretary shall work with State and local public health officials in carrying out this section, as appropriate.

''(g) PUBLIC NOTIFICATION.—In conducting a recall under this section, the Secretary shall—

''(1) ensure that a press release is published regarding the recall, as well as alerts and public notices, as appropriate, in order to provide notification—

''(A) of the recall to consumers and retailers to whom such article was, or may have been, distributed; and

''(B) that includes, at a minimum—

''(i) the name of the article of food subject to the recall;

''(ii) a description of the risk associated with such article; and

''(iii) to the extent practicable, information for consumers about similar articles of food that are not affected by the recall;

''(2) consult the policies of the Department of Agriculture regarding providing to the public a list of retail consignees receiving products involved in a Class I recall and shall consider providing such a list to the public, as determined appropriate by the Secretary; and

''(3) if available, publish on the Internet Web site of the Food and Drug Administration an image of the article that is the subject of the press release described in paragraph (1).

''(h) NO DELEGATION.—The authority conferred by this section to order a recall or vacate a recall order shall not be delegated to any officer or employee other than the Commissioner.

''(i) EFFECT.—Nothing in this section shall affect the authority of the Secretary to request or participate in a voluntary recall, or to issue an order to cease distribution or to recall under any other provision of this Act or under the Public Health Service Act.

''(j) COORDINATED COMMUNICATION.—

''(1) IN GENERAL.—To assist in carrying out the requirements of this subsection, the Secretary shall establish an incident command operation or a similar operation within the Department of Health and Human Services that will operate not later than 24 hours after the initiation of a mandatory recall or the recall of an article of food for which the use of, or exposure to, such article will cause serious adverse health consequences or death to humans or animals.

''(2) REQUIREMENTS.—To reduce the potential for miscommunication during recalls or regarding investigations of a foodborne illness outbreak associated with a food that is subject to a recall, each incident command operation or similar operation under paragraph (1) shall use regular staff and resources of the Department of Health and Human Services to—

''(A) ensure timely and coordinated communication within the Department, including enhanced communication and coordination between different agencies and organizations within the Department;

''(B) ensure timely and coordinated communication from the Department, including public statements, throughout the duration of the investigation and related foodborne illness outbreak;

''(C) identify a single point of contact within the Department for public inquiries regarding any actions by the Secretary related to a recall;

''(D) coordinate with Federal, State, local, and tribal authorities, as appropriate, that have responsibilities related to the recall of a food or a foodborne illness outbreak associated with a food that is subject to the recall, including notification of the Secretary of Agriculture and the Secretary of Education in the event such recalled food is a commodity intended for use in a child nutrition program (as identified in section 25(b) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769f(b)); and

''(E) conclude operations at such time as the Secretary determines appropriate.

''(3) MULTIPLE RECALLS.—The Secretary may establish multiple or concurrent incident command operations or similar operations in the event of multiple recalls or foodborne illness outbreaks necessitating such action by the Department of Health and Human Services.''.

(b) SEARCH ENGINE.—Not later than 90 days after the date of enactment of this Act, the Secretary shall modify the Internet Web site of the Food and Drug Administration to include a search engine that—

(1) is consumer-friendly, as determined by the Secretary; and

(2) provides a means by which an individual may locate relevant information regarding each article of food subject to a recall under section 423 of the Federal Food, Drug, and Cosmetic Act and the status of such recall (such as whether a recall is ongoing or has been completed).

(c) CIVIL PENALTY.—Section 303(f)(2)(A) (21 U.S.C. 333(f)(2)(A)) is amended by inserting ''or any person who does not comply with a recall order under section 423'' after ''section 402(a)(2)(B)''.

(d) PROHIBITED ACTS.—Section 301 (21 U.S.C. 331 et seq.), as amended by section 6106, is amended by adding at the end the following:

''(xx) The refusal or failure to follow an order under section 423.''.

(e) GAO REVIEW.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report that—

(A) identifies State and local agencies with the authority to require the mandatory recall of food, and evaluates use of such authority with regard to frequency, effectiveness, and appropriateness, including consideration of any new or existing mechanisms available to compensate persons for general and specific recall-related costs when a recall is subsequently determined by the relevant authority to have been an error;

(B) identifies Federal agencies, other than the Department of Health and Human Services, with mandatory recall authority and examines use of that authority with regard to frequency, effectiveness, and appropriateness, including any new or existing mechanisms available to compensate persons for general and specific recall-related costs when a recall is subsequently determined by the relevant agency to have been an error;

(C) considers models for farmer restitution implemented in other nations in cases of erroneous recalls; and

(D) makes recommendations to the Secretary regarding use of the authority under section 423 of the Federal Food, Drug, and Cosmetic Act (as added by this section) to protect the public health while seeking to minimize unnecessary economic costs.

(2) EFFECT OF REVIEW.—If the Comptroller General of the United States finds, after the review conducted under paragraph (1), that the mechanisms described in such paragraph do not exist or are inadequate, then, not later than 90 days after the conclusion of such review, the Secretary of Agriculture shall conduct a study of the feasibility of implementing a farmer indemnification program to provide restitution to agricultural producers for losses sustained as a result of a mandatory recall of an agricultural commodity by a Federal or State regulatory agency that is subsequently determined to be in error. The Secretary of Agriculture shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes the results of the study, including any recommendations.

(f) ANNUAL REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act and annually thereafter, the Secretary of Health and Human Services (referred to in this subsection as the ''Secretary'') shall submit a report to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives on the use of recall authority under section 423 of the Federal Food, Drug, and Cosmetic Act (as added by subsection (a)) and any public health advisories issued by the Secretary that advise against the consumption of an article of food on the ground that the article of food is adulterated and poses an imminent danger to health.

(2) CONTENT.—The report under paragraph (1) shall include, with respect to the report year—

(A) the identity of each article of food that was the subject of a public health advisory described in paragraph (1), an opportunity to cease distribution and recall under subsection (a) of section 423 of the Federal Food, Drug, and Cosmetic Act, or a mandatory recall order under subsection (b) of such section;

(B) the number of responsible parties, as defined in section 417 of the Federal Food, Drug, and Cosmetic Act, formally given the opportunity to cease distribution of an article of food and recall such article, as described in section 423(a) of such Act;

(C) the number of responsible parties described in subparagraph (B) who did not cease distribution of or recall an article of food after given the opportunity to cease distribution or recall under section 423(a) of the Federal Food, Drug, and Cosmetic Act;

(D) the number of recall orders issued under section 423(b) of the Federal Food, Drug, and Cosmetic Act; and

(E) a description of any instances in which there was no testing that confirmed adulteration of an article of food that was the subject of a recall under section 423(b) of the Federal Food, Drug, and Cosmetic Act or a public health advisory described in paragraph (1).

**SEC. 6207. ADMINISTRATIVE DETENTION OF FOOD.**

(a) IN GENERAL.—Section 304(h)(1)(A) (21 U.S.C. 334(h)(1)(A)) is amended by—

(1) striking ''credible evidence or information indicating'' and inserting ''reason to believe''; and

(2) striking ''presents a threat of serious adverse health consequences or death to humans or animals'' and inserting ''is adulterated or misbranded''.

(b) REGULATIONS.—Not later than 120 days after the date of enactment of this Act, the Secretary shall issue an interim final rule amending subpart K of part 1 of title 21, Code of Federal Regulations, to implement the amendment made by this section.

(c) EFFECTIVE DATE.—The amendment made by this section shall take effect 180 days after the date of enactment of this Act.

**SEC. 6208. DECONTAMINATION AND DISPOSAL STANDARDS AND PLANS.**

(a) IN GENERAL.—The Administrator of the Environmental Protection Agency (referred to in this section as the ''Administrator''), in coordination with the Secretary of Health and Human Services, Secretary of Homeland Security, and Secretary of Agriculture, shall provide support for, and technical assistance to, State, local, and tribal governments in preparing for, assessing, decontaminating, and recovering from an agriculture or food emergency.

(b) DEVELOPMENT OF STANDARDS.—In carrying out subsection (a), the Administrator, in coordination with the Secretary of Health and Human Services, Secretary of Homeland Security, Secretary of Agriculture, and State, local, and tribal governments, shall develop and disseminate specific standards and protocols to undertake clean-up, clearance, and recovery activities following the decontamination and disposal of specific threat agents and foreign animal diseases.

(c) DEVELOPMENT OF MODEL PLANS.—In carrying out subsection (a), the Administrator, the Secretary of Health and Human Services, and the Secretary of Agriculture shall jointly develop and disseminate model plans for—

(1) the decontamination of individuals, equipment, and facilities following an intentional contamination of agriculture or food; and

(2) the disposal of large quantities of animals, plants, or food products that have been infected or contaminated by specific threat agents and foreign animal diseases.

(d) EXERCISES.—In carrying out subsection (a), the Administrator, in coordination with the entities described under subsection (b), shall conduct exercises at least annually to evaluate and identify weaknesses in the decontamination and disposal model plans described in subsection (c). Such exercises shall be carried out, to the maximum extent practicable, as part of the national exercise program under section 648(b)(1) of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 748(b)(1)).

(e) MODIFICATIONS.—Based on the exercises described in subsection (d), the Administrator, in coordination with the entities described in subsection (b), shall review and modify as necessary the plans described in subsection (c) not less frequently than biennially.

(f) PRIORITIZATION.—The Administrator, in coordination with the entities described in subsection (b), shall develop standards and plans under subsections (b) and (c) in an identified order of priority that takes into account—

(1) highest risk biological, chemical, and radiological threat agents;

(2) agents that could cause the greatest economic devastation to the agriculture and food system; and

(3) agents that are most difficult to clean or remediate.

**SEC. 6209. IMPROVING THE TRAINING OF STATE, LOCAL, TERRITORIAL, AND TRIBAL FOOD SAFETY OFFICIALS.**

(a) IMPROVING TRAINING.—Chapter X (21 U.S.C. 391 et seq.) is amended by adding at the end the following:

**"SEC. 1012. IMPROVING THE TRAINING OF STATE, LOCAL, TERRITORIAL, AND TRIBAL FOOD SAFETY OFFICIALS.**

''(a) TRAINING.—The Secretary shall set standards and administer training and education programs for the employees of State, local, territorial, and tribal food safety officials relating to the regulatory responsibilities and policies established by this Act, including programs for—

''(1) scientific training;

''(2) training to improve the skill of officers and employees authorized to conduct inspections under sections 702 and 704;

''(3) training to achieve advanced product or process specialization in such inspections;

''(4) training that addresses best practices;

''(5) training in administrative process and procedure and integrity issues;

''(6) training in appropriate sampling and laboratory analysis methodology; and

''(7) training in building enforcement actions following inspections, examinations, testing, and investigations.

''(b) PARTNERSHIPS WITH STATE AND LOCAL OFFICIALS.—

''(1) IN GENERAL.—The Secretary, pursuant to a contract or memorandum of understanding between the Secretary and the head of a State, local, territorial, or tribal department or agency, is authorized and encouraged to conduct examinations, testing, and investigations for the purposes of determining compliance with the food safety provisions of this Act through the officers and employees of such State, local, territorial, or tribal department or agency.

''(2) CONTENT.—A contract or memorandum described under paragraph (1) shall include provisions to ensure adequate training of such officers and employees to conduct such examinations, testing, and investigations. The contract or memorandum shall contain provisions regarding reimbursement. Such provisions may, at the sole discretion of the head of the other department or agency, require reimbursement, in whole or in part, from the Secretary for the examinations, testing, or investigations performed pursuant to this section by the officers or employees of the State, territorial, or tribal department or agency.

''(3) EFFECT.—Nothing in this subsection shall be construed to limit the authority of the Secretary under section 702.

''(c) EXTENSION SERVICE.—The Secretary shall ensure coordination with the extension activities of the National Institute of Food and Agriculture of the Department of Agriculture in advising producers and small processors transitioning into new practices required as a result of the enactment of the FDA Food Safety Modernization Act and assisting regulated industry with compliance with such Act.

''(d) NATIONAL FOOD SAFETY TRAINING, EDUCATION, EXTENSION, OUTREACH, AND TECHNICAL ASSISTANCE PROGRAM.—

''(1) IN GENERAL.—In order to improve food safety and reduce the incidence of foodborne illness, the Secretary shall, not later than 180 days after the date of enactment of the FDA Food Safety Modernization Act, enter into one or more memoranda of understanding, or enter into other cooperative agreements, with the Secretary of Agriculture to establish a competitive grant program within the National Institute for Food and Agriculture to provide food safety training, education, extension, outreach, and technical assistance to—

''(A) owners and operators of farms;

''(B) small food processors; and

''(C) small fruit and vegetable merchant wholesalers.

''(2) IMPLEMENTATION.—The competitive grant program established under paragraph (1) shall be carried out in accordance with section 405 of the Agricultural Research, Extension, and Education Reform Act of 1998.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section for fiscal years 2011 through 2015.''.

(b) NATIONAL FOOD SAFETY TRAINING, EDUCATION, EXTENSION, OUTREACH, AND TECHNICAL ASSISTANCE PROGRAM.—Title IV of the Agricultural Research, Extension, and Education Reform Act of 1998 is amended by inserting after section 404 (7 U.S.C. 7624) the following:

**"SEC. 405. NATIONAL FOOD SAFETY TRAINING, EDUCATION, EXTENSION, OUTREACH, AND TECHNICAL ASSISTANCE PROGRAM.**

''(a) IN GENERAL.—The Secretary shall award grants under this section to carry out the competitive grant program established under section 1012(d) of the Federal Food, Drug, and Cosmetic Act, pursuant to any memoranda of understanding entered into under such section.

''(b) INTEGRATED APPROACH.—The grant program described under subsection (a) shall be carried out under this section in a manner that facilitates the integration of food safety standards and guidance with the variety of agricultural production systems, encompassing conventional, sustainable, organic, conservation, and environmental practices.

''(c) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to projects that target small- and medium-sized farms, beginning farmers, socially disadvantaged farmers, small processors, or small fresh fruit and vegetable merchant wholesalers.

''(d) PROGRAM COORDINATION.—

''(1) IN GENERAL.—The Secretary shall coordinate implementation of the grant program under this section with the National Integrated Food Safety Initiative.

''(2) INTERACTION.—The Secretary shall—

''(A) in carrying out the grant program under this section, take into consideration applied research, education, and extension results obtained from the National Integrated Food Safety Initiative; and

''(B) in determining the applied research agenda for the National Integrated Food Safety Initiative, take into consideration the needs articulated by participants in projects funded by the program under this section.

''(e) GRANTS.—

''(1) IN GENERAL.—In carrying out this section, the Secretary shall make competitive grants to support training, education, extension, outreach, and technical assistance projects that will help improve public health by increasing the understanding and adoption of established food safety standards, guidance, and protocols.

''(2) ENCOURAGED FEATURES.—The Secretary shall encourage projects carried out using grant funds under this section to include co-management of food safety, conservation systems, and ecological health.

''(3) MAXIMUM TERM AND SIZE OF GRANT.—

''(A) IN GENERAL.—A grant under this section shall have a term that is not more than 3 years.

''(B) LIMITATION ON GRANT FUNDING.—The Secretary may not provide grant funding to an entity under this section after such entity has received 3 years of grant funding under this section.

''(f) GRANT ELIGIBILITY.—

''(1) IN GENERAL.—To be eligible for a grant under this section, an entity shall be—

''(A) a State cooperative extension service;

''(B) a Federal, State, local, or tribal agency, a nonprofit community-based or nongovernmental organization, or an organization representing owners and operators of farms, small food processors, or small fruit and vegetable merchant wholesalers that has a commitment to public health and expertise in administering programs that contribute to food safety;

''(C) an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))) or a foundation maintained by an institution of higher education;

''(D) a collaboration of 2 or more eligible entities described in this subsection; or

''(E) such other appropriate entity, as determined by the Secretary.

''(2) MULTISTATE PARTNERSHIPS.—Grants under this section may be made for projects involving more than 1 State.

''(g) REGIONAL BALANCE.—In making grants under this section, the Secretary shall, to the maximum extent practicable, ensure—

''(1) geographic diversity; and

''(2) diversity of types of agricultural production.

''(h) TECHNICAL ASSISTANCE.—The Secretary may use funds made available under this section to provide technical assistance to grant recipients to further the purposes of this section.

''(i) BEST PRACTICES AND MODEL PROGRAMS.—Based on evaluations of, and responses arising from, projects funded under this section, the Secretary may issue a set of recommended best practices and models for food safety training programs for agricultural producers, small food processors, and small fresh fruit and vegetable merchant wholesalers.

''(j) AUTHORIZATION OF APPROPRIATIONS.—For the purposes of making grants under

this section, there are authorized to be appropriated such sums as may be necessary for fiscal years 2011 through 2015.''.

**SEC. 6210. ENHANCING FOOD SAFETY.**

(a) GRANTS TO ENHANCE FOOD SAFETY.—Section 1009 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 399) is amended to read as follows:

**''SEC. 1009. GRANTS TO ENHANCE FOOD SAFETY.**

''(a) IN GENERAL.—The Secretary is authorized to make grants to eligible entities to—

''(1) undertake examinations, inspections, investigations, and related food safety activities under section 702;

''(2) train to the standards of the Secretary for the examination, inspection, and investigation of food manufacturing, processing, packing, holding, distribution, and importation, including as such examination, inspection, and investigation relate to retail food establishments;

''(3) build the food safety capacity of the laboratories of such eligible entity, including the detection of zoonotic diseases;

''(4) build the infrastructure and capacity of the food safety programs of such eligible entity to meet the standards as outlined in the grant application; and

''(5) take appropriate action to protect the public health in response to—

''(A) a notification under section 1008, including planning and otherwise preparing to take such action; or

''(B) a recall of food under this Act.

''(b) ELIGIBLE ENTITIES; APPLICATION.—

''(1) IN GENERAL.—In this section, the term 'eligible entity' means an entity—

''(A) that is—

''(i) a State;

''(ii) a locality;

''(iii) a territory;

''(iv) an Indian tribe (as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act); or

''(v) a nonprofit food safety training entity that collaborates with 1 or more institutions of higher education; and

''(B) that submits an application to the Secretary at such time, in such manner, and including such information as the Secretary may reasonably require.

''(2) CONTENTS.—Each application submitted under paragraph (1) shall include—

''(A) an assurance that the eligible entity has developed plans to engage in the types of activities described in subsection (a);

''(B) a description of the types of activities to be funded by the grant;

''(C) an itemization of how grant funds received under this section will be expended;

''(D) a description of how grant activities will be monitored; and

''(E) an agreement by the eligible entity to report information required by the Secretary to conduct evaluations under this section.

''(c) LIMITATIONS.—The funds provided under subsection (a) shall be available to an eligible entity that receives a grant under this section only to the extent such entity funds the food safety programs of such entity independently of any grant under this section in each year of the grant at a level equal to the level of such funding in the previous year, increased by the Consumer Price Index. Such non-Federal matching funds may be provided directly or through donations from public or private entities and may be in cash or in-kind, fairly evaluated, including plant, equipment, or services.

''(d) ADDITIONAL AUTHORITY.—The Secretary may—

''(1) award a grant under this section in each subsequent fiscal year without reapplication for a period of not more than 3 years, provided the requirements of subsection (c) are met for the previous fiscal year; and

''(2) award a grant under this section in a fiscal year for which the requirement of subsection (c) has not been met only if such requirement was not met because such funding was diverted for response to 1 or more natural disasters or in other extenuating circumstances that the Secretary may determine appropriate.

''(e) DURATION OF AWARDS.—The Secretary may award grants to an individual grant recipient under this section for periods of not more than 3 years. In the event the Secretary conducts a program evaluation, funding in the second year or third year of the grant, where applicable, shall be contingent on a successful program evaluation by the Secretary after the first year.

''(f) PROGRESS AND EVALUATION.—

''(1) IN GENERAL.—The Secretary shall measure the status and success of each grant program authorized under the FDA Food Safety Modernization Act (and any amendment made by such Act), including the grant program under this section. A recipient of a grant described in the preceding sentence shall, at the end of each grant year, provide the Secretary with information on how grant funds were spent and the status of the efforts by such recipient to enhance food safety. To the extent practicable, the Secretary shall take the performance of such a grant recipient into account when determining whether to continue funding for such recipient.

''(2) NO DUPLICATION.—In carrying out paragraph (1), the Secretary shall not duplicate the efforts of the Secretary under other provisions of this Act or the FDA Food Safety Modernization Act that require measurement and review of the activities of grant recipients under either such Act.

''(g) SUPPLEMENT NOT SUPPLANT.—Grant funds received under this section shall be used to supplement, and not supplant, non-Federal funds and any other Federal funds available to carry out the activities described in this section.

''(h) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of making grants under this section, there are authorized to be appropriated such sums as may be necessary for fiscal years 2011 through 2015.''.

(b) CENTERS OF EXCELLENCE.—Part P of the Public Health Service Act (42 U.S.C. 280g et seq.) is amended by adding at the end the following:

**''SEC. 399V–5. FOOD SAFETY INTEGRATED CENTERS OF EXCELLENCE.**

''(a) IN GENERAL.—Not later than 1 year after the date of enactment of the FDA Food Safety Modernization Act, the Secretary, acting through the Director of the Centers for Disease Control and Prevention and in consultation with the working group described in subsection (b)(2), shall designate 5 Integrated Food Safety Centers of Excellence (referred to in this section as the 'Centers of Excellence') to serve as resources for Federal, State, and local public health professionals to respond to foodborne illness outbreaks. The Centers of Excellence shall be headquartered at selected State health departments.

''(b) SELECTION OF CENTERS OF EXCELLENCE.—

''(1) ELIGIBLE ENTITIES.—To be eligible to be designated as a Center of Excellence under subsection (a), an entity shall—

''(A) be a State health department;

''(B) partner with 1 or more institutions of higher education that have demonstrated knowledge, expertise, and meaningful experience with regional or national food production, processing, and distribution, as well as leadership in the laboratory, epidemiological, and environmental detection and investigation of foodborne illness; and

''(C) provide to the Secretary such information, at such time, and in such manner, as the Secretary may require.

''(2) WORKING GROUP.—Not later than 180 days after the date of enactment of the FDA Food Safety Modernization Act, the Secretary shall establish a diverse working group of experts and stakeholders from Federal, State, and local food safety and health agencies, the food industry, including food retailers and food manufacturers, consumer organizations, and academia to make recommendations to the Secretary regarding designations of the Centers of Excellence.

''(3) ADDITIONAL CENTERS OF EXCELLENCE.—The Secretary may designate eligible entities to be regional Food Safety Centers of Excellence, in addition to the 5 Centers designated under subsection (a).

''(c) ACTIVITIES.—Under the leadership of the Director of the Centers for Disease Control and Prevention, each Center of Excellence shall be based out of a selected State health department, which shall provide assistance to other regional, State, and local departments of health through activities that include—

''(1) providing resources, including timely information concerning symptoms and tests, for frontline health professionals interviewing individuals as part of routine surveillance and outbreak investigations;

''(2) providing analysis of the timeliness and effectiveness of foodborne disease surveillance and outbreak response activities;

''(3) providing training for epidemiological and environmental investigation of foodborne illness, including suggestions for streamlining and standardizing the investigation process;

''(4) establishing fellowships, stipends, and scholarships to train future epidemiological and food-safety leaders and to address critical workforce shortages;

''(5) training and coordinating State and local personnel;

''(6) strengthening capacity to participate in existing or new foodborne illness surveillance and environmental assessment information systems; and

''(7) conducting research and outreach activities focused on increasing prevention, communication, and education regarding food safety.

''(d) REPORT TO CONGRESS.—Not later than 2 years after the date of enactment of the FDA Food Safety Modernization Act, the Secretary shall submit to Congress a report that—

''(1) describes the effectiveness of the Centers of Excellence; and

''(2) provides legislative recommendations or describes additional resources required by the Centers of Excellence.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out this section.

''(f) NO DUPLICATION OF EFFORT.—In carrying out activities of the Centers of Excellence or other programs under this section, the Secretary shall not duplicate other Federal foodborne illness response efforts.''.

**SEC. 6211. IMPROVING THE REPORTABLE FOOD REGISTRY.**

(a) IN GENERAL.—Section 417 (21 U.S.C. 350f) is amended—

(1) by redesignating subsections (f) through (k) as subsections (i) through (n), respectively; and

(2) by inserting after subsection (e) the following:

''(f) CRITICAL INFORMATION.—Except with respect to fruits and vegetables that are raw agricultural commodities, not more than 18 months after the date of enactment of the FDA Food Safety Modernization Act, the Secretary may require a responsible party to submit to the Secretary consumer-oriented information regarding a reportable food, which shall include—

''(1) a description of the article of food as provided in subsection (e)(3);

''(2) as provided in subsection (e)(7), affected product identification codes, such as UPC, SKU, or lot or batch numbers sufficient for the consumer to identify the article of food;

''(3) contact information for the responsible party as provided in subsection (e)(8); and

''(4) any other information the Secretary determines is necessary to enable a consumer to accurately identify whether such consumer is in possession of the reportable food.

''(g) GROCERY STORE NOTIFICATION.—

''(1) ACTION BY SECRETARY.—The Secretary shall—

''(A) prepare the critical information described under subsection (f) for a reportable food as a standardized one-page summary;

''(B) publish such one-page summary on the Internet website of the Food and Drug Administration in a format that can be easily printed by a grocery store for purposes of consumer notification.

''(2) ACTION BY GROCERY STORE.—A notification described under paragraph (1)(B) shall include the date and time such summary was posted on the Internet website of the Food and Drug Administration.

''(h) CONSUMER NOTIFICATION.—

''(1) IN GENERAL.—If a grocery store sold a reportable food that is the subject of the posting and such establishment is part of chain of establishments with 15 or more physical locations, then such establishment shall, not later than 24 hours after a one page summary described in subsection (g) is published, prominently display such summary or the information from such summary via at least one of the methods identified under paragraph (2) and maintain the display for 14 days.

''(2) LIST OF CONSPICUOUS LOCATIONS.—Not more than 1 year after the date of enactment of the FDA Food Safety Modernization Act, the Secretary shall develop and publish a list of acceptable conspicuous locations and manners, from which grocery stores shall select at least one, for providing the notification required in paragraph (1). Such list shall include—

''(A) posting the notification at or near the register;

''(B) providing the location of the reportable food;

''(C) providing targeted recall information given to customers upon purchase of a food; and

''(D) other such prominent and conspicuous locations and manners utilized by grocery stores as of the date of the enactment of the FDA Food Safety Modernization Act to provide notice of such recalls to consumers as considered appropriate by the Secretary.''.

(b) PROHIBITED ACT.—Section 301 (21 U.S.C. 331), as amended by section 6206, is amended by adding at the end the following:

''(yy) The knowing and willful failure to comply with the notification requirement under section 417(h).''.

(c) CONFORMING AMENDMENT.—Section 301(e) (21 U.S.C. 331(e)) is amended by striking ''417(g)'' and inserting ''417(j)''.

## TITLE III—IMPROVING THE SAFETY OF IMPORTED FOOD

### SEC. 6301. FOREIGN SUPPLIER VERIFICATION PROGRAM.

(a) IN GENERAL.—Chapter VIII (21 U.S.C. 381 et seq.) is amended by adding at the end the following:

### ''SEC. 805. FOREIGN SUPPLIER VERIFICATION PROGRAM.

''(a) IN GENERAL.—

''(1) VERIFICATION REQUIREMENT.—Except as provided under subsections (e) and (f), each importer shall perform risk-based foreign supplier verification activities for the purpose of verifying that the food imported by the importer or agent of an importer is—

''(A) produced in compliance with the requirements of section 418 or section 419, as appropriate; and

''(B) is not adulterated under section 402 or misbranded under section 403(w).

''(2) IMPORTER DEFINED.—For purposes of this section, the term 'importer' means, with respect to an article of food—

''(A) the United States owner or consignee of the article of food at the time of entry of such article into the United States; or

''(B) in the case when there is no United States owner or consignee as described in subparagraph (A), the United States agent or representative of a foreign owner or consignee of the article of food at the time of entry of such article into the United States.

''(b) GUIDANCE.—Not later than 1 year after the date of enactment of the FDA Food Safety Modernization Act, the Secretary shall issue guidance to assist importers in developing foreign supplier verification programs.

''(c) REGULATIONS.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of the FDA Food Safety Modernization Act, the Secretary shall promulgate regulations to provide for the content of the foreign supplier verification program established under subsection (a).

''(2) REQUIREMENTS.—The regulations promulgated under paragraph (1)—

''(A) shall require that the foreign supplier verification program of each importer be adequate to provide assurances that each foreign supplier to the importer produces the imported food in compliance with—

''(i) processes and procedures, including reasonably appropriate risk-based preventive controls, that provide the same level of public health protection as those required under section 418 or section 419 (taking into consideration variances granted under section 419), as appropriate; and

''(ii) section 402 and section 403(w).

''(B) shall include such other requirements as the Secretary deems necessary and appropriate to verify that food imported into the United States is as safe as food produced and sold within the United States.

''(3) CONSIDERATIONS.—In promulgating regulations under this subsection, the Secretary shall, as appropriate, take into account differences among importers and types of imported foods, including based on the level of risk posed by the imported food.

''(4) ACTIVITIES.—Verification activities under a foreign supplier verification program under this section may include monitoring records for shipments, lot-by-lot certification of compliance, annual on-site inspections, checking the hazard analysis and risk-based preventive control plan of the foreign supplier, and periodically testing and sampling shipments.

''(d) RECORD MAINTENANCE AND ACCESS.—Records of an importer related to a foreign supplier verification program shall be maintained for a period of not less than 2 years and shall be made available promptly to a duly authorized representative of the Secretary upon request.

''(e) EXEMPTION OF SEAFOOD, JUICE, AND LOW-ACID CANNED FOOD FACILITIES IN COMPLIANCE WITH HACCP.—This section shall not apply to a facility if the owner, operator, or agent in charge of such facility is required to comply with, and is in compliance with, 1 of the following standards and regulations with respect to such facility:

''(1) The Seafood Hazard Analysis Critical Control Points Program of the Food and Drug Administration.

''(2) The Juice Hazard Analysis Critical Control Points Program of the Food and Drug Administration.

''(3) The Thermally Processed Low-Acid Foods Packaged in Hermetically Sealed Containers standards of the Food and Drug Administration (or any successor standards).

The exemption under paragraph (3) shall apply only with respect to microbiological hazards that are regulated under the standards for Thermally Processed Low-Acid Foods Packaged in Hermetically Sealed Containers under part 113 of chapter 21, Code of Federal Regulations (or any successor regulations).

''(f) ADDITIONAL EXEMPTIONS.—The Secretary, by notice published in the Federal Register, shall establish an exemption from the requirements of this section for articles of food imported in small quantities for research and evaluation purposes or for personal consumption, provided that such foods are not intended for retail sale and are not sold or distributed to the public.

''(g) PUBLICATION OF LIST OF PARTICIPANTS.—The Secretary shall publish and maintain on the Internet Web site of the Food and Drug Administration a current list that includes the name of, location of, and other information deemed necessary by the Secretary about, importers participating under this section.''.

(b) PROHIBITED ACT.—Section 301 (21 U.S.C. 331), as amended by section 6211, is amended by adding at the end the following:

''(zz) The importation or offering for importation of a food if the importer (as defined in section 805) does not have in place a foreign supplier verification program in compliance with such section 805.''.

(c) IMPORTS.—Section 801(a) (21 U.S.C. 381(a)) is amended by adding ''or the importer (as defined in section 805) is in violation of such section 805'' after ''or in violation of section 505''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect 2 years after the date of enactment of this Act.

### SEC. 6302. VOLUNTARY QUALIFIED IMPORTER PROGRAM.

Chapter VIII (21 U.S.C. 381 et seq.), as amended by section 6301, is amended by adding at the end the following:

### ''SEC. 806. VOLUNTARY QUALIFIED IMPORTER PROGRAM.

''(a) IN GENERAL.—Beginning not later than 18 months after the date of enactment of the FDA Food Safety Modernization Act, the Secretary shall—

''(1) establish a program, in consultation with the Secretary of Homeland Security—

''(A) to provide for the expedited review and importation of food offered for importation by importers who have voluntarily agreed to participate in such program; and

''(B) consistent with section 808, establish a process for the issuance of a facility certification to accompany food offered for importation by importers who have voluntarily agreed to participate in such program; and

''(2) issue a guidance document related to participation in, revocation of such participation in, reinstatement in, and compliance with, such program.

''(b) VOLUNTARY PARTICIPATION.—An importer may request the Secretary to provide for the expedited review and importation of designated foods in accordance with the program established by the Secretary under subsection (a).

''(c) NOTICE OF INTENT TO PARTICIPATE.—An importer that intends to participate in the program under this section in a fiscal year shall submit a notice and application to the Secretary of such intent at the time and in a manner established by the Secretary.

''(d) ELIGIBILITY.—Eligibility shall be limited to an importer offering food for importation from a facility that has a certification

described in subsection (a). In reviewing the applications and making determinations on such applications, the Secretary shall consider the risk of the food to be imported based on factors, such as the following:

''(1) The known safety risks of the food to be imported.

''(2) The compliance history of foreign suppliers used by the importer, as appropriate.

''(3) The capability of the regulatory system of the country of export to ensure compliance with United States food safety standards for a designated food.

''(4) The compliance of the importer with the requirements of section 805.

''(5) The recordkeeping, testing, inspections and audits of facilities, traceability of articles of food, temperature controls, and sourcing practices of the importer.

''(6) The potential risk for intentional adulteration of the food.

''(7) Any other factor that the Secretary determines appropriate.

''(e) REVIEW AND REVOCATION.—Any importer qualified by the Secretary in accordance with the eligibility criteria set forth in this section shall be reevaluated not less often than once every 3 years and the Secretary shall promptly revoke the qualified importer status of any importer found not to be in compliance with such criteria.

''(f) FALSE STATEMENTS.—Any statement or representation made by an importer to the Secretary shall be subject to section 1001 of title 18, United States Code.

''(g) DEFINITION.—For purposes of this section, the term 'importer' means the person that brings food, or causes food to be brought, from a foreign country into the customs territory of the United States.''.

**SEC. 6303. AUTHORITY TO REQUIRE IMPORT CERTIFICATIONS FOR FOOD.**

(a) IN GENERAL.—Section 801(a) (21 U.S.C. 381(a)) is amended by inserting after the third sentence the following: ''With respect to an article of food, if importation of such food is subject to, but not compliant with, the requirement under subsection (q) that such food be accompanied by a certification or other assurance that the food meets applicable requirements of this Act, then such article shall be refused admission.''.

(b) ADDITION OF CERTIFICATION REQUIREMENT.—Section 801 (21 U.S.C. 381) is amended by adding at the end the following new subsection:

''(q) CERTIFICATIONS CONCERNING IMPORTED FOODS.—

''(1) IN GENERAL.—The Secretary may require, as a condition of granting admission to an article of food imported or offered for import into the United States, that an entity described in paragraph (3) provide a certification, or such other assurances as the Secretary determines appropriate, that the article of food complies with applicable requirements of this Act. Such certification or assurances may be provided in the form of shipment-specific certificates, a listing of certified facilities that manufacture, process, pack, or hold such food, or in such other form as the Secretary may specify.

''(2) FACTORS TO BE CONSIDERED IN REQUIRING CERTIFICATION.—The Secretary shall base the determination that an article of food is required to have a certification described in paragraph (1) on the risk of the food, including—

''(A) known safety risks associated with the food;

''(B) known food safety risks associated with the country, territory, or region of origin of the food;

''(C) a finding by the Secretary, supported by scientific, risk-based evidence, that—

''(i) the food safety programs, systems, and standards in the country, territory, or region of origin of the food are inadequate to ensure that the article of food is as safe as a similar article of food that is manufactured, processed, packed, or held in the United States in accordance with the requirements of this Act; and

''(ii) the certification would assist the Secretary in determining whether to refuse or admit the article of food under subsection (a); and

''(D) information submitted to the Secretary in accordance with the process established in paragraph (7).

''(3) CERTIFYING ENTITIES.—For purposes of paragraph (1), entities that shall provide the certification or assurances described in such paragraph are—

''(A) an agency or a representative of the government of the country from which the article of food at issue originated, as designated by the Secretary; or

''(B) such other persons or entities accredited pursuant to section 808 to provide such certification or assurance.

''(4) RENEWAL AND REFUSAL OF CERTIFICATIONS.—The Secretary may—

''(A) require that any certification or other assurance provided by an entity specified in paragraph (2) be renewed by such entity at such times as the Secretary determines appropriate; and

''(B) refuse to accept any certification or assurance if the Secretary determines that such certification or assurance is not valid or reliable.

''(5) ELECTRONIC SUBMISSION.—The Secretary shall provide for the electronic submission of certifications under this subsection.

''(6) FALSE STATEMENTS.—Any statement or representation made by an entity described in paragraph (2) to the Secretary shall be subject to section 1001 of title 18, United States Code.

''(7) ASSESSMENT OF FOOD SAFETY PROGRAMS, SYSTEMS, AND STANDARDS.—If the Secretary determines that the food safety programs, systems, and standards in a foreign region, country, or territory are inadequate to ensure that an article of food is as safe as a similar article of food that is manufactured, processed, packed, or held in the United States in accordance with the requirements of this Act, the Secretary shall, to the extent practicable, identify such inadequacies and establish a process by which the foreign region, country, or territory may inform the Secretary of improvements made to such food safety program, system, or standard and demonstrate that those controls are adequate to ensure that an article of food is as safe as a similar article of food that is manufactured, processed, packed, or held in the United States in accordance with the requirements of this Act.''.

(c) CONFORMING TECHNICAL AMENDMENT.—Section 801(b) (21 U.S.C. 381(b)) is amended in the second sentence by striking ''with respect to an article included within the provision of the fourth sentence of subsection (a)'' and inserting ''with respect to an article described in subsection (a) relating to the requirements of sections 760 or 761,''.

(d) NO LIMIT ON AUTHORITY.—Nothing in the amendments made by this section shall limit the authority of the Secretary to conduct inspections of imported food or to take such other steps as the Secretary deems appropriate to determine the admissibility of imported food.

**SEC. 6304. PRIOR NOTICE OF IMPORTED FOOD SHIPMENTS.**

(a) IN GENERAL.—Section 801(m)(1) (21 U.S.C. 381(m)(1)) is amended by inserting ''any country to which the article has been refused entry;'' after ''the country from which the article is shipped;''.

(b) REGULATIONS.—Not later than 120 days after the date of enactment of this Act, the Secretary shall issue an interim final rule amending subpart I of part 1 of title 21, Code of Federal Regulations, to implement the amendment made by this section.

(c) EFFECTIVE DATE.—The amendment made by this section shall take effect 180 days after the date of enactment of this Act.

**SEC. 6305. BUILDING CAPACITY OF FOREIGN GOVERNMENTS WITH RESPECT TO FOOD SAFETY.**

(a) IN GENERAL.—The Secretary shall, not later than 2 years of the date of enactment of this Act, develop a comprehensive plan to expand the technical, scientific, and regulatory food safety capacity of foreign governments, and their respective food industries, from which foods are exported to the United States.

(b) CONSULTATION.—In developing the plan under subsection (a), the Secretary shall consult with the Secretary of Agriculture, Secretary of State, Secretary of the Treasury, the Secretary of Homeland Security, the United States Trade Representative, and the Secretary of Commerce, representatives of the food industry, appropriate foreign government officials, nongovernmental organizations that represent the interests of consumers, and other stakeholders.

(c) PLAN.—The plan developed under subsection (a) shall include, as appropriate, the following:

(1) Recommendations for bilateral and multilateral arrangements and agreements, including provisions to provide for responsibility of exporting countries to ensure the safety of food.

(2) Provisions for secure electronic data sharing.

(3) Provisions for mutual recognition of inspection reports.

(4) Training of foreign governments and food producers on United States requirements for safe food.

(5) Recommendations on whether and how to harmonize requirements under the Codex Alimentarius.

(6) Provisions for the multilateral acceptance of laboratory methods and testing and detection techniques.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to affect the regulation of dietary supplements under the Dietary Supplement Health and Education Act of 1994 (Public Law 103–417).

**SEC. 6306. INSPECTION OF FOREIGN FOOD FACILITIES.**

(a) IN GENERAL.—Chapter VIII (21 U.S.C. 381 et seq.), as amended by section 6302, is amended by inserting at the end the following:

**''SEC. 807. INSPECTION OF FOREIGN FOOD FACILITIES.**

''(a) INSPECTION.—The Secretary—

''(1) may enter into arrangements and agreements with foreign governments to facilitate the inspection of foreign facilities registered under section 415; and

''(2) shall direct resources to inspections of foreign facilities, suppliers, and food types, especially such facilities, suppliers, and food types that present a high risk (as identified by the Secretary), to help ensure the safety and security of the food supply of the United States.

''(b) EFFECT OF INABILITY TO INSPECT.—Notwithstanding any other provision of law, food shall be refused admission into the United States if it is from a foreign factory, warehouse, or other establishment of which the owner, operator, or agent in charge, or the government of the foreign country, refuses to permit entry of United States inspectors or other individuals duly designated by the Secretary, upon request, to inspect such factory, warehouse, or other establishment. For purposes of this subsection, such

an owner, operator, or agent in charge shall be considered to have refused an inspection if such owner, operator, or agent in charge does not permit an inspection of a factory, warehouse, or other establishment during the 24-hour period after such request is submitted, or after such other time period, as agreed upon by the Secretary and the foreign factory, warehouse, or other establishment.''.

(b) INSPECTION BY THE SECRETARY OF COMMERCE.—

(1) IN GENERAL.—The Secretary of Commerce, in coordination with the Secretary of Health and Human Services, may send 1 or more inspectors to a country or facility of an exporter from which seafood imported into the United States originates. The inspectors shall assess practices and processes used in connection with the farming, cultivation, harvesting, preparation for market, or transportation of such seafood and may provide technical assistance related to such activities.

(2) INSPECTION REPORT.—

(A) IN GENERAL.—The Secretary of Health and Human Services, in coordination with the Secretary of Commerce, shall—

(i) prepare an inspection report for each inspection conducted under paragraph (1);

(ii) provide the report to the country or exporter that is the subject of the report; and

(iii) provide a 30-day period during which the country or exporter may provide a rebuttal or other comments on the findings of the report to the Secretary of Health and Human Services.

(B) DISTRIBUTION AND USE OF REPORT.—The Secretary of Health and Human Services shall consider the inspection reports described in subparagraph (A) in distributing inspection resources under section 421 of the Federal Food, Drug, and Cosmetic Act, as added by section 6201.

**SEC. 6307. ACCREDITATION OF THIRD-PARTY AUDITORS.**

Chapter VIII (21 U.S.C. 381 et seq.), as amended by section 6306, is amended by adding at the end the following:

**''SEC. 808. ACCREDITATION OF THIRD-PARTY AUDITORS.**

''(a) DEFINITIONS.—In this section:

''(1) AUDIT AGENT.—The term 'audit agent' means an individual who is an employee or agent of an accredited third-party auditor and, although not individually accredited, is qualified to conduct food safety audits on behalf of an accredited third-party auditor.

''(2) ACCREDITATION BODY.—The term 'accreditation body' means an authority that performs accreditation of third-party auditors.

''(3) THIRD-PARTY AUDITOR.—The term 'third-party auditor' means a foreign government, agency of a foreign government, foreign cooperative, or any other third party, as the Secretary determines appropriate in accordance with the model standards described in subsection (b)(2), that is eligible to be considered for accreditation to conduct food safety audits to certify that eligible entities meet the applicable requirements of this section. A third-party auditor may be a single individual. A third-party auditor may employ or use audit agents to help conduct consultative and regulatory audits.

''(4) ACCREDITED THIRD-PARTY AUDITOR.—The term 'accredited third-party auditor' means a third-party auditor accredited by an accreditation body to conduct audits of eligible entities to certify that such eligible entities meet the applicable requirements of this section. An accredited third-party auditor may be an individual who conducts food safety audits to certify that eligible entities meet the applicable requirements of this section.

''(5) CONSULTATIVE AUDIT.—The term 'consultative audit' means an audit of an eligible entity—

''(A) to determine whether such entity is in compliance with the provisions of this Act and with applicable industry standards and practices; and

''(B) the results of which are for internal purposes only.

''(6) ELIGIBLE ENTITY.—The term 'eligible entity' means a foreign entity, including a foreign facility registered under section 415, in the food import supply chain that chooses to be audited by an accredited third-party auditor or the audit agent of such accredited third-party auditor.

''(7) REGULATORY AUDIT.—The term 'regulatory audit' means an audit of an eligible entity—

''(A) to determine whether such entity is in compliance with the provisions of this Act; and

''(B) the results of which determine—

''(i) whether an article of food manufactured, processed, packed, or held by such entity is eligible to receive a food certification under section 801(q); or

''(ii) whether a facility is eligible to receive a facility certification under section 806(a) for purposes of participating in the program under section 806.

''(b) ACCREDITATION SYSTEM.—

''(1) ACCREDITATION BODIES.—

''(A) RECOGNITION OF ACCREDITATION BODIES.—

''(i) IN GENERAL.—Not later than 2 years after the date of enactment of the FDA Food Safety Modernization Act, the Secretary shall establish a system for the recognition of accreditation bodies that accredit third-party auditors to certify that eligible entities meet the applicable requirements of this section.

''(ii) DIRECT ACCREDITATION.—If, by the date that is 2 years after the date of establishment of the system described in clause (i), the Secretary has not identified and recognized an accreditation body to meet the requirements of this section, the Secretary may directly accredit third-party auditors.

''(B) NOTIFICATION.—Each accreditation body recognized by the Secretary shall submit to the Secretary a list of all accredited third-party auditors accredited by such body and the audit agents of such auditors.

''(C) REVOCATION OF RECOGNITION AS AN ACCREDITATION BODY.—The Secretary shall promptly revoke the recognition of any accreditation body found not to be in compliance with the requirements of this section.

''(D) REINSTATEMENT.—The Secretary shall establish procedures to reinstate recognition of an accreditation body if the Secretary determines, based on evidence presented by such accreditation body, that revocation was inappropriate or that the body meets the requirements for recognition under this section.

''(2) MODEL ACCREDITATION STANDARDS.—Not later than 18 months after the date of enactment of the FDA Food Safety Modernization Act, the Secretary shall develop model standards, including requirements for regulatory audit reports, and each recognized accreditation body shall ensure that third-party auditors and audit agents of such auditors meet such standards in order to qualify such third-party auditors as accredited third-party auditors under this section. In developing the model standards, the Secretary shall look to standards in place on the date of the enactment of this section for guidance, to avoid unnecessary duplication of efforts and costs.

''(c) THIRD-PARTY AUDITORS.—

''(1) REQUIREMENTS FOR ACCREDITATION AS A THIRD-PARTY AUDITOR.—

''(A) FOREIGN GOVERNMENTS.—Prior to accrediting a foreign government or an agency of a foreign government as an accredited third-party auditor, the accreditation body (or, in the case of direct accreditation under subsection (b)(1)(A)(ii), the Secretary) shall perform such reviews and audits of food safety programs, systems, and standards of the government or agency of the government as the Secretary deems necessary, including requirements under the model standards developed under subsection (b)(2), to determine that the foreign government or agency of the foreign government is capable of adequately ensuring that eligible entities or foods certified by such government or agency meet the requirements of this Act with respect to food manufactured, processed, packed, or held for import into the United States.

''(B) FOREIGN COOPERATIVES AND OTHER THIRD PARTIES.—Prior to accrediting a foreign cooperative that aggregates the products of growers or processors, or any other third party to be an accredited third-party auditor, the accreditation body (or, in the case of direct accreditation under subsection (b)(1)(A)(ii), the Secretary) shall perform such reviews and audits of the training and qualifications of audit agents used by that cooperative or party and conduct such reviews of internal systems and such other investigation of the cooperative or party as the Secretary deems necessary, including requirements under the model standards developed under subsection (b)(2), to determine that each eligible entity certified by the cooperative or party has systems and standards in use to ensure that such entity or food meets the requirements of this Act.

''(2) REQUIREMENT TO ISSUE CERTIFICATION OF ELIGIBLE ENTITIES OR FOODS.—

''(A) IN GENERAL.—An accreditation body (or, in the case of direct accreditation under subsection (b)(1)(A)(ii), the Secretary) may not accredit a third-party auditor unless such third-party auditor agrees to issue a written and, as appropriate, electronic food certification, described in section 801(q), or facility certification under section 806(a), as appropriate, to accompany each food shipment for import into the United States from an eligible entity, subject to requirements set forth by the Secretary. Such written or electronic certification may be included with other documentation regarding such food shipment. The Secretary shall consider certifications under section 801(q) and participation in the voluntary qualified importer program described in section 806 when targeting inspection resources under section 421.

''(B) PURPOSE OF CERTIFICATION.—The Secretary shall use certification provided by accredited third-party auditors to—

''(i) determine, in conjunction with any other assurances the Secretary may require under section 801(q), whether a food satisfies the requirements of such section; and

''(ii) determine whether a facility is eligible to be a facility from which food may be offered for import under the voluntary qualified importer program under section 806.

''(C) REQUIREMENTS FOR ISSUING CERTIFICATION.—

''(i) IN GENERAL.—An accredited third-party auditor shall issue a food certification under section 801(q) or a facility certification described under subparagraph (B) only after conducting a regulatory audit and such other activities that may be necessary to establish compliance with the requirements of such sections.

''(ii) PROVISION OF CERTIFICATION.—Only an accredited third-party auditor or the Secretary may provide a facility certification under section 806(a). Only those parties described in 801(q)(3) or the Secretary may provide a food certification under 301(g).

''(3) AUDIT REPORT SUBMISSION REQUIREMENTS.—

''(A) REQUIREMENTS IN GENERAL.—As a condition of accreditation, not later than 45 days after conducting an audit, an accredited third-party auditor or audit agent of such auditor shall prepare, and, in the case of a regulatory audit, submit, the audit report for each audit conducted, in a form and manner designated by the Secretary, which shall include—

''(i) the identity of the persons at the audited eligible entity responsible for compliance with food safety requirements;

''(ii) the dates of the audit;

''(iii) the scope of the audit; and

''(iv) any other information required by the Secretary that relates to or may influence an assessment of compliance with this Act.

''(B) RECORDS.—Following any accreditation of a third-party auditor, the Secretary may, at any time, require the accredited third-party auditor to submit to the Secretary an onsite audit report and such other reports or documents required as part of the audit process, for any eligible entity certified by the third-party auditor or audit agent of such auditor. Such report may include documentation that the eligible entity is in compliance with any applicable registration requirements.

''(C) LIMITATION.—The requirement under subparagraph (B) shall not include any report or other documents resulting from a consultative audit by the accredited third-party auditor, except that the Secretary may access the results of a consultative audit in accordance with section 414.

''(4) REQUIREMENTS OF ACCREDITED THIRD-PARTY AUDITORS AND AUDIT AGENTS OF SUCH AUDITORS.—

''(A) RISKS TO PUBLIC HEALTH.—If, at any time during an audit, an accredited third-party auditor or audit agent of such auditor discovers a condition that could cause or contribute to a serious risk to the public health, such auditor shall immediately notify the Secretary of—

''(i) the identification of the eligible entity subject to the audit; and

''(ii) such condition.

''(B) TYPES OF AUDITS.—An accredited third-party auditor or audit agent of such auditor may perform consultative and regulatory audits of eligible entities.

''(C) LIMITATIONS.—

''(i) IN GENERAL.—An accredited third-party auditor may not perform a regulatory audit of an eligible entity if such agent has performed a consultative audit or a regulatory audit of such eligible entity during the previous 13-month period.

''(ii) WAIVER.—The Secretary may waive the application of clause (i) if the Secretary determines that there is insufficient access to accredited third-party auditors in a country or region.

''(5) CONFLICTS OF INTEREST.—

''(A) THIRD-PARTY AUDITORS.—An accredited third-party auditor shall—

''(i) not be owned, managed, or controlled by any person that owns or operates an eligible entity to be certified by such auditor;

''(ii) in carrying out audits of eligible entities under this section, have procedures to ensure against the use of any officer or employee of such auditor that has a financial conflict of interest regarding an eligible entity to be certified by such auditor; and

''(iii) annually make available to the Secretary disclosures of the extent to which such auditor and the officers and employees of such auditor have maintained compliance with clauses (i) and (ii) relating to financial conflicts of interest.

''(B) AUDIT AGENTS.—An audit agent shall—

''(i) not own or operate an eligible entity to be audited by such agent;

''(ii) in carrying out audits of eligible entities under this section, have procedures to ensure that such agent does not have a financial conflict of interest regarding an eligible entity to be audited by such agent; and

''(iii) annually make available to the Secretary disclosures of the extent to which such agent has maintained compliance with clauses (i) and (ii) relating to financial conflicts of interest.

''(C) REGULATIONS.—The Secretary shall promulgate regulations not later than 18 months after the date of enactment of the FDA Food Safety Modernization Act to implement this section and to ensure that there are protections against conflicts of interest between an accredited third-party auditor and the eligible entity to be certified by such auditor or audited by such audit agent. Such regulations shall include—

''(i) requiring that audits performed under this section be unannounced;

''(ii) a structure to decrease the potential for conflicts of interest, including timing and public disclosure, for fees paid by eligible entities to accredited third-party auditors; and

''(iii) appropriate limits on financial affiliations between an accredited third-party auditor or audit agents of such auditor and any person that owns or operates an eligible entity to be certified by such auditor, as described in subparagraphs (A) and (B).

''(6) WITHDRAWAL OF ACCREDITATION.—

''(A) IN GENERAL.—The Secretary shall withdraw accreditation from an accredited third-party auditor—

''(i) if food certified under section 801(q) or from a facility certified under paragraph (2)(B) by such third-party auditor is linked to an outbreak of foodborne illness that has a reasonable probability of causing serious adverse health consequences or death in humans or animals;

''(ii) following an evaluation and finding by the Secretary that the third-party auditor no longer meets the requirements for accreditation; or

''(iii) following a refusal to allow United States officials to conduct such audits and investigations as may be necessary to ensure continued compliance with the requirements set forth in this section.

''(B) ADDITIONAL BASIS FOR WITHDRAWAL OF ACCREDITATION.—The Secretary may withdraw accreditation from an accredited third-party auditor in the case that such third-party auditor is accredited by an accreditation body for which recognition as an accreditation body under subsection (b)(1)(C) is revoked, if the Secretary determines that there is good cause for the withdrawal.

''(C) EXCEPTION.—The Secretary may waive the application of subparagraph (A)(i) if the Secretary—

''(i) conducts an investigation of the material facts related to the outbreak of human or animal illness; and

''(ii) reviews the steps or actions taken by the third-party auditor to justify the certification and determines that the accredited third-party auditor satisfied the requirements under section 801(q) of certifying the food, or the requirements under paragraph (2)(B) of certifying the entity.

''(7) REACCREDITATION.—The Secretary shall establish procedures to reinstate the accreditation of a third-party auditor for which accreditation has been withdrawn under paragraph (6)—

''(A) if the Secretary determines, based on evidence presented, that the third-party auditor satisfies the requirements of this section and adequate grounds for revocation no longer exist; and

''(B) in the case of a third-party auditor accredited by an accreditation body for which recognition as an accreditation body under subsection (b)(1)(C) is revoked—

''(i) if the third-party auditor becomes accredited not later than 1 year after revocation of accreditation under paragraph (6)(A), through direct accreditation under subsection (b)(1)(A)(ii) or by an accreditation body in good standing; or

''(ii) under such conditions as the Secretary may require for a third-party auditor under paragraph (6)(B).

''(8) NEUTRALIZING COSTS.—The Secretary shall establish by regulation a reimbursement (user fee) program, similar to the method described in section 203(h) of the Agriculture Marketing Act of 1946, by which the Secretary assesses fees and requires accredited third-party auditors and audit agents to reimburse the Food and Drug Administration for the work performed to establish and administer the accreditation system under this section. The Secretary shall make operating this program revenue-neutral and shall not generate surplus revenue from such a reimbursement mechanism. Fees authorized under this paragraph shall be collected and available for obligation only to the extent and in the amount provided in advance in appropriation Acts. Such fees are authorized to remain available until expended.

''(d) RECERTIFICATION OF ELIGIBLE ENTITIES.—An eligible entity shall apply for annual recertification by an accredited third-party auditor if such entity—

''(1) intends to participate in voluntary qualified importer program under section 806; or

''(2) is required to provide to the Secretary a certification under section 801(q) for any food from such entity.

''(e) FALSE STATEMENTS.—Any statement or representation made—

''(1) by an employee or agent of an eligible entity to an accredited third-party auditor or audit agent; or

''(2) by an accredited third-party auditor to the Secretary,

shall be subject to section 1001 of title 18, United States Code.

''(f) MONITORING.—To ensure compliance with the requirements of this section, the Secretary shall—

''(1) periodically, or at least once every 4 years, reevaluate the accreditation bodies described in subsection (b)(1);

''(2) periodically, or at least once every 4 years, evaluate the performance of each accredited third-party auditor, through the review of regulatory audit reports by such auditors, the compliance history as available of eligible entities certified by such auditors, and any other measures deemed necessary by the Secretary;

''(3) at any time, conduct an onsite audit of any eligible entity certified by an accredited third-party auditor, with or without the auditor present; and

''(4) take any other measures deemed necessary by the Secretary.

''(g) PUBLICLY AVAILABLE REGISTRY.—The Secretary shall establish a publicly available registry of accreditation bodies and of accredited third-party auditors, including the name of, contact information for, and other information deemed necessary by the Secretary about such bodies and auditors.

''(h) LIMITATIONS.—

''(1) NO EFFECT ON SECTION 704 INSPECTIONS.—The audits performed under this section shall not be considered inspections under section 704.

''(2) NO EFFECT ON INSPECTION AUTHORITY.—Nothing in this section affects the authority of the Secretary to inspect any eligible entity pursuant to this Act.''.

**SEC. 6308. FOREIGN OFFICES OF THE FOOD AND DRUG ADMINISTRATION.**

(a) IN GENERAL.—The Secretary shall establish offices of the Food and Drug Administration in foreign countries selected by the Secretary, to provide assistance to the appropriate governmental entities of such countries with respect to measures to provide for the safety of articles of food and other products regulated by the Food and Drug Administration exported by such country to the United States, including by directly conducting risk-based inspections of such articles and supporting such inspections by such governmental entity.

(b) CONSULTATION.—In establishing the foreign offices described in subsection (a), the Secretary shall consult with the Secretary of State, the Secretary of Homeland Security, and the United States Trade Representative.

(c) REPORT.—Not later than October 1, 2011, the Secretary shall submit to Congress a report on the basis for the selection by the Secretary of the foreign countries in which the Secretary established offices, the progress which such offices have made with respect to assisting the governments of such countries in providing for the safety of articles of food and other products regulated by the Food and Drug Administration exported to the United States, and the plans of the Secretary for establishing additional foreign offices of the Food and Drug Administration, as appropriate.

**SEC. 6309. SMUGGLED FOOD.**

(a) IN GENERAL.—Not later than 180 days after the enactment of this Act, the Secretary shall, in coordination with the Secretary of Homeland Security, develop and implement a strategy to better identify smuggled food and prevent entry of such food into the United States.

(b) NOTIFICATION TO HOMELAND SECURITY.—Not later than 10 days after the Secretary identifies a smuggled food that the Secretary believes would cause serious adverse health consequences or death to humans or animals, the Secretary shall provide to the Secretary of Homeland Security a notification under section 417(n) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 350f(k)) describing the smuggled food and, if available, the names of the individuals or entities that attempted to import such food into the United States.

(c) PUBLIC NOTIFICATION.—If the Secretary—

(1) identifies a smuggled food;

(2) reasonably believes exposure to the food would cause serious adverse health consequences or death to humans or animals; and

(3) reasonably believes that the food has entered domestic commerce and is likely to be consumed,

the Secretary shall promptly issue a press release describing that food and shall use other emergency communication or recall networks, as appropriate, to warn consumers and vendors about the potential threat.

(d) EFFECT OF SECTION.—Nothing in this section shall affect the authority of the Secretary to issue public notifications under other circumstances.

(e) DEFINITION.—In this subsection, the term ''smuggled food'' means any food that a person introduces into the United States through fraudulent means or with the intent to defraud or mislead.

## TITLE IV—MISCELLANEOUS PROVISIONS

**SEC. 6401. FUNDING FOR FOOD SAFETY.**

(a) IN GENERAL.—There are authorized to be appropriated to carry out the activities of the Center for Food Safety and Applied Nutrition, the Center for Veterinary Medicine, and related field activities in the Office of Regulatory Affairs of the Food and Drug Administration such sums as may be necessary for fiscal years 2011 through 2015.

(b) INCREASED NUMBER OF FIELD STAFF.—

(1) IN GENERAL.—To carry out the activities of the Center for Food Safety and Applied Nutrition, the Center for Veterinary Medicine, and related field activities of the Office of Regulatory Affairs of the Food and Drug Administration, the Secretary of Health and Human Services shall increase the field staff of such Centers and Office with a goal of not fewer than—

(A) 4,000 staff members in fiscal year 2011;

(B) 4,200 staff members in fiscal year 2012;

(C) 4,600 staff members in fiscal year 2013; and

(D) 5,000 staff members in fiscal year 2014.

(2) FIELD STAFF FOR FOOD DEFENSE.—The goal under paragraph (1) shall include an increase of 150 employees by fiscal year 2011 to—

(A) provide additional detection of and response to food defense threats; and

(B) detect, track, and remove smuggled food (as defined in section 6309) from commerce.

**SEC. 6402. EMPLOYEE PROTECTIONS.**

Chapter X of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 391 et seq.), as amended by section 6209, is further amended by adding at the end the following:

**''SEC. 1013. EMPLOYEE PROTECTIONS.**

''(a) IN GENERAL.—No entity engaged in the manufacture, processing, packing, transporting, distribution, reception, holding, or importation of food may discharge an employee or otherwise discriminate against an employee with respect to compensation, terms, conditions, or privileges of employment because the employee, whether at the employee's initiative or in the ordinary course of the employee's duties (or any person acting pursuant to a request of the employee)—

''(1) provided, caused to be provided, or is about to provide or cause to be provided to the employer, the Federal Government, or the attorney general of a State information relating to any violation of, or any act or omission the employee reasonably believes to be a violation of any provision of this Act or any order, rule, regulation, standard, or ban under this Act, or any order, rule, regulation, standard, or ban under this Act;

''(2) testified or is about to testify in a proceeding concerning such violation;

''(3) assisted or participated or is about to assist or participate in such a proceeding; or

''(4) objected to, or refused to participate in, any activity, policy, practice, or assigned task that the employee (or other such person) reasonably believed to be in violation of any provision of this Act, or any order, rule, regulation, standard, or ban under this Act.

''(b) PROCESS.—

''(1) IN GENERAL.—A person who believes that he or she has been discharged or otherwise discriminated against by any person in violation of subsection (a) may, not later than 180 days after the date on which such violation occurs, file (or have any person file on his or her behalf) a complaint with the Secretary of Labor (referred to in this section as the 'Secretary') alleging such discharge or discrimination and identifying the person responsible for such act. Upon receipt of such a complaint, the Secretary shall notify, in writing, the person named in the complaint of the filing of the complaint, of the allegations contained in the complaint, of the substance of evidence supporting the complaint, and of the opportunities that will be afforded to such person under paragraph (2).

''(2) INVESTIGATION.—

''(A) IN GENERAL.—Not later than 60 days after the date of receipt of a complaint filed under paragraph (1) and after affording the complainant and the person named in the complaint an opportunity to submit to the Secretary a written response to the complaint and an opportunity to meet with a representative of the Secretary to present statements from witnesses, the Secretary shall initiate an investigation and determine whether there is reasonable cause to believe that the complaint has merit and notify, in writing, the complainant and the person alleged to have committed a violation of subsection (a) of the Secretary's findings.

''(B) REASONABLE CAUSE FOUND; PRELIMINARY ORDER.—If the Secretary concludes that there is reasonable cause to believe that a violation of subsection (a) has occurred, the Secretary shall accompany the Secretary's findings with a preliminary order providing the relief prescribed by paragraph (3)(B). Not later than 30 days after the date of notification of findings under this paragraph, the person alleged to have committed the violation or the complainant may file objections to the findings or preliminary order, or both, and request a hearing on the record. The filing of such objections shall not operate to stay any reinstatement remedy contained in the preliminary order. Any such hearing shall be conducted expeditiously. If a hearing is not requested in such 30-day period, the preliminary order shall be deemed a final order that is not subject to judicial review.

''(C) DISMISSAL OF COMPLAINT.—

''(i) STANDARD FOR COMPLAINANT.—The Secretary shall dismiss a complaint filed under this subsection and shall not conduct an investigation otherwise required under subparagraph (A) unless the complainant makes a prima facie showing that any behavior described in paragraphs (1) through (4) of subsection (a) was a contributing factor in the unfavorable personnel action alleged in the complaint.

''(ii) STANDARD FOR EMPLOYER.—Notwithstanding a finding by the Secretary that the complainant has made the showing required under clause (i), no investigation otherwise required under subparagraph (A) shall be conducted if the employer demonstrates, by clear and convincing evidence, that the employer would have taken the same unfavorable personnel action in the absence of that behavior.

''(iii) VIOLATION STANDARD.—The Secretary may determine that a violation of subsection (a) has occurred only if the complainant demonstrates that any behavior described in paragraphs (1) through (4) of subsection (a) was a contributing factor in the unfavorable personnel action alleged in the complaint.

''(iv) RELIEF STANDARD.—Relief may not be ordered under subparagraph (A) if the employer demonstrates by clear and convincing evidence that the employer would have taken the same unfavorable personnel action in the absence of that behavior.

''(3) FINAL ORDER.—

''(A) IN GENERAL.—Not later than 120 days after the date of conclusion of any hearing under paragraph (2), the Secretary shall issue a final order providing the relief prescribed by this paragraph or denying the complaint. At any time before issuance of a final order, a proceeding under this subsection may be terminated on the basis of a settlement agreement entered into by the Secretary, the complainant, and the person alleged to have committed the violation.

''(B) CONTENT OF ORDER.—If, in response to a complaint filed under paragraph (1), the Secretary determines that a violation of subsection (a) has occurred, the Secretary shall order the person who committed such violation—

''(i) to take affirmative action to abate the violation;

''(ii) to reinstate the complainant to his or her former position together with compensation (including back pay) and restore the terms, conditions, and privileges associated with his or her employment; and

''(iii) to provide compensatory damages to the complainant.

''(C) PENALTY.—If such an order is issued under this paragraph, the Secretary, at the request of the complainant, shall assess against the person against whom the order is issued a sum equal to the aggregate amount of all costs and expenses (including attorneys' and expert witness fees) reasonably incurred, as determined by the Secretary, by the complainant for, or in connection with, the bringing of the complaint upon which the order was issued.

''(D) BAD FAITH CLAIM.—If the Secretary finds that a complaint under paragraph (1) is frivolous or has been brought in bad faith, the Secretary may award to the prevailing employer a reasonable attorneys' fee, not exceeding $1,000, to be paid by the complainant.

''(4) ACTION IN COURT.—

''(A) IN GENERAL.—If the Secretary has not issued a final decision within 210 days after the filing of the complaint, or within 90 days after receiving a written determination, the complainant may bring an action at law or equity for de novo review in the appropriate district court of the United States with jurisdiction, which shall have jurisdiction over such an action without regard to the amount in controversy, and which action shall, at the request of either party to such action, be tried by the court with a jury. The proceedings shall be governed by the same legal burdens of proof specified in paragraph (2)(C).

''(B) RELIEF.—The court shall have jurisdiction to grant all relief necessary to make the employee whole, including injunctive relief and compensatory damages, including—

''(i) reinstatement with the same seniority status that the employee would have had, but for the discharge or discrimination;

''(ii) the amount of back pay, with interest; and

''(iii) compensation for any special damages sustained as a result of the discharge or discrimination, including litigation costs, expert witness fees, and reasonable attorney's fees.

''(5) REVIEW.—

''(A) IN GENERAL.—Unless the complainant brings an action under paragraph (4), any person adversely affected or aggrieved by a final order issued under paragraph (3) may obtain review of the order in the United States Court of Appeals for the circuit in which the violation, with respect to which the order was issued, allegedly occurred or the circuit in which the complainant resided on the date of such violation. The petition for review must be filed not later than 60 days after the date of the issuance of the final order of the Secretary. Review shall conform to chapter 7 of title 5, United States Code. The commencement of proceedings under this subparagraph shall not, unless ordered by the court, operate as a stay of the order.

''(B) NO JUDICIAL REVIEW.—An order of the Secretary with respect to which review could have been obtained under subparagraph (A) shall not be subject to judicial review in any criminal or other civil proceeding.

''(6) FAILURE TO COMPLY WITH ORDER.—Whenever any person has failed to comply with an order issued under paragraph (3), the Secretary may file a civil action in the United States district court for the district in which the violation was found to occur, or in the United States district court for the District of Columbia, to enforce such order. In actions brought under this paragraph, the district courts shall have jurisdiction to grant all appropriate relief including, but not limited to, injunctive relief and compensatory damages.

''(7) CIVIL ACTION TO REQUIRE COMPLIANCE.—

''(A) IN GENERAL.—A person on whose behalf an order was issued under paragraph (3) may commence a civil action against the person to whom such order was issued to require compliance with such order. The appropriate United States district court shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties, to enforce such order.

''(B) AWARD.—The court, in issuing any final order under this paragraph, may award costs of litigation (including reasonable attorneys' and expert witness fees) to any party whenever the court determines such award is appropriate.

''(c) EFFECT OF SECTION.—

''(1) OTHER LAWS.—Nothing in this section preempts or diminishes any other safeguards against discrimination, demotion, discharge, suspension, threats, harassment, reprimand, retaliation, or any other manner of discrimination provided by Federal or State law.

''(2) RIGHTS OF EMPLOYEES.—Nothing in this section shall be construed to diminish the rights, privileges, or remedies of any employee under any Federal or State law or under any collective bargaining agreement. The rights and remedies in this section may not be waived by any agreement, policy, form, or condition of employment.

''(d) ENFORCEMENT.—Any nondiscretionary duty imposed by this section shall be enforceable in a mandamus proceeding brought under section 1361 of title 28, United States Code.

''(e) LIMITATION.—Subsection (a) shall not apply with respect to an employee of an entity engaged in the manufacture, processing, packing, transporting, distribution, reception, holding, or importation of food who, acting without direction from such entity (or such entity's agent), deliberately causes a violation of any requirement relating to any violation or alleged violation of any order, rule, regulation, standard, or ban under this Act.''.

**SEC. 6403. JURISDICTION; AUTHORITIES.**

Nothing in this Act, or an amendment made by this Act, shall be construed to—

(1) alter the jurisdiction between the Secretary of Agriculture and the Secretary of Health and Human Services, under applicable statutes, regulations, or agreements regarding voluntary inspection of non-amenable species under the Agricultural Marketing Act of 1946 (7 U.S.C. 1621 et seq.);

(2) alter the jurisdiction between the Alcohol and Tobacco Tax and Trade Bureau and the Secretary of Health and Human Services, under applicable statutes and regulations;

(3) limit the authority of the Secretary of Health and Human Services under—

(A) the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) as in effect on the day before the date of enactment of this Act; or

(B) the Public Health Service Act (42 U.S.C. 301 et seq.) as in effect on the day before the date of enactment of this Act;

(4) alter or limit the authority of the Secretary of Agriculture under the laws administered by such Secretary, including—

(A) the Federal Meat Inspection Act (21 U.S.C. 601 et seq.);

(B) the Poultry Products Inspection Act (21 U.S.C. 451 et seq.);

(C) the Egg Products Inspection Act (21 U.S.C. 1031 et seq.);

(D) the United States Grain Standards Act (7 U.S.C. 71 et seq.);

(E) the Packers and Stockyards Act, 1921 (7 U.S.C. 181 et seq.);

(F) the United States Warehouse Act (7 U.S.C. 241 et seq.);

(G) the Agricultural Marketing Act of 1946 (7 U.S.C. 1621 et seq.); and

(H) the Agricultural Adjustment Act (7 U.S.C. 601 et seq.), reenacted with the amendments made by the Agricultural Marketing Agreement Act of 1937; or

(5) alter, impede, or affect the authority of the Secretary of Homeland Security under the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) or any other statute, including any authority related to securing the borders of the United States, managing ports of entry, or agricultural import and entry inspection activities.

**SEC. 6404. COMPLIANCE WITH INTERNATIONAL AGREEMENTS.**

Nothing in this Act (or an amendment made by this Act) shall be construed in a manner inconsistent with the agreement establishing the World Trade Organization or any other treaty or international agreement to which the United States is a party.

**SEC. 6405. DETERMINATION OF BUDGETARY EFFECTS.**

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, jointly submitted for printing in the Congressional Record by the Chairmen of the House and Senate Budget Committees, provided that such statement has been submitted prior to the vote on passage in the House acting first on this conference report or amendment between the Houses.

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**SA 4806.** Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 4753 proposed by Mr. REID (for himself and Mr. MCCONNELL) to the bill H.R. 4853, to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes; which was ordered to lie on the table; as follows:

On page 1, line 10, strike all after the first word and insert the following:

**1. SHORT TITLE; ETC.**

(a) SHORT TITLE.—This Act may be cited as the ''Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010''.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; etc.

TITLE I—TEMPORARY EXTENSION OF TAX RELIEF

Sec. 101. Temporary extension of 2001 tax relief.

Sec. 102. Temporary extension of 2003 tax relief.

Sec. 103. Temporary extension of 2009 tax relief.

TITLE II—TEMPORARY EXTENSION OF INDIVIDUAL AMT RELIEF

Sec. 201. Temporary extension of increased alternative minimum tax exemption amount.

Sec. 202. Temporary extension of alternative minimum tax relief for nonrefundable personal credits.

TITLE III—TEMPORARY ESTATE TAX RELIEF
Sec. 301. Reinstatement of estate tax; repeal of carryover basis.
Sec. 302. Modifications to estate, gift, and generation-skipping transfer taxes.
Sec. 303. Applicable exclusion amount increased by unused exclusion amount of deceased spouse.
Sec. 304. Application of EGTRRA sunset to this title.
TITLE IV—TEMPORARY EXTENSION OF INVESTMENT INCENTIVES
Sec. 401. Extension of bonus depreciation; temporary 100 percent expensing for certain business assets.
Sec. 402. Temporary extension of increased small business expensing.
TITLE V—TEMPORARY EXTENSION OF UNEMPLOYMENT INSURANCE AND RELATED MATTERS
Sec. 501. Temporary extension of unemployment insurance provisions.
Sec. 502. Temporary modification of indicators under the extended benefit program.
Sec. 503. Technical amendment relating to collection of unemployment compensation debts.
Sec. 504. Technical correction relating to repeal of continued dumping and subsidy offset.
Sec. 505. Additional extended unemployment benefits under the Railroad Unemployment Insurance Act.
TITLE VI—TEMPORARY EXTENSION OF CERTAIN EXPIRING PROVISIONS
Subtitle A—Energy
Sec. 601. Incentives for biodiesel and renewable diesel.
Sec. 602. Credit for refined coal facilities.
Sec. 603. New energy efficient home credit.
Sec. 604. Excise tax credits and outlay payments for alternative fuel and alternative fuel mixtures.
Sec. 605. Special rule for sales or dispositions to implement FERC or State electric restructuring policy for qualified electric utilities.
Sec. 606. Suspension of limitation on percentage depletion for oil and gas from marginal wells.
Sec. 607. Extension of grants for specified energy property in lieu of tax credits.
Sec. 608. Energy efficient appliance credit.
Sec. 610. Credit for nonbusiness energy property.
Sec. 611. Alternative fuel vehicle refueling property.
Subtitle B—Individual Tax Relief
Sec. 621. Deduction for certain expenses of elementary and secondary school teachers.
Sec. 622. Deduction of State and local sales taxes.
Sec. 623. Contributions of capital gain real property made for conservation purposes.
Sec. 624. Above-the-line deduction for qualified tuition and related expenses.
Sec. 625. Tax-free distributions from individual retirement plans for charitable purposes.
Sec. 626. Look-thru of certain regulated investment company stock in determining gross estate of nonresidents.
Sec. 627. Parity for exclusion from income for employer-provided mass transit and parking benefits.
Sec. 628. Refunds disregarded in the administration of Federal programs and federally assisted programs.
Subtitle C—Business Tax Relief
Sec. 631. Research credit.
Sec. 632. Indian employment tax credit.
Sec. 633. New markets tax credit.
Sec. 634. Railroad track maintenance credit.
Sec. 635. Mine rescue team training credit.
Sec. 636. Employer wage credit for employees who are active duty members of the uniformed services.
Sec. 637. 15-year straight-line cost recovery for qualified leasehold improvements, qualified restaurant buildings and improvements, and qualified retail improvements.
Sec. 638. 7-year recovery period for motorsports entertainment complexes.
Sec. 639. Accelerated depreciation for business property on an Indian reservation.
Sec. 640. Enhanced charitable deduction for contributions of food inventory.
Sec. 641. Enhanced charitable deduction for contributions of book inventories to public schools.
Sec. 642. Enhanced charitable deduction for corporate contributions of computer inventory for educational purposes.
Sec. 643. Election to expense mine safety equipment.
Sec. 644. Special expensing rules for certain film and television productions.
Sec. 645. Expensing of environmental remediation costs.
Sec. 646. Deduction allowable with respect to income attributable to domestic production activities in Puerto Rico.
Sec. 647. Modification of tax treatment of certain payments to controlling exempt organizations.
Sec. 648. Treatment of certain dividends of regulated investment companies.
Sec. 649. RIC qualified investment entity treatment under FIRPTA.
Sec. 650. Exceptions for active financing income.
Sec. 651. Look-thru treatment of payments between related controlled foreign corporations under foreign personal holding company rules.
Sec. 652. Basis adjustment to stock of S corps making charitable contributions of property.
Sec. 653. Empowerment zone tax incentives.
Sec. 654. Tax incentives for investment in the District of Columbia.
Sec. 655. Temporary increase in limit on cover over of rum excise taxes to Puerto Rico and the Virgin Islands.
Sec. 656. American Samoa economic development credit.
Sec. 657. Work opportunity credit.
Sec. 658. Qualified zone academy bonds.
Sec. 659. Mortgage insurance premiums.
Sec. 660. Temporary exclusion of 100 percent of gain on certain small business stock.
Subtitle D—Temporary Disaster Relief Provisions
PART I—NEW YORK LIBERTY ZONE
Sec. 661. Tax-exempt bond financing.
PART II—GO ZONE
Sec. 662. Increase in rehabilitation credit.
Sec. 663. Low-income housing credit rules for buildings in GO zones.
Sec. 664. Tax-exempt bond financing.
Sec. 665. Bonus depreciation deduction applicable to the GO Zone.
TITLE VII—RESCISSIONS
Subtitle A—Rescissions and Elimination of Wasteful Government Programs
Sec. 701. 15 Percent Reduction in appropriations to the Executive Office of the President and Congress.
Sec. 702. No cost of living adjustment in pay of Members of Congress.
Sec. 703. Freeze on cost of Federal employees (including civilian employees of the Department of Defense) salaries.
Sec. 704. Reduction in the number of Federal employees.
Sec. 705. Limitation on Government printing costs.
Sec. 706. Limitation of Government travel costs.
Sec. 707. Reduction in Federal vehicle costs.
Sec. 708. Sale of excess Federal property.
Sec. 709. Prohibition on use of Federal funds to pay unemployment compensation to millionaires.
Sec. 710. Mandatory elimination of duplicative government programs.
Sec. 711. Collection of unpaid taxes from employees of the Federal Government.
Sec. 712. Ten percent reduction in voluntary contributions to the United Nations.
Sec. 713. Low-priority construction projects of Corps of Engineers.
Sec. 714. Ten percent reduction in international development and humanitarian assistance funding.
Sec. 715. Elimination of the Safe and Drug-Free Schools and Communities program.
Sec. 716. Rescission of amounts for Economic Development Administration.
Sec. 717. Department of Justice wasteful activities.
Sec. 718. Rescission of amounts for Hollings Manufacturing Partnership Program and Baldridge Performance Excellence Program.
Sec. 719. Fossil fuel applied research.
Sec. 720. Corporation for Public Broadcasting.
Sec. 721. Fifteen percent reduction in fiscal year 2011 funding for the Department of Defense for procurement.
Sec. 722. Ten percent reduction in fiscal year 2011 funding for the Department of Defense for research, development, test, and evaluation.
Sec. 723. Reduction in Department of Defense spending in support of military installations.
Sec. 724. Rescission of Diplomatic and Consular Programs funding.
Sec. 725. Elimination of program to pay institutions of higher education for administrative expenses relating to student aid program.
Sec. 726. Consolidate all Federal Fire Management Programs and reducing funding by 10 percent.
Sec. 727. High-energy cost grant program.
Sec. 728. Resource conservation and development programs.
Sec. 729. Repeal of LEAP.
Sec. 730. Elimination of the B.J. Stupak Olympic Scholarships program.
Sec. 731. Repeal of Robert C. Byrd Honors Scholarship Program.
Sec. 732. Elimination of the Historic Whaling and Trading Partners program.
Sec. 733. Elimination of the Underground Railroad educational and cultural program.
Sec. 734. Brownfields economic development initiative.

Sec. 735. Election reform grants.
Sec. 736. Election Assistance Commission.
Sec. 737. Emergency operations center grant program.
Sec. 738. Elimination of health care facilities and construction program.
Sec. 739. High priority surface transportation projects.
Sec. 740. Save America's Treasures Program; Preserve America Program.
Sec. 741. Targeted water infrastructure grants.
Sec. 742. National Park Service Challenge Cost Share Program.
Sec. 743. Termination of the Constellation Program of the National Aeronautics and Space Administration.
Sec. 744. Delta health initiative.
Sec. 745. Department of Agriculture health care services grant program.
Sec. 746. Elimination of loan repayment for civil legal assistance attorneys.
Sec. 747. Targeted air shed grant program.
Sec. 748. Requiring transparency and ensuring no special treatment for the AARP or AMA.

Subtitle B—Fighting Fraud and Abuse to Save Taxpayers' Dollars

Sec. 760. Findings.
Sec. 761. Tracking excluded providers across State lines.
Sec. 762. Access for private sector and governmental entities.
Sec. 763. Liability of Medicare administrative contractors for claims submitted by excluded providers.
Sec. 764. Limiting the discharge of debts in bankruptcy proceedings in cases where a health care provider or a supplier engages in fraudulent activity.
Sec. 765. Prevention of waste, fraud, and abuse in the Medicaid and CHIP programs.
Sec. 766. Illegal distribution of a Medicare, Medicaid, or CHIP beneficiary identification or billing privileges.
Sec. 767. Pilot program for the use of universal product numbers on claim forms for reimbursement under the Medicare program.
Sec. 768. Prohibition of inclusion of social security account numbers on Medicare cards.
Sec. 769. Implementation.

TITLE VIII—BUDGETARY PROVISIONS

Sec. 801. Determination of budgetary effects.
Sec. 802. Emergency designations.
Sec. 803. Spending caps.

## TITLE I—TEMPORARY EXTENSION OF TAX RELIEF

### SEC. 101. TEMPORARY EXTENSION OF 2001 TAX RELIEF.

(a) TEMPORARY EXTENSION.—

(1) IN GENERAL.—Section 901 of the Economic Growth and Tax Relief Reconciliation Act of 2001 is amended by striking ''December 31, 2010'' both places it appears and inserting ''December 31, 2012''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect as if included in the enactment of the Economic Growth and Tax Relief Reconciliation Act of 2001.

(b) SEPARATE SUNSET FOR EXPANSION OF ADOPTION BENEFITS UNDER THE PATIENT PROTECTION AND AFFORDABLE CARE ACT.—

(1) IN GENERAL.—Subsection (c) of section 10909 of the Patient Protection and Affordable Care Act is amended to read as follows:

''(c) SUNSET PROVISION.—Each provision of law amended by this section is amended to read as such provision would read if this section had never been enacted. The amendments made by the preceding sentence shall apply to taxable years beginning after December 31, 2011.''.

(2) CONFORMING AMENDMENT.—Subsection (d) of section 10909 of such Act is amended by striking ''The amendments'' and inserting ''Except as provided in subsection (c), the amendments''.

### SEC. 102. TEMPORARY EXTENSION OF 2003 TAX RELIEF.

(a) IN GENERAL.—Section 303 of the Jobs and Growth Tax Relief Reconciliation Act of 2003 is amended by striking ''December 31, 2010'' and inserting ''December 31, 2012''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the enactment of the Jobs and Growth Tax Relief Reconciliation Act of 2003.

### SEC. 103. TEMPORARY EXTENSION OF 2009 TAX RELIEF.

(a) AMERICAN OPPORTUNITY TAX CREDIT.—

(1) IN GENERAL.—Section 25A(i) is amended by striking ''or 2010'' and inserting '', 2010, 2011, or 2012''.

(2) TREATMENT OF POSSESSIONS.—Section 1004(c)(1) of the American Recovery and Reinvestment Tax Act of 2009 is amended by striking ''and 2010'' each place it appears and inserting '', 2010, 2011, and 2012''.

(b) CHILD TAX CREDIT.—Section 24(d)(4) is amended—

(1) by striking ''2009 AND 2010'' in the heading and inserting ''2009, 2010, 2011, AND 2012'', and

(2) by striking ''or 2010'' and inserting '', 2010, 2011, or 2012''.

(c) EARNED INCOME TAX CREDIT.—Section 32(b)(3) is amended—

(1) by striking ''2009 AND 2010'' in the heading and inserting ''2009, 2010, 2011, AND 2012'', and

(2) by striking ''or 2010'' and inserting '', 2010, 2011, or 2012''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2010.

## TITLE II—TEMPORARY EXTENSION OF INDIVIDUAL AMT RELIEF

### SEC. 201. TEMPORARY EXTENSION OF INCREASED ALTERNATIVE MINIMUM TAX EXEMPTION AMOUNT.

(a) IN GENERAL.—Paragraph (1) of section 55(d) is amended—

(1) by striking ''$70,950'' and all that follows through ''2009'' in subparagraph (A) and inserting ''$72,450 in the case of taxable years beginning in 2010 and $74,450 in the case of taxable years beginning in 2011'', and

(2) by striking ''$46,700'' and all that follows through ''2009'' in subparagraph (B) and inserting ''$47,450 in the case of taxable years beginning in 2010 and $48,450 in the case of taxable years beginning in 2011''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

(c) REPEAL OF EGTRRA SUNSET.—Title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 (relating to sunset of provisions of such Act) shall not apply to title VII of such Act (relating to alternative minimum tax).

### SEC. 202. TEMPORARY EXTENSION OF ALTERNATIVE MINIMUM TAX RELIEF FOR NONREFUNDABLE PERSONAL CREDITS.

(a) IN GENERAL.—Paragraph (2) of section 26(a) is amended—

(1) by striking ''or 2009'' and inserting ''2009, 2010, or 2011'', and

(2) by striking ''2009'' in the heading thereof and inserting ''2011''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

## TITLE III—TEMPORARY ESTATE TAX RELIEF

### SEC. 301. REINSTATEMENT OF ESTATE TAX; REPEAL OF CARRYOVER BASIS.

(a) IN GENERAL.—Each provision of law amended by subtitle A or E of title V of the Economic Growth and Tax Relief Reconciliation Act of 2001 is amended to read as such provision would read if such subtitle had never been enacted.

(b) CONFORMING AMENDMENT.—On and after January 1, 2011, paragraph (1) of section 2505(a) of the Internal Revenue Code of 1986 is amended to read as such paragraph would read if section 521(b)(2) of the Economic Growth and Tax Relief Reconciliation Act of 2001 had never been enacted.

(c) SPECIAL ELECTION WITH RESPECT TO ESTATES OF DECEDENTS DYING IN 2010.—Notwithstanding subsection (a), in the case of an estate of a decedent dying after December 31, 2009, and before January 1, 2011, the executor (within the meaning of section 2203 of the Internal Revenue Code of 1986) may elect to apply such Code as though the amendments made by subsection (a) do not apply with respect to chapter 11 of such Code and with respect to property acquired or passing from such decedent (within the meaning of section 1014(b) of such Code). Such election shall be made at such time and in such manner as the Secretary of the Treasury or the Secretary's delegate shall provide. Such an election once made shall be revocable only with the consent of the Secretary of the Treasury or the Secretary's delegate. For purposes of section 2652(a)(1) of such Code, the determination of whether any property is subject to the tax imposed by such chapter 11 shall be made without regard to any election made under this subsection.

(d) EXTENSION OF TIME FOR PERFORMING CERTAIN ACTS.—

(1) ESTATE TAX.—In the case of the estate of a decedent dying after December 31, 2009, and before the date of the enactment of this Act, the due date for—

(A) filing any return under section 6018 of the Internal Revenue Code of 1986 (including any election required to be made on such a return) as such section is in effect after the date of the enactment of this Act without regard to any election under subsection (c),

(B) making any payment of tax under chapter 11 of such Code, and

(C) making any disclaimer described in section 2518(b) of such Code of an interest in property passing by reason of the death of such decedent,

shall not be earlier than the date which is 9 months after the date of the enactment of this Act.

(2) GENERATION-SKIPPING TAX.—In the case of any generation-skipping transfer made after December 31, 2009, and before the date of the enactment of this Act, the due date for filing any return under section 2662 of the Internal Revenue Code of 1986 (including any election required to be made on such a return) shall not be earlier than the date which is 9 months after the date of the enactment of this Act.

(e) EFFECTIVE DATE.—Except as otherwise provided in this section, the amendments made by this section shall apply to estates of decedents dying, and transfers made, after December 31, 2009.

### SEC. 302. MODIFICATIONS TO ESTATE, GIFT, AND GENERATION-SKIPPING TRANSFER TAXES.

(a) MODIFICATIONS TO ESTATE TAX.—

(1) $5,000,000 APPLICABLE EXCLUSION AMOUNT.—Subsection (c) of section 2010 is amended to read as follows:

''(c) APPLICABLE CREDIT AMOUNT.—

''(1) IN GENERAL.—For purposes of this section, the applicable credit amount is the

amount of the tentative tax which would be determined under section 2001(c) if the amount with respect to which such tentative tax is to be computed were equal to the applicable exclusion amount.

''(2) APPLICABLE EXCLUSION AMOUNT.—

''(A) IN GENERAL.—For purposes of this subsection, the applicable exclusion amount is $5,000,000.

''(B) INFLATION ADJUSTMENT.—In the case of any decedent dying in a calendar year after 2011, the dollar amount in subparagraph (A) shall be increased by an amount equal to—

''(i) such dollar amount, multiplied by

''(ii) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year by substituting 'calendar year 2010' for 'calendar year 1992' in subparagraph (B) thereof.

If any amount as adjusted under the preceding sentence is not a multiple of $10,000, such amount shall be rounded to the nearest multiple of $10,000.''.

(2) MAXIMUM ESTATE TAX RATE EQUAL TO 35 PERCENT.—Subsection (c) of section 2001 is amended—

(A) by striking ''Over $500,000'' and all that follows in the table contained in paragraph (1) and inserting the following:

| | |
|---|---|
| ''Over $500,000. | $155,800, plus 35 percent of the excess of such amount over $500,000.'', |

(B) by striking ''(1) IN GENERAL.—'', and

(C) by striking paragraph (2).

(b) MODIFICATIONS TO GIFT TAX.—

(1) RESTORATION OF UNIFIED CREDIT AGAINST GIFT TAX.—

(A) IN GENERAL.—Paragraph (1) of section 2505(a), after the application of section 301(b), is amended by striking ''(determined as if the applicable exclusion amount were $1,000,000)''.

(B) EFFECTIVE DATE.—The amendment made by this paragraph shall apply to gifts made after December 31, 2010.

(2) MODIFICATION OF GIFT TAX RATE.—On and after January 1, 2011, subsection (a) of section 2502 is amended to read as such subsection would read if section 511(d) of the Economic Growth and Tax Relief Reconciliation Act of 2001 had never been enacted.

(c) MODIFICATION OF GENERATION-SKIPPING TRANSFER TAX.—In the case of any generation-skipping transfer made after December 31, 2009, and before January 1, 2011, the applicable rate determined under section 2641(a) of the Internal Revenue Code of 1986 shall be zero.

(d) MODIFICATIONS OF ESTATE AND GIFT TAXES TO REFLECT DIFFERENCES IN CREDIT RESULTING FROM DIFFERENT TAX RATES.—

(1) ESTATE TAX.—

(A) IN GENERAL.—Section 2001(b)(2) is amended by striking ''if the provisions of subsection (c) (as in effect at the decedent's death)'' and inserting ''if the modifications described in subsection (g)''.

(B) MODIFICATIONS.—Section 2001 is amended by adding at the end the following new subsection:

''(g) MODIFICATIONS TO GIFT TAX PAYABLE TO REFLECT DIFFERENT TAX RATES.—For purposes of applying subsection (b)(2) with respect to 1 or more gifts, the rates of tax under subsection (c) in effect at the decedent's death shall, in lieu of the rates of tax in effect at the time of such gifts, be used both to compute—

''(1) the tax imposed by chapter 12 with respect to such gifts, and

''(2) the credit allowed against such tax under section 2505, including in computing—

''(A) the applicable credit amount under section 2505(a)(1), and

''(B) the sum of the amounts allowed as a credit for all preceding periods under section 2505(a)(2).''.

(2) GIFT TAX.—Section 2505(a) is amended by adding at the end the following new flush sentence:

''For purposes of applying paragraph (2) for any calendar year, the rates of tax in effect under section 2502(a)(2) for such calendar year shall, in lieu of the rates of tax in effect for preceding calendar periods, be used in determining the amounts allowable as a credit under this section for all preceding calendar periods.''.

(e) CONFORMING AMENDMENT.—Section 2511 is amended by striking subsection (c).

(f) EFFECTIVE DATE.—Except as otherwise provided in this section, the amendments made by this section shall apply to estates of decedents dying, generation-skipping transfers, and gifts made, after December 31, 2009.

**SEC. 303. APPLICABLE EXCLUSION AMOUNT INCREASED BY UNUSED EXCLUSION AMOUNT OF DECEASED SPOUSE.**

(a) IN GENERAL.—Section 2010(c), as amended by section 302(a), is amended by striking paragraph (2) and inserting the following new paragraphs:

''(2) APPLICABLE EXCLUSION AMOUNT.—For purposes of this subsection, the applicable exclusion amount is the sum of—

''(A) the basic exclusion amount, and

''(B) in the case of a surviving spouse, the deceased spousal unused exclusion amount.

''(3) BASIC EXCLUSION AMOUNT.—

''(A) IN GENERAL.—For purposes of this subsection, the basic exclusion amount is $5,000,000.

''(B) INFLATION ADJUSTMENT.—In the case of any decedent dying in a calendar year after 2011, the dollar amount in subparagraph (A) shall be increased by an amount equal to—

''(i) such dollar amount, multiplied by

''(ii) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year by substituting 'calendar year 2010' for 'calendar year 1992' in subparagraph (B) thereof.

If any amount as adjusted under the preceding sentence is not a multiple of $10,000, such amount shall be rounded to the nearest multiple of $10,000.

''(4) DECEASED SPOUSAL UNUSED EXCLUSION AMOUNT.—For purposes of this subsection, with respect to a surviving spouse of a deceased spouse dying after December 31, 2010, the term 'deceased spousal unused exclusion amount' means the lesser of—

''(A) the basic exclusion amount, or

''(B) the excess of—

''(i) the basic exclusion amount of the last such deceased spouse of such surviving spouse, over

''(ii) the amount with respect to which the tentative tax is determined under section 2001(b)(1) on the estate of such deceased spouse.

''(5) SPECIAL RULES.—

''(A) ELECTION REQUIRED.—A deceased spousal unused exclusion amount may not be taken into account by a surviving spouse under paragraph (2) unless the executor of the estate of the deceased spouse files an estate tax return on which such amount is computed and makes an election on such return that such amount may be so taken into account. Such election, once made, shall be irrevocable. No election may be made under this subparagraph if such return is filed after the time prescribed by law (including extensions) for filing such return.

''(B) EXAMINATION OF PRIOR RETURNS AFTER EXPIRATION OF PERIOD OF LIMITATIONS WITH RESPECT TO DECEASED SPOUSAL UNUSED EXCLUSION AMOUNT.—Notwithstanding any period of limitation in section 6501, after the time has expired under section 6501 within which a tax may be assessed under chapter 11 or 12 with respect to a deceased spousal unused exclusion amount, the Secretary may examine a return of the deceased spouse to make determinations with respect to such amount for purposes of carrying out this subsection.

''(6) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out this subsection.''.

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (1) of section 2505(a), as amended by section 302(b)(1), is amended to read as follows:

''(1) the applicable credit amount in effect under section 2010(c) which would apply if the donor died as of the end of the calendar year, reduced by''.

(2) Section 2631(c) is amended by striking ''the applicable exclusion amount'' and inserting ''the basic exclusion amount''.

(3) Section 6018(a)(1) is amended by striking ''applicable exclusion amount'' and inserting ''basic exclusion amount''.

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to estates of decedents dying and gifts made after December 31, 2010.

(2) CONFORMING AMENDMENT RELATING TO GENERATION-SKIPPING TRANSFERS.—The amendment made by subsection (b)(2) shall apply to generation-skipping transfers after December 31, 2010.

**SEC. 304. APPLICATION OF EGTRRA SUNSET TO THIS TITLE.**

Section 901 of the Economic Growth and Tax Relief Reconciliation Act of 2001 shall apply to the amendments made by this title.

## TITLE IV—TEMPORARY EXTENSION OF INVESTMENT INCENTIVES

**SEC. 401. EXTENSION OF BONUS DEPRECIATION; TEMPORARY 100 PERCENT EXPENSING FOR CERTAIN BUSINESS ASSETS.**

(a) IN GENERAL.—Paragraph (2) of section 168(k) is amended—

(1) by striking ''January 1, 2012'' in subparagraph (A)(iv) and inserting ''January 1, 2014'', and

(2) by striking ''January 1, 2011'' each place it appears and inserting ''January 1, 2013''.

(b) TEMPORARY 100 PERCENT EXPENSING.—Subsection (k) of section 168 is amended by adding at the end the following new paragraph:

''(5) SPECIAL RULE FOR PROPERTY ACQUIRED DURING CERTAIN PRE-2012 PERIODS.—In the case of qualified property acquired by the taxpayer (under rules similar to the rules of clauses (ii) and (iii) of paragraph (2)(A)) after September 8, 2010, and before January 1, 2012, and which is placed in service by the taxpayer before January 1, 2012 (January 1, 2013, in the case of property described in subparagraph (2)(B) or (2)(C)), paragraph (1)(A) shall be applied by substituting '100 percent' for '50 percent'.''.

(c) EXTENSION OF ELECTION TO ACCELERATE THE AMT CREDIT IN LIEU OF BONUS DEPRECIATION.—

(1) EXTENSION.—Clause (iii) of section 168(k)(4)(D) is amended by striking ''or production'' and all that follows and inserting ''or production—

''(I) after March 31, 2008, and before January 1, 2010, and

''(II) after December 31, 2010, and before January 1, 2013,

shall be taken into account under subparagraph (B)(ii) thereof,''.

(2) RULES FOR ROUND 2 EXTENSION PROPERTY.—Paragraph (4) of section 168(k) is amended by adding at the end the following new subparagraph:

''(I) SPECIAL RULES FOR ROUND 2 EXTENSION PROPERTY.—

''(i) IN GENERAL.—In the case of round 2 extension property, this paragraph shall be applied without regard to—

''(I) the limitation described in subparagraph (B)(i) thereof, and

''(II) the business credit increase amount under subparagraph (E)(iii) thereof.

''(ii) TAXPAYERS PREVIOUSLY ELECTING ACCELERATION.—In the case of a taxpayer who made the election under subparagraph (A) for its first taxable year ending after March 31, 2008, or a taxpayer who made the election under subparagraph (H)(ii) for its first taxable year ending after December 31, 2008—

''(I) the taxpayer may elect not to have this paragraph apply to round 2 extension property, but

''(II) if the taxpayer does not make the election under subclause (I), in applying this paragraph to the taxpayer the bonus depreciation amount, maximum amount, and maximum increase amount shall be computed and applied to eligible qualified property which is round 2 extension property.

The amounts described in subclause (II) shall be computed separately from any amounts computed with respect to eligible qualified property which is not round 2 extension property.

''(iii) TAXPAYERS NOT PREVIOUSLY ELECTING ACCELERATION.—In the case of a taxpayer who neither made the election under subparagraph (A) for its first taxable year ending after March 31, 2008, nor made the election under subparagraph (H)(ii) for its first taxable year ending after December 31, 2008—

''(I) the taxpayer may elect to have this paragraph apply to its first taxable year ending after December 31, 2010, and each subsequent taxable year, and

''(II) if the taxpayer makes the election under subclause (I), this paragraph shall only apply to eligible qualified property which is round 2 extension property.

''(iv) ROUND 2 EXTENSION PROPERTY.—For purposes of this subparagraph, the term 'round 2 extension property' means property which is eligible qualified property solely by reason of the extension of the application of the special allowance under paragraph (1) pursuant to the amendments made by section 401(a) of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 (and the application of such extension to this paragraph pursuant to the amendment made by section 401(c)(1) of such Act).''.

(d) CONFORMING AMENDMENTS.—

(1) The heading for subsection (k) of section 168 is amended by striking ''JANUARY 1, 2011'' and inserting ''JANUARY 1, 2013''.

(2) The heading for clause (ii) of section 168(k)(2)(B) is amended by striking ''PRE-JANUARY 1, 2011'' and inserting ''PRE-JANUARY 1, 2013''.

(3) Subparagraph (D) of section 168(k)(4) is amended—

(A) by striking clauses (iv) and (v),

(B) by inserting ''and'' at the end of clause (ii), and

(C) by striking the comma at the end of clause (iii) and inserting a period.

(4) Paragraph (5) of section 168(l) is amended—

(A) by inserting ''and'' at the end of subparagraph (A),

(B) by striking subparagraph (B), and

(C) by redesignating subparagraph (C) as subparagraph (B).

(5) Subparagraph (C) of section 168(n)(2) is amended by striking ''January 1, 2011'' and inserting ''January 1, 2013''.

(6) Subparagraph (D) of section 1400L(b)(2) is amended by striking ''January 1, 2011'' and inserting ''January 1, 2013''.

(7) Subparagraph (B) of section 1400N(d)(3) is amended by striking ''January 1, 2011'' and inserting ''January 1, 2013''.

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to property placed in service after December 31, 2010, in taxable years ending after such date.

(2) TEMPORARY 100 PERCENT EXPENSING.—The amendment made by subsection (b) shall apply to property placed in service after September 8, 2010, in taxable years ending after such date.

**SEC. 402. TEMPORARY EXTENSION OF INCREASED SMALL BUSINESS EXPENSING.**

(a) DOLLAR LIMITATION.—Section 179(b)(1) is amended by striking ''and'' at the end of subparagraph (B) and by striking subparagraph (C) and inserting the following new subparagraphs:

''(C) $125,000 in the case of taxable years beginning in 2012, and

''(D) $25,000 in the case of taxable years beginning after 2012.''.

(b) REDUCTION IN LIMITATION.—Section 179(b)(2) is amended by striking ''and'' at the end of subparagraph (B) and by striking subparagraph (C) and inserting the following new subparagraphs:

''(C) $500,000 in the case of taxable years beginning in 2012, and

''(D) $200,000 in the case of taxable years beginning after 2012.''.

(c) INFLATION ADJUSTMENT.—Subsection (b) of section 179 is amended by adding at the end the following new paragraph:

''(6) INFLATION ADJUSTMENT.—

''(A) IN GENERAL.—In the case of any taxable year beginning in calendar year 2012, the $125,000 and $500,000 amounts in paragraphs (1)(C) and (2)(C) shall each be increased by an amount equal to—

''(i) such dollar amount, multiplied by

''(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, by substituting 'calendar year 2006' for 'calendar year 1992' in subparagraph (B) thereof.

''(B) ROUNDING.—

''(i) DOLLAR LIMITATION.—If the amount in paragraph (1) as increased under subparagraph (A) is not a multiple of $1,000, such amount shall be rounded to the nearest multiple of $1,000.

''(ii) PHASEOUT AMOUNT.—If the amount in paragraph (2) as increased under subparagraph (A) is not a multiple of $10,000, such amount shall be rounded to the nearest multiple of $10,000.''.

(d) COMPUTER SOFTWARE.—Section 179(d)(1)(A)(ii) is amended by striking ''2012'' and inserting ''2013''.

(e) CONFORMING AMENDMENT.—Section 179(c)(2) is amended by striking ''2012'' and inserting ''2013''.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2011.

## TITLE V—TEMPORARY EXTENSION OF UNEMPLOYMENT INSURANCE AND RELATED MATTERS

**SEC. 501. TEMPORARY EXTENSION OF UNEMPLOYMENT INSURANCE PROVISIONS.**

(a) IN GENERAL.—(1) Section 4007 of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is amended—

(A) by striking ''November 30, 2010'' each place it appears and inserting ''January 3, 2012'';

(B) in the heading for subsection (b)(2), by striking ''NOVEMBER 30, 2010'' and inserting ''JANUARY 3, 2012''; and

(C) in subsection (b)(3), by striking ''April 30, 2011'' and inserting ''June 9, 2012''.

(2) Section 2005 of the Assistance for Unemployed Workers and Struggling Families Act, as contained in Public Law 111–5 (26 U.S.C. 3304 note; 123 Stat. 444), is amended—

(A) by striking ''December 1, 2010'' each place it appears and inserting ''January 4, 2012''; and

(B) in subsection (c), by striking ''May 1, 2011'' and inserting ''June 11, 2012''.

(3) Section 5 of the Unemployment Compensation Extension Act of 2008 (Public Law 110–449; 26 U.S.C. 3304 note) is amended by striking ''April 30, 2011'' and inserting ''June 10, 2012''.

(b) FUNDING.—Section 4004(e)(1) of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is amended—

(1) in subparagraph (E), by striking ''and'' at the end; and

(2) by inserting after subparagraph (F) the following:

''(G) the amendments made by section 501(a)(1) of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010; and''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of the Unemployment Compensation Extension Act of 2010 (Public Law 111–205).

**SEC. 502. TEMPORARY MODIFICATION OF INDICATORS UNDER THE EXTENDED BENEFIT PROGRAM.**

(a) INDICATOR.—Section 203(d) of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) is amended, in the flush matter following paragraph (2), by inserting after the first sentence the following sentence: ''Effective with respect to compensation for weeks of unemployment beginning after the date of enactment of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 (or, if later, the date established pursuant to State law), and ending on or before December 31, 2011, the State may by law provide that the determination of whether there has been a state 'on' or 'off' indicator beginning or ending any extended benefit period shall be made under this subsection as if the word 'two' were 'three' in subparagraph (1)(A).''.

(b) ALTERNATIVE TRIGGER.—Section 203(f) of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by inserting after paragraph (1) the following new paragraph:

''(2) Effective with respect to compensation for weeks of unemployment beginning after the date of enactment of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 (or, if later, the date established pursuant to State law), and ending on or before December 31, 2011, the State may by law provide that the determination of whether there has been a state 'on' or 'off' indicator beginning or ending any extended benefit period shall be

made under this subsection as if the word 'either' were 'any', the word ''both'' were 'all', and the figure '2' were '3' in clause (1)(A)(ii).''.

**SEC. 503. TECHNICAL AMENDMENT RELATING TO COLLECTION OF UNEMPLOYMENT COMPENSATION DEBTS.**

(a) IN GENERAL.—Section 6402(f)(3)(C), as amended by section 801 of the Claims Resolution Act of 2010, is amended by striking ''is not a covered unemployment compensation debt'' and inserting ''is a covered unemployment compensation debt''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in section 801 of the Claims Resolution Act of 2010.

**SEC. 504. TECHNICAL CORRECTION RELATING TO REPEAL OF CONTINUED DUMPING AND SUBSIDY OFFSET.**

(a) IN GENERAL.—Section 822(2)(A) of the Claims Resolution Act of 2010 is amended by striking ''or'' and inserting ''and''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the provisions of the Claims Resolution Act of 2010.

**SEC. 505. ADDITIONAL EXTENDED UNEMPLOYMENT BENEFITS UNDER THE RAILROAD UNEMPLOYMENT INSURANCE ACT.**

(a) EXTENSION.—Section 2(c)(2)(D)(iii) of the Railroad Unemployment Insurance Act, as added by section 2006 of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) and as amended by section 9 of the Worker, Homeownership, and Business Assistance Act of 2009 (Public Law 111–92), is amended—

(1) by striking ''June 30, 2010'' and inserting ''June 30, 2011''; and

(2) by striking ''December 31, 2010'' and inserting ''December 31, 2011''.

(b) CLARIFICATION ON AUTHORITY TO USE FUNDS.—Funds appropriated under either the first or second sentence of clause (iv) of section 2(c)(2)(D) of the Railroad Unemployment Insurance Act shall be available to cover the cost of additional extended unemployment benefits provided under such section 2(c)(2)(D) by reason of the amendments made by subsection (a) as well as to cover the cost of such benefits provided under such section 2(c)(2)(D), as in effect on the day before the date of the enactment of this Act.

## TITLE VI—TEMPORARY EXTENSION OF CERTAIN EXPIRING PROVISIONS

### Subtitle A—Energy

**SEC. 601. INCENTIVES FOR BIODIESEL AND RENEWABLE DIESEL.**

(a) CREDITS FOR BIODIESEL AND RENEWABLE DIESEL USED AS FUEL.—Subsection (g) of section 40A is amended by striking ''December 31, 2009'' and inserting ''December 31, 2011''.

(b) EXCISE TAX CREDITS AND OUTLAY PAYMENTS FOR BIODIESEL AND RENEWABLE DIESEL FUEL MIXTURES.—

(1) Paragraph (6) of section 6426(c) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2011''.

(2) Subparagraph (B) of section 6427(e)(6) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2011''.

(c) SPECIAL RULE FOR 2010.—Notwithstanding any other provision of law, in the case of any biodiesel mixture credit properly determined under section 6426(c) of the Internal Revenue Code of 1986 for periods during 2010, such credit shall be allowed, and any refund or payment attributable to such credit (including any payment under section 6427(e) of such Code) shall be made, only in such manner as the Secretary of the Treasury (or the Secretary's delegate) shall provide. Such Secretary shall issue guidance within 30 days after the date of the enactment of this Act providing for a one-time submission of claims covering periods during 2010. Such guidance shall provide for a 180-day period for the submission of such claims (in such manner as prescribed by such Secretary) to begin not later than 30 days after such guidance is issued. Such claims shall be paid by such Secretary not later than 60 days after receipt. If such Secretary has not paid pursuant to a claim filed under this subsection within 60 days after the date of the filing of such claim, the claim shall be paid with interest from such date determined by using the overpayment rate and method under section 6621 of such Code.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel sold or used after December 31, 2009.

**SEC. 602. CREDIT FOR REFINED COAL FACILITIES.**

(a) IN GENERAL.—Subparagraph (B) of section 45(d)(8) is amended by striking ''January 1, 2010'' and inserting ''January 1, 2012''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to facilities placed in service after December 31, 2009.

**SEC. 603. NEW ENERGY EFFICIENT HOME CREDIT.**

(a) IN GENERAL.—Subsection (g) of section 45L is amended by striking ''December 31, 2009'' and inserting ''December 31, 2011''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to homes acquired after December 31, 2009.

**SEC. 604. EXCISE TAX CREDITS AND OUTLAY PAYMENTS FOR ALTERNATIVE FUEL AND ALTERNATIVE FUEL MIXTURES.**

(a) IN GENERAL.—Sections 6426(d)(5), 6426(e)(3), and 6427(e)(6)(C) are each amended by striking ''December 31, 2009'' and inserting ''December 31, 2011''.

(b) EXCLUSION OF BLACK LIQUOR FROM CREDIT ELIGIBILITY.—The last sentence of section 6426(d)(2) is amended by striking ''or biodiesel'' and inserting ''biodiesel, or any fuel (including lignin, wood residues, or spent pulping liquors) derived from the production of paper or pulp''.

(c) SPECIAL RULE FOR 2010.—Notwithstanding any other provision of law, in the case of any alternative fuel credit or any alternative fuel mixture credit properly determined under subsection (d) or (e) of section 6426 of the Internal Revenue Code of 1986 for periods during 2010, such credit shall be allowed, and any refund or payment attributable to such credit (including any payment under section 6427(e) of such Code) shall be made, only in such manner as the Secretary of the Treasury (or the Secretary's delegate) shall provide. Such Secretary shall issue guidance within 30 days after the date of the enactment of this Act providing for a one-time submission of claims covering periods during 2010. Such guidance shall provide for a 180-day period for the submission of such claims (in such manner as prescribed by such Secretary) to begin not later than 30 days after such guidance is issued. Such claims shall be paid by such Secretary not later than 60 days after receipt. If such Secretary has not paid pursuant to a claim filed under this subsection within 60 days after the date of the filing of such claim, the claim shall be paid with interest from such date determined by using the overpayment rate and method under section 6621 of such Code.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel sold or used after December 31, 2009.

**SEC. 605. SPECIAL RULE FOR SALES OR DISPOSITIONS TO IMPLEMENT FERC OR STATE ELECTRIC RESTRUCTURING POLICY FOR QUALIFIED ELECTRIC UTILITIES.**

(a) IN GENERAL.—Paragraph (3) of section 451(i) is amended by striking ''January 1, 2010'' and inserting ''January 1, 2012''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to dispositions after December 31, 2009.

**SEC. 606. SUSPENSION OF LIMITATION ON PERCENTAGE DEPLETION FOR OIL AND GAS FROM MARGINAL WELLS.**

(a) IN GENERAL.—Clause (ii) of section 613A(c)(6)(H) is amended by striking ''January 1, 2010'' and inserting ''January 1, 2012''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2009.

**SEC. 607. EXTENSION OF GRANTS FOR SPECIFIED ENERGY PROPERTY IN LIEU OF TAX CREDITS.**

(a) IN GENERAL.—Subsection (a) of section 1603 of division B of the American Recovery and Reinvestment Act of 2009 is amended—

(1) in paragraph (1), by striking ''2009 or 2010'' and inserting ''2009, 2010, or 2011'', and

(2) in paragraph (2)—

(A) by striking ''after 2010'' and inserting ''after 2011'', and

(B) by striking ''2009 or 2010'' and inserting ''2009, 2010, or 2011''.

(b) CONFORMING AMENDMENT.—Subsection (j) of section 1603 of division B of such Act is amended by striking ''2011'' and inserting ''2012''.

**SEC. 608. ENERGY EFFICIENT APPLIANCE CREDIT.**

(a) DISHWASHERS.—Paragraph (1) of section 45M(b) is amended by striking ''and'' at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting a comma, and by adding at the end the following new subparagraphs:

''(C) $25 in the case of a dishwasher which is manufactured in calendar year 2011 and which uses no more than 307 kilowatt hours per year and 5.0 gallons per cycle (5.5 gallons per cycle for dishwashers designed for greater than 12 place settings),

''(D) $50 in the case of a dishwasher which is manufactured in calendar year 2011 and which uses no more than 295 kilowatt hours per year and 4.25 gallons per cycle (4.75 gallons per cycle for dishwashers designed for greater than 12 place settings), and

''(E) $75 in the case of a dishwasher which is manufactured in calendar year 2011 and which uses no more than 280 kilowatt hours per year and 4 gallons per cycle (4.5 gallons per cycle for dishwashers designed for greater than 12 place settings).''.

(b) CLOTHES WASHERS.—Paragraph (2) of section 45M(b) is amended by striking ''and'' at the end of subparagraph (C), by striking the period at the end of subparagraph (D) and inserting a comma, and by adding at the end the following new subparagraphs:

''(E) $175 in the case of a top-loading clothes washer manufactured in calendar year 2011 which meets or exceeds a 2.2 modified energy factor and does not exceed a 4.5 water consumption factor, and

''(F) $225 in the case of a clothes washer manufactured in calendar year 2011—

''(i) which is a top-loading clothes washer and which meets or exceeds a 2.4 modified energy factor and does not exceed a 4.2 water consumption factor, or

''(ii) which is a front-loading clothes washer and which meets or exceeds a 2.8 modified energy factor and does not exceed a 3.5 water consumption factor.''.

(c) REFRIGERATORS.—Paragraph (3) of section 45M(b) is amended by striking ''and'' at the end of subparagraph (C), by striking the period at the end of subparagraph (D) and inserting a comma, and by adding at the end the following new subparagraphs:

''(E) $150 in the case of a refrigerator manufactured in calendar year 2011 which consumes at least 30 percent less energy than the 2001 energy conservation standards, and

''(F) $200 in the case of a refrigerator manufactured in calendar year 2011 which consumes at least 35 percent less energy than the 2001 energy conservation standards.''.

(d) REBASING OF LIMITATIONS.—

(1) IN GENERAL.—Paragraph (1) of section 45M(e) is amended—

(A) by striking ''$75,000,000'' and inserting ''$25,000,000'', and

(B) by striking ''December 31, 2007'' and inserting ''December 31, 2010''.

(2) EXCEPTION FOR CERTAIN REFRIGERATORS AND CLOTHES WASHERS.—Paragraph (2) of section 45M(e) is amended—

(A) by striking ''subsection (b)(3)(D)'' and inserting ''subsection (b)(3)(F)'', and

(B) by striking ''subsection (b)(2)(D)'' and inserting ''subsection (b)(2)(F)''.

(3) GROSS RECEIPTS LIMITATION.—Paragraph (3) of section 45M(e) is amended by striking ''2 percent'' and inserting ''4 percent''.

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by subsections (a), (b), and (c) shall apply to appliances produced after December 31, 2010.

(2) LIMITATIONS.—The amendments made by subsection (d) shall apply to taxable years beginning after December 31, 2010.

**SEC. 609. CREDIT FOR NONBUSINESS ENERGY PROPERTY.**

(a) EXTENSION.—Section 25C(g)(2) is amended by striking ''2010'' and inserting ''2011''.

(b) RETURN TO PRE-ARRA LIMITATIONS AND STANDARDS.—

(1) IN GENERAL.—Subsections (a) and (b) of section 25C are amended to read as follows:

''(a) ALLOWANCE OF CREDIT.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the sum of—

''(1) 10 percent of the amount paid or incurred by the taxpayer for qualified energy efficiency improvements installed during such taxable year, and

''(2) the amount of the residential energy property expenditures paid or incurred by the taxpayer during such taxable year.

''(b) LIMITATIONS.—

''(1) LIFETIME LIMITATION.—The credit allowed under this section with respect to any taxpayer for any taxable year shall not exceed the excess (if any) of $500 over the aggregate credits allowed under this section with respect to such taxpayer for all prior taxable years ending after December 31, 2005.

''(2) WINDOWS.—In the case of amounts paid or incurred for components described in subsection (c)(2)(B) by any taxpayer for any taxable year, the credit allowed under this section with respect to such amounts for such year shall not exceed the excess (if any) of $200 over the aggregate credits allowed under this section with respect to such amounts for all prior taxable years ending after December 31, 2005.

''(3) LIMITATION ON RESIDENTIAL ENERGY PROPERTY EXPENDITURES.—The amount of the credit allowed under this section by reason of subsection (a)(2) shall not exceed—

''(A) $50 for any advanced main air circulating fan,

''(B) $150 for any qualified natural gas, propane, or oil furnace or hot water boiler, and

''(C) $300 for any item of energy-efficient building property.''.

(2) MODIFICATION OF STANDARDS.—

(A) IN GENERAL.—Paragraph (1) of section 25C(c) is amended by striking ''2000'' and all that follows through ''this section'' and inserting ''2009 International Energy Conservation Code, as such Code (including supplements) is in effect on the date of the enactment of the American Recovery and Reinvestment Tax Act of 2009''.

(B) WOOD STOVES.—Subparagraph (E) of section 25C(d)(3) is amended by striking '', as measured using a lower heating value''.

(C) OIL FURNACES AND HOT WATER BOILERS.—

(i) IN GENERAL.—Paragraph (4) of section 25C(d) is amended to read as follows:

''(4) QUALIFIED NATURAL GAS, PROPANE, OR OIL FURNACE OR HOT WATER BOILER.—The term 'qualified natural gas, propane, or oil furnace or hot water boiler' means a natural gas, propane, or oil furnace or hot water boiler which achieves an annual fuel utilization efficiency rate of not less than 95.''.

(ii) CONFORMING AMENDMENT.—Clause (ii) of section 25C(d)(2)(A) is amended to read as follows:

''(ii) a qualified natural gas, propane, or oil furnace or hot water boiler, or''.

(D) EXTERIOR WINDOWS, DOORS, AND SKYLIGHTS.—

(i) IN GENERAL.—Subsection (c) of section 25C is amended by striking paragraph (4).

(ii) APPLICATION OF ENERGY STAR STANDARDS.—Paragraph (1) of section 25C(c) is amended by inserting ''an exterior window, a skylight, an exterior door,'' after ''in the case of'' in the matter preceding subparagraph (A).

(E) INSULATION.—Subparagraph (A) of section 25C(c)(2) is amended by striking ''and meets the prescriptive criteria for such material or system established by the 2009 International Energy Conservation Code, as such Code (including supplements) is in effect on the date of the enactment of the American Recovery and Reinvestment Tax Act of 2009''.

(3) SUBSIDIZED ENERGY FINANCING.—Subsection (e) of section 25C is amended by adding at the end the following new paragraph:

''(3) PROPERTY FINANCED BY SUBSIDIZED ENERGY FINANCING.—For purposes of determining the amount of expenditures made by any individual with respect to any property, there shall not be taken into account expenditures which are made from subsidized energy financing (as defined in section 48(a)(4)(C)).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2010.

**SEC. 610. ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY.**

(a) EXTENSION OF CREDIT.—Paragraph (2) of section 30C(g) is amended by striking ''December 31, 2010'' and inserting ''December 31, 2011.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2010.

## Subtitle B—Individual Tax Relief

**SEC. 621. DEDUCTION FOR CERTAIN EXPENSES OF ELEMENTARY AND SECONDARY SCHOOL TEACHERS.**

(a) IN GENERAL.—Subparagraph (D) of section 62(a)(2) is amended by striking ''or 2009'' and inserting ''2009, 2010, or 2011''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2009.

**SEC. 622. DEDUCTION OF STATE AND LOCAL SALES TAXES.**

(a) IN GENERAL.—Subparagraph (I) of section 164(b)(5) is amended by striking ''January 1, 2010'' and inserting ''January 1, 2012''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2009.

**SEC. 623. CONTRIBUTIONS OF CAPITAL GAIN REAL PROPERTY MADE FOR CONSERVATION PURPOSES.**

(a) IN GENERAL.—Clause (vi) of section 170(b)(1)(E) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2011''.

(b) CONTRIBUTIONS BY CERTAIN CORPORATE FARMERS AND RANCHERS.—Clause (iii) of section 170(b)(2)(B) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2011''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to contributions made in taxable years beginning after December 31, 2009.

**SEC. 624. ABOVE-THE-LINE DEDUCTION FOR QUALIFIED TUITION AND RELATED EXPENSES.**

(a) IN GENERAL.—Subsection (e) of section 222 is amended by striking ''December 31, 2009'' and inserting ''December 31, 2011''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2009.

**SEC. 625. TAX-FREE DISTRIBUTIONS FROM INDIVIDUAL RETIREMENT PLANS FOR CHARITABLE PURPOSES.**

(a) IN GENERAL.—Subparagraph (F) of section 408(d)(8) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2011''.

(b) EFFECTIVE DATE; SPECIAL RULE.—

(1) EFFECTIVE DATE.—The amendment made by this section shall apply to distributions made in taxable years beginning after December 31, 2009.

(2) SPECIAL RULE.—For purposes of subsections (a)(6), (b)(3), and (d)(8) of section 408 of the Internal Revenue Code of 1986, at the election of the taxpayer (at such time and in such manner as prescribed by the Secretary of the Treasury) any qualified charitable distribution made after December 31, 2010, and before February 1, 2011, shall be deemed to have been made on December 31, 2010.

**SEC. 626. LOOK-THRU OF CERTAIN REGULATED INVESTMENT COMPANY STOCK IN DETERMINING GROSS ESTATE OF NONRESIDENTS.**

(a) IN GENERAL.—Paragraph (3) of section 2105(d) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2011''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to estates of decedents dying after December 31, 2009.

**SEC. 627. PARITY FOR EXCLUSION FROM INCOME FOR EMPLOYER-PROVIDED MASS TRANSIT AND PARKING BENEFITS.**

(a) IN GENERAL.—Paragraph (2) of section 132(f) is amended by striking ''January 1, 2011'' and inserting ''January 1, 2012''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to months after December 31, 2010.

**SEC. 628. REFUNDS DISREGARDED IN THE ADMINISTRATION OF FEDERAL PROGRAMS AND FEDERALLY ASSISTED PROGRAMS.**

(a) IN GENERAL.—Subchapter A of chapter 65 is amended by adding at the end the following new section:

**''SEC. 6409. REFUNDS DISREGARDED IN THE ADMINISTRATION OF FEDERAL PROGRAMS AND FEDERALLY ASSISTED PROGRAMS.**

''(a) IN GENERAL.—Notwithstanding any other provision of law, any refund (or advance payment with respect to a refundable credit) made to any individual under this title shall not be taken into account as income, and shall not be taken into account as resources for a period of 12 months from receipt, for purposes of determining the eligibility of such individual (or any other individual) for benefits or assistance (or the amount or extent of benefits or assistance) under any Federal program or under any State or local program financed in whole or in part with Federal funds.

''(b) TERMINATION.—Subsection (a) shall not apply to any amount received after December 31, 2012.''.

(b) CLERICAL AMENDMENT.—The table of sections for such subchapter is amended by adding at the end the following new item:

''Sec. 6409. Refunds disregarded in the administration of Federal programs and federally assisted programs.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts received after December 31, 2009.

## Subtitle C—Business Tax Relief

**SEC. 631. RESEARCH CREDIT.**

(a) IN GENERAL.—Subparagraph (B) of section 41(h)(1) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2011''.

(b) CONFORMING AMENDMENT.—Subparagraph (D) of section 45C(b)(1) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2011''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred after December 31, 2009.

**SEC. 632. INDIAN EMPLOYMENT TAX CREDIT.**

(a) IN GENERAL.—Subsection (f) of section 45A is amended by striking ''December 31, 2009'' and inserting ''December 31, 2011''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2009.

**SEC. 633. NEW MARKETS TAX CREDIT.**

(a) IN GENERAL.—Paragraph (1) of section 45D(f) is amended—

(1) by striking ''and'' at the end of subparagraph (E),

(2) by striking the period at the end of subparagraph (F), and

(3) by adding at the end the following new subparagraph:

''(G) $3,500,000,000 for 2010 and 2011.''.

(b) CONFORMING AMENDMENT.—Paragraph (3) of section 45D(f) is amended by striking ''2014'' and inserting ''2016''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to calendar years beginning after 2009.

**SEC. 634. RAILROAD TRACK MAINTENANCE CREDIT.**

(a) IN GENERAL.—Subsection (f) of section 45G is amended by striking ''January 1, 2010'' and inserting ''January 1, 2012''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to expenditures paid or incurred in taxable years beginning after December 31, 2009.

**SEC. 635. MINE RESCUE TEAM TRAINING CREDIT.**

(a) IN GENERAL.—Subsection (e) of section 45N is amended by striking ''December 31, 2009'' and inserting ''December 31, 2011''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2009.

**SEC. 636. EMPLOYER WAGE CREDIT FOR EMPLOYEES WHO ARE ACTIVE DUTY MEMBERS OF THE UNIFORMED SERVICES.**

(a) IN GENERAL.—Subsection (f) of section 45P is amended by striking ''December 31, 2009'' and inserting ''December 31, 2011''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to payments made after December 31, 2009.

**SEC. 637. 15-YEAR STRAIGHT-LINE COST RECOVERY FOR QUALIFIED LEASEHOLD IMPROVEMENTS, QUALIFIED RESTAURANT BUILDINGS AND IMPROVEMENTS, AND QUALIFIED RETAIL IMPROVEMENTS.**

(a) IN GENERAL.—Clauses (iv), (v), and (ix) of section 168(e)(3)(E) are each amended by striking ''January 1, 2010'' and inserting ''January 1, 2012''.

(b) CONFORMING AMENDMENTS.—

(1) Clause (i) of section 168(e)(7)(A) is amended by striking ''if such building is placed in service after December 31, 2008, and before January 1, 2010,''.

(2) Paragraph (8) of section 168(e) is amended by striking subparagraph (E).

(3) Section 179(f)(2) is amended—

(A) by striking ''(without regard to the dates specified in subparagraph (A)(i) thereof)'' in subparagraph (B), and

(B) by striking ''(without regard to subparagraph (E) thereof)'' in subparagraph (C).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2009.

**SEC. 638. 7-YEAR RECOVERY PERIOD FOR MOTORSPORTS ENTERTAINMENT COMPLEXES.**

(a) IN GENERAL.—Subparagraph (D) of section 168(i)(15) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2011''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2009.

**SEC. 639. ACCELERATED DEPRECIATION FOR BUSINESS PROPERTY ON AN INDIAN RESERVATION.**

(a) IN GENERAL.—Paragraph (8) of section 168(j) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2011''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2009.

**SEC. 640. ENHANCED CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF FOOD INVENTORY.**

(a) IN GENERAL.—Clause (iv) of section 170(e)(3)(C) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2011''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made after December 31, 2009.

**SEC. 641. ENHANCED CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF BOOK INVENTORIES TO PUBLIC SCHOOLS.**

(a) IN GENERAL.—Clause (iv) of section 170(e)(3)(D) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2011''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made after December 31, 2009.

**SEC. 642. ENHANCED CHARITABLE DEDUCTION FOR CORPORATE CONTRIBUTIONS OF COMPUTER INVENTORY FOR EDUCATIONAL PURPOSES.**

(a) IN GENERAL.—Subparagraph (G) of section 170(e)(6) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2011''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made in taxable years beginning after December 31, 2009.

**SEC. 643. ELECTION TO EXPENSE MINE SAFETY EQUIPMENT.**

(a) IN GENERAL.—Subsection (g) of section 179E is amended by striking ''December 31, 2009'' and inserting ''December 31, 2011''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2009.

**SEC. 644. SPECIAL EXPENSING RULES FOR CERTAIN FILM AND TELEVISION PRODUCTIONS.**

(a) IN GENERAL.—Subsection (f) of section 181 is amended by striking ''December 31, 2009'' and inserting ''December 31, 2011''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to productions commencing after December 31, 2009.

**SEC. 645. EXPENSING OF ENVIRONMENTAL REMEDIATION COSTS.**

(a) IN GENERAL.—Subsection (h) of section 198 is amended by striking ''December 31, 2009'' and inserting ''December 31, 2011''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to expenditures paid or incurred after December 31, 2009.

**SEC. 646. DEDUCTION ALLOWABLE WITH RESPECT TO INCOME ATTRIBUTABLE TO DOMESTIC PRODUCTION ACTIVITIES IN PUERTO RICO.**

(a) IN GENERAL.—Subparagraph (C) of section 199(d)(8) is amended—

(1) by striking ''first 4 taxable years'' and inserting ''first 6 taxable years''; and

(2) by striking ''January 1, 2010'' and inserting ''January 1, 2012''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

**SEC. 647. MODIFICATION OF TAX TREATMENT OF CERTAIN PAYMENTS TO CONTROLLING EXEMPT ORGANIZATIONS.**

(a) IN GENERAL.—Clause (iv) of section 512(b)(13)(E) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2011''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to payments received or accrued after December 31, 2009.

**SEC. 648. TREATMENT OF CERTAIN DIVIDENDS OF REGULATED INVESTMENT COMPANIES.**

(a) IN GENERAL.—Paragraphs (1)(C) and (2)(C) of section 871(k) are each amended by striking ''December 31, 2009'' and inserting ''December 31, 2011''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

**SEC. 649. RIC QUALIFIED INVESTMENT ENTITY TREATMENT UNDER FIRPTA.**

(a) IN GENERAL.—Clause (ii) of section 897(h)(4)(A) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2011''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (a) shall take effect on January 1, 2010. Notwithstanding the preceding sentence, such amendment shall not apply with respect to the withholding requirement under section 1445 of the Internal Revenue Code of 1986 for any payment made before the date of the enactment of this Act.

(2) AMOUNTS WITHHELD ON OR BEFORE DATE OF ENACTMENT.—In the case of a regulated investment company—

(A) which makes a distribution after December 31, 2009, and before the date of the enactment of this Act; and

(B) which would (but for the second sentence of paragraph (1)) have been required to withhold with respect to such distribution under section 1445 of such Code,

such investment company shall not be liable to any person to whom such distribution was made for any amount so withheld and paid over to the Secretary of the Treasury.

**SEC. 650. EXCEPTIONS FOR ACTIVE FINANCING INCOME.**

(a) IN GENERAL.—Sections 953(e)(10) and 954(h)(9) are each amended by striking ''January 1, 2010'' and inserting ''January 1, 2012''.

(b) CONFORMING AMENDMENT.—Section 953(e)(10) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2011''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years of foreign corporations beginning after December 31, 2009, and to taxable years of United States shareholders with or within which any such taxable year of such foreign corporation ends.

**SEC. 651. LOOK-THRU TREATMENT OF PAYMENTS BETWEEN RELATED CONTROLLED FOREIGN CORPORATIONS UNDER FOREIGN PERSONAL HOLDING COMPANY RULES.**

(a) IN GENERAL.—Subparagraph (C) of section 954(c)(6) is amended by striking ''January 1, 2010'' and inserting ''January 1, 2012''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years of foreign corporations beginning after December 31, 2009, and to taxable years of United States shareholders with or within which any such taxable year of such foreign corporation ends.

**SEC. 652. BASIS ADJUSTMENT TO STOCK OF S CORPS MAKING CHARITABLE CONTRIBUTIONS OF PROPERTY.**

(a) IN GENERAL.—Paragraph (2) of section 1367(a) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2011''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made in taxable years beginning after December 31, 2009.

**SEC. 653. EMPOWERMENT ZONE TAX INCENTIVES.**

(a) IN GENERAL.—Section 1391 is amended—

(1) by striking ''December 31, 2009'' in subsection (d)(1)(A)(i) and inserting ''December 31, 2011''; and

(2) by striking the last sentence of subsection (h)(2).

(b) INCREASED EXCLUSION OF GAIN ON STOCK OF EMPOWERMENT ZONE BUSINESSES.—Subparagraph (C) of section 1202(a)(2) is amended—

(1) by striking ''December 31, 2014'' and inserting ''December 31, 2016''; and

(2) by striking ''2014'' in the heading and inserting ''2016''.

(c) TREATMENT OF CERTAIN TERMINATION DATES SPECIFIED IN NOMINATIONS.—In the case of a designation of an empowerment zone the nomination for which included a termination date which is contemporaneous with the date specified in subparagraph (A)(i) of section 1391(d)(1) of the Internal Revenue Code of 1986 (as in effect before the enactment of this Act), subparagraph (B) of such section shall not apply with respect to such designation if, after the date of the enactment of this section, the entity which made such nomination amends the nomination to provide for a new termination date in such manner as the Secretary of the Treasury (or the Secretary's designee) may provide.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to periods after December 31, 2009.

**SEC. 654. TAX INCENTIVES FOR INVESTMENT IN THE DISTRICT OF COLUMBIA.**

(a) IN GENERAL.—Subsection (f) of section 1400 is amended by striking ''December 31, 2009'' each place it appears and inserting ''December 31, 2011''.

(b) TAX-EXEMPT DC EMPOWERMENT ZONE BONDS.—Subsection (b) of section 1400A is amended by striking ''December 31, 2009'' and inserting ''December 31, 2011''.

(c) ZERO-PERCENT CAPITAL GAINS RATE.—

(1) ACQUISITION DATE.—Paragraphs (2)(A)(i), (3)(A), (4)(A)(i), and (4)(B)(i)(I) of section 1400B(b) are each amended by striking ''January 1, 2010'' and inserting ''January 1, 2012''.

(2) LIMITATION ON PERIOD OF GAINS.—

(A) IN GENERAL.—Paragraph (2) of section 1400B(e) is amended—

(i) by striking ''December 31, 2014'' and inserting ''December 31, 2016''; and

(ii) by striking ''2014'' in the heading and inserting ''2016''.

(B) PARTNERSHIPS AND S-CORPS.—Paragraph (2) of section 1400B(g) is amended by striking ''December 31, 2014'' and inserting ''December 31, 2016''.

(d) FIRST-TIME HOMEBUYER CREDIT.—Subsection (i) of section 1400C is amended by striking ''January 1, 2010'' and inserting ''January 1, 2012''.

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to periods after December 31, 2009.

(2) TAX-EXEMPT DC EMPOWERMENT ZONE BONDS.—The amendment made by subsection (b) shall apply to bonds issued after December 31, 2009.

(3) ACQUISITION DATES FOR ZERO-PERCENT CAPITAL GAINS RATE.—The amendments made by subsection (c) shall apply to property acquired or substantially improved after December 31, 2009.

(4) HOMEBUYER CREDIT.—The amendment made by subsection (d) shall apply to homes purchased after December 31, 2009.

**SEC. 655. TEMPORARY INCREASE IN LIMIT ON COVER OVER OF RUM EXCISE TAXES TO PUERTO RICO AND THE VIRGIN ISLANDS.**

(a) IN GENERAL.—Paragraph (1) of section 7652(f) is amended by striking ''January 1, 2010'' and inserting ''January 1, 2012''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to distilled spirits brought into the United States after December 31, 2009.

**SEC. 656. AMERICAN SAMOA ECONOMIC DEVELOPMENT CREDIT.**

(a) IN GENERAL.—Subsection (d) of section 119 of division A of the Tax Relief and Health Care Act of 2006 is amended—

(1) by striking ''first 4 taxable years'' and inserting ''first 6 taxable years'', and

(2) by striking ''January 1, 2010'' and inserting ''January 1, 2012''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

**SEC. 657. WORK OPPORTUNITY CREDIT.**

(a) IN GENERAL.—Subparagraph (B) of section 51(c)(4) is amended by striking ''August 31, 2011'' and inserting ''December 31, 2011''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to individuals who begin work for the employer after the date of the enactment of this Act.

**SEC. 658. QUALIFIED ZONE ACADEMY BONDS.**

(a) IN GENERAL.—Section 54E(c)(1) is amended—

(1) by striking ''2008 and'' and inserting ''2008,'', and

(2) by inserting ''and $400,000,000 for 2011'' after ''2010,''.

(b) REPEAL OF REFUNDABLE CREDIT FOR QZABS.—Paragraph (3) of section 6431(f) is amended by inserting ''determined without regard to any allocation relating to the national zone academy bond limitation for 2011 or any carryforward of such allocation'' after ''54E)'' in subparagraph (A)(iii).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after December 31, 2010.

**SEC. 659. MORTGAGE INSURANCE PREMIUMS.**

(a) IN GENERAL.—Clause (iv) of section 163(h)(3)(E) is amended by striking ''December 31, 2010'' and inserting ''December 31, 2011''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to amounts paid or accrued after December 31, 2010.

**SEC. 660. TEMPORARY EXCLUSION OF 100 PERCENT OF GAIN ON CERTAIN SMALL BUSINESS STOCK.**

(a) IN GENERAL.—Paragraph (4) of section 1202(a) is amended—

(1) by striking ''January 1, 2011'' and inserting ''January 1, 2012'', and

(2) by inserting ''AND 2011'' after ''2010'' in the heading thereof.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to stock acquired after December 31, 2010.

## Subtitle D—Temporary Disaster Relief Provisions

## PART I—NEW YORK LIBERTY ZONE

**SEC. 661. TAX-EXEMPT BOND FINANCING.**

(a) IN GENERAL.—Subparagraph (D) of section 1400L(d)(2) is amended by striking ''January 1, 2010'' and inserting ''January 1, 2012''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to bonds issued after December 31, 2009.

## PART II—GO ZONE

**SEC. 662. INCREASE IN REHABILITATION CREDIT.**

(a) IN GENERAL.—Subsection (h) of section 1400N is amended by striking ''December 31, 2009'' and inserting ''December 31, 2011''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to amounts paid or incurred after December 31, 2009.

**SEC. 663. LOW-INCOME HOUSING CREDIT RULES FOR BUILDINGS IN GO ZONES.**

Section 1400N(c)(5) is amended by striking ''January 1, 2011'' and inserting ''January 1, 2012''.

**SEC. 664. TAX-EXEMPT BOND FINANCING.**

(a) IN GENERAL.—Paragraphs (2)(D) and (7)(C) of section 1400N(a) are each amended by striking ''January 1, 2011'' and inserting ''January 1, 2012''.

(b) CONFORMING AMENDMENTS.—Sections 702(d)(1) and 704(a) of the Heartland Disaster Tax Relief Act of 2008 are each amended by striking ''January 1, 2011'' each place it appears and inserting ''January 1, 2012''.

**SEC. 665. BONUS DEPRECIATION DEDUCTION APPLICABLE TO THE GO ZONE.**

(a) IN GENERAL.—Paragraph (6) of section 1400N(d) is amended—

(1) by striking ''December 31, 2010'' both places it appears in subparagraph (B) and inserting ''December 31, 2011'', and

(2) by striking ''January 1, 2010'' in the heading and the text of subparagraph (D) and inserting ''January 1, 2012''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2009.

# TITLE VII—RESCISSIONS

## Subtitle A—Rescissions and Elimination of Wasteful Government Programs

**SEC. 701. 15 PERCENT REDUCTION IN APPROPRIATIONS TO THE EXECUTIVE OFFICE OF THE PRESIDENT AND CONGRESS.**

(a) RESCISSIONS.—

(1) IN GENERAL.—There is rescinded an amount equal to 15 percent of the budget authority provided for any discretionary account in appropriations to the Legislative Branch for fiscal year 2011.

(2) PROPORTIONATE APPLICATION.—Any rescission made by paragraph (1) shall be applied proportionately—

(A) to each discretionary account and each item of budget authority described in such paragraph; and

(B) within each such account and item, to each program, project, and activity (with programs, projects, and activities as delineated in the appropriation Act or accompanying reports for the relevant fiscal year covering such account or item, or for accounts and items not included in appropriation Acts, as delineated in the most recently submitted President's budget).

(3) EXCEPTION.—This subsection shall not apply to appropriations under the heading ''CAPITOL POLICE''.

(4) ADMINISTRATION OF ACROSS-THE-BOARD REDUCTIONS.—In the administration of paragraph (1), with respect to the budget authority provided under the heading ''SENATE'' in—

(A) the percentage rescissions under paragraph (1) shall apply to the total amount of all funds appropriated under that heading; and

(B) the rescissions may be applied without regard to paragraph (2).

(b) APPROPRIATIONS TO THE EXECUTIVE OFFICE OF THE PRESIDENT.—Notwithstanding any other provision of law, the total amount of funds appropriated to the appropriations account under the heading under the heading ''EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT'' for each of fiscal years 2012 and 2013 may not exceed the total amount of funds appropriated to that account for fiscal year 2011 after application of the rescission under subsection (a).

(c) APPROPRIATIONS TO CONGRESS.—Notwithstanding any other provision of law, the total amount of funds appropriated under the headings ''SENATE'' and ''HOUSE OF REPRESENTATIVES'' for each of fiscal years 2012 and 2013 may not exceed the total amount of funds appropriated under those headings for fiscal year 2011 after application of the rescission under subsection (a).

**SEC. 702. NO COST OF LIVING ADJUSTMENT IN PAY OF MEMBERS OF CONGRESS.**

Notwithstanding any other provision of law, no adjustment shall be made under section 601(a) of the Legislative Reorganization

Act of 1946 (2 U.S.C. 31) (relating to cost of living adjustments for Members of Congress) during fiscal years 2012, 2013, and 2014.

**SEC. 703. FREEZE ON COST OF FEDERAL EMPLOYEES (INCLUDING CIVILIAN EMPLOYEES OF THE DEPARTMENT OF DEFENSE) SALARIES.**

Notwithstanding any other provision of law, the total amount of funds expended on salaries for civilian employees of the Federal Government, including civilian employees of the Department of Defense, for fiscal year 2011, fiscal year 2012, and fiscal year 2013 shall not exceed the total costs for such salaries in fiscal year 2010: *Provided,* That the amounts spent on salaries of members of the armed forces are exempt from the provisions of this subsection: *Provided further,* That nothing in this subsection prohibits an employee from receiving an increase in salary or other compensation so long as such an increase does not increase an agency's net expenditures for employee salaries.

**SEC. 704. REDUCTION IN THE NUMBER OF FEDERAL EMPLOYEES.**

(a) DEFINITION.—In this section, the term ''agency'' means an executive agency as defined under section 105 of title 5, United States Code.

(b) DETERMINATION OF NUMBER OF EMPLOYEES.—Not later than 60 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall determine the number of full-time employees employed in each agency. The head of each agency shall cooperate with the Director of the Office of Management and Budget in making the determinations.

(c) REDUCTIONS.—Notwithstanding any other provision of law, the head of each agency shall take such actions as necessary, including a reduction in force under sections 3502 and 3595 of title 5, United States Code, to reduce the number of full-time employees employed in that agency as determined under subsection (b) by 10 percent not later than October 1, 2020.

(d) REPLACEMENT HIRE RATE.—In implementing subsection (c), the head of each agency may hire no more than 2 employees in that agency for every 3 employees who leave employment in that agency during any fiscal year.

**SEC. 705. LIMITATION ON GOVERNMENT PRINTING COSTS.**

Not later than 180 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall coordinate with the heads of Federal departments and independent agencies to—

(a) determine which Government publications could be available on Government websites and no longer printed and to devise a strategy to reduce overall Government printing costs over the 10-year period beginning with fiscal year 2011, except that the Director shall ensure that essential printed documents prepared for social security recipients, medicare beneficiaries, and other populations in areas with limited internet access or use continue to remain available;

(b) establish government-wide Federal guidelines on employee printing;

(c) issue on the Office of Management and Budget's public website the results of a cost-benefit analysis on implementing a digital signature system and on establishing employee printing identification systems, such as the use of individual employee cards or codes, to monitor the amount of printing done by Federal employees; except that the Director of the Office of Management and Budget shall ensure that Federal employee printing costs unrelated to national defense, homeland security, border security, national disasters, and other emergencies do not exceed $860,000,000 annually; and

(d) issue guidelines requiring every department, agency, commission or office to list at a prominent place near the beginning of each publication distributed to the public and issued or paid for by the Federal Government—

(1) the name of the issuing agency, department, commission or office;

(2) the total number of copies of the document printed;

(3) the collective cost of producing and printing all of the copies of the document; and

(4) the name of the firm publishing the document.

**SEC. 706. LIMITATION OF GOVERNMENT TRAVEL COSTS.**

(a) IN GENERAL.—Within 60 days after the date of enactment of this Act, the Director of the Office of Management and Budget, in consultation with the heads of the Federal departments and agencies, shall establish a definition of ''nonessential travel'' and criteria to determine if travel-related expenses and requests by Federal employees meet the definition of ''nonessential travel''. No travel expenses paid for, in whole or in part, with Federal funds shall be paid by the Federal Government unless a request is made prior to the travel and the requested travel meets the criteria established by this section. Any travel request that does not meet the definition and criteria shall be disallowed, including reimbursement for air flights, automobile rentals, train tickets, lodging, per diem, and other travel-related costs. The definition established by the Director of the Office of Management and Budget may include exemptions in the definition, including travel related to national defense, homeland security, border security, national disasters, and other emergencies. The Director of the Office of Management and Budget shall ensure that all travel costs paid for in part or whole by the Federal Government not related to national defense, homeland security, border security, national disasters, and other emergencies do not exceed $5,000,000,000 annually.

(b) RESCISSIONS.—

(1) DEFINITIONS.—In this subsection—

(A) the term ''agency''—

(i) means an executive agency as defined under section 105 of title 5, United States Code; and

(ii) does not include the Department of Defense; and

(B) the term ''travel expense amount'' means, with respect to each agency, an amount equal to 20 percent of all funds expended by that agency on travel expenses during fiscal year 2010.

(2) IN GENERAL.—There is rescinded a travel expense amount from appropriations made for fiscal year 2011 in each agency appropriations account providing for travel expenses.

(3) FREEZE.—Notwithstanding any other provision of law, the total amount of funds appropriated to the appropriations account providing for travel expenses for each agency for each of fiscal years 2012 and 2013 may not exceed the total amount of funds appropriated to that account for fiscal year 2011 after application of the rescission under paragraph (2).

**SEC. 707. REDUCTION IN FEDERAL VEHICLE COSTS.**

Notwithstanding any other provision of law—

(a) of the amounts made available to the General Services Administration for the acquisition of new vehicles for the Federal fleet for fiscal year 2011 and remaining unobligated as of the date of enactment of this Act, an amount equal to 20 percent of all such amounts is rescinded;

(b) for fiscal year 2012 and each fiscal year thereafter—

(1) the amount made available to the General Services Administration for the acquisition of new vehicles for the Federal fleet shall not exceed an amount equal to 80 percent of the amount made available for the acquisition of those vehicles for fiscal year 2011 (before application of subsection (a)); and

(2) the number of new vehicles acquired by the General Services Administration for the Federal fleet shall not exceed a number equal to 50 percent of the vehicles so acquired for fiscal year 2011; and

(c) any amounts made available under Public Law 111–5 for the acquisition of new vehicles for the Federal fleet shall be disregarded by for purposes of determining the baseline.

**SEC. 708. SALE OF EXCESS FEDERAL PROPERTY.**

(a) IN GENERAL.—Chapter 5 of subtitle I of title 40, United States Code, is amended by adding at the end the following:

''SUBCHAPTER VII—EXPEDITED DISPOSAL OF REAL PROPERTY

**''§ 621. Definitions**

''In this subchapter:

''(1) DIRECTOR.—The term 'Director' means the Director of the Office of Management and Budget.

''(2) LANDHOLDING AGENCY.—The term 'landholding agency' means a landholding agency (as defined in section 501(i) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11411(i))).

''(3) REAL PROPERTY.—

''(A) IN GENERAL.—The term 'real property' means—

''(i) a parcel of real property under the administrative jurisdiction of the Federal Government that is—

''(I) excess;

''(II) surplus;

''(III) underperforming; or

''(IV) otherwise not meeting the needs of the Federal Government, as determined by the Director; and

''(ii) a building or other structure located on real property described in clause (i).

''(B) EXCLUSION.—The term 'real property' excludes any parcel of real property, and any building or other structure located on real property, that is to be closed or realigned under the Defense Authorization Amendments and Base Closure and Realignment Act (10 U.S.C. 2687 note; Public Law 100–526).

**''§ 622. Disposal program**

''(a) IN GENERAL.—Except as provided in subsection (e), the Director shall, by sale or auction, dispose of a quantity of real property with an aggregate value of not less than $15,000,000,000 that, as determined by the Director, is not being used, and will not be used, to meet the needs of the Federal Government for the period of fiscal years 2010 through 2015.

''(b) RECOMMENDATIONS.—The head of each landholding agency shall recommend to the Director real property for disposal under subsection (a).

''(c) SELECTION OF PROPERTIES.—After receiving recommendations of candidate real property under subsection (b), the Director—

''(1) with the concurrence of the head of each landholding agency, may select the real property for disposal under subsection (a); and

''(2) shall notify the recommending landholding agency head of the selection of the real property.

''(d) WEB SITE.—The Director shall ensure that all real properties selected for disposal under this section are listed on a Web site that shall—

''(1) be updated routinely; and

''(2) include the functionality to allow any member of the public, at the option of the member, to receive updates of the list through electronic mail.

''(e) TRANSFER OF PROPERTY.—The Director may transfer real property selected for disposal under this section to the Department

of Housing and Urban Development if the Secretary of Housing and Urban Development determines that the real property is suitable for use in assisting the homeless.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 5 of subtitle I of title 40, United States Code, is amended by inserting after the item relating to section 611 the following:

''SUBCHAPTER VII—EXPEDITED DISPOSAL OF REAL PROPERTY

''Sec. 621. Definitions.

''Sec. 622. Disposal program.''.

**SEC. 709. PROHIBITION ON USE OF FEDERAL FUNDS TO PAY UNEMPLOYMENT COMPENSATION TO MILLIONAIRES.**

(a) PROHIBITION.—Notwithstanding any other provision of law, no Federal funds may be used to make payments of unemployment compensation (including such compensation under the Federal-State Extended Compensation Act of 1970 and the emergency unemployment compensation program under title IV of the of the Supplemental Appropriations Act, 2008) in a year to an individual whose resources in the preceding year was equal to or greater than $1,000,000. For purposes of the preceding sentence, with respect to a year, an individual's resources shall be determined in the same manner as a subsidy eligible individual's resources are determined for the year for purposes of the Medicare part D drug benefit under section 1860D–14(a)(3)(E) of the Social Security Act (42 U.S.C. 1395w–114(a)(3)(E)).

(b) EFFECTIVE DATE.—The prohibition under subsection (a) shall apply to weeks of unemployment beginning on or after January 1, 2011.

**SEC. 710. MANDATORY ELIMINATION OF DUPLICATIVE GOVERNMENT PROGRAMS.**

(a) REDUCING DUPLICATION.—The Director of the Office of Management Budget and the Secretary of each Federal Government agency (and the head of each independent agency) shall work with the Chairman and ranking member of the relevant congressional appropriations subcommittees and the congressional authorizing committees and the Director of the Office of Management Budget to consolidate programs with duplicative goals, missions, and initiatives.

(b) OMB REPORT.—Within 120 days after the date of enactment of this section, the Director of the Office of Management and Budget shall submit to Congress a list of programs with duplicative goals, missions, and initiatives with recommendations for consolidation or elimination.

(c) FAILURE TO ACT.—If Congress takes no action to address the recommendations submitted in subsection (b) within 60 days, Secretary of each Federal Government agency and the head of each independent agency shall carry out the recommendations as submitted to Congress.

**SEC. 711. COLLECTION OF UNPAID TAXES FROM EMPLOYEES OF THE FEDERAL GOVERNMENT.**

(a) IN GENERAL.—Chapter 73 of title 5, United States Code, is amended by adding at the end the following:

''SUBCHAPTER VIII—COLLECTION OF UNPAID TAXES FROM EMPLOYEES OF THE FEDERAL GOVERNMENT

**''§ 7381. Collection of unpaid taxes from employees of the Federal Government**

''(a) DEFINITIONS.—For purposes of this section—

''(1) the term 'seriously delinquent tax debt' means an outstanding debt under the Internal Revenue Code of 1986 for which a notice of lien has been filed in public records pursuant to section 6323 of such Code, except that such term does not include—

''(A) a debt that is being paid in a timely manner pursuant to an agreement under section 6159 or section 7122 of such Code; and

''(B) a debt with respect to which a collection due process hearing under section 6330 of such Code, or relief under subsection (a), (b), or (f) of section 6015 of such Code, is requested or pending; and

''(2) the term 'Federal employee' means—

''(A) an employee, as defined by section 2105; and

''(B) an employee of the United States Congress, including Members of the House of Representatives and Senators.

''(b) COLLECTION OF UNPAID TAXES.—The Internal Revenue Service shall coordinate with the Department of Treasury and the hiring agency of a Federal employee who has a seriously delinquent tax debt to collect such taxes by withholding a portion of the employee's salary over a period set by the hiring agency to ensure prompt payment.''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 73 of title 5, United States Code, is amended by adding at the end the following:

''SUBCHAPTER VIII—COLLECTION OF UNPAID TAXES FROM EMPLOYEES OF THE FEDERAL GOVERNMENT

''Sec. 7381. Collection of unpaid taxes from employees of the Federal Government.''.

**SEC. 712. TEN PERCENT REDUCTION IN VOLUNTARY CONTRIBUTIONS TO THE UNITED NATIONS.**

Notwithstanding any other provision of law, of the funds appropriated or otherwise made available for fiscal year 2011, voluntary contributions to the United Nations paid by the United States shall not exceed an amount that is 10 percent less than the amount provided in fiscal year 2010.

**SEC. 713. LOW-PRIORITY CONSTRUCTION PROJECTS OF CORPS OF ENGINEERS.**

(a) TERMINATION OF AUTHORITY.—The authority to carry out low-priority construction projects of the Corps of Engineers is terminated.

(b) RESCISSION.—Notwithstanding any other provision of law—

(1) all amounts made available for low-priority construction projects of the Corps of Engineers that remain unobligated as of the date of enactment of this Act are rescinded; and

(2) no amounts made available after the date of enactment of this Act for the projects referred to in paragraph (1) shall be expended, other than such amounts as are necessary to cover costs incurred in terminating ongoing projects described in paragraph (1), as determined by the Secretary of the Army, in consultation with other appropriate Federal agencies.

**SEC. 714. TEN PERCENT REDUCTION IN INTERNATIONAL DEVELOPMENT AND HUMANITARIAN ASSISTANCE FUNDING.**

Notwithstanding any other provision of law, of the funds appropriated or otherwise made available for fiscal year 2011, international development and humanitarian assistance expenditures of the United States shall not exceed an amount that is 10 percent less than the amount provided in fiscal year 2010.

(a) REPEAL.—Part A of title IV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7101 et seq.) is repealed.

(b) RECISION OF FUNDS.—Notwithstanding any other provision of law, all unobligated balances held by the Secretary of Education for the Safe and Drug-Free Schools and Communities Program under part A of title IV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7101 et seq.), as in effect on the day before the date of enactment of this Act, are rescinded and no funds appropriated hereafter for such activities shall be expended, except as determined necessary or essential by such Secretary, in consultation with the appropriate Federal agencies.

**SEC. 715. ELIMINATION OF THE SAFE AND DRUG-FREE SCHOOLS AND COMMUNITIES PROGRAM.**

(a) REPEAL.—Part A of title IV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7101 et seq.) is repealed.

(b) RECISION OF FUNDS.—Notwithstanding any other provision of law, all unobligated balances held by the Secretary of Education for the Safe and Drug-Free Schools and Communities Program under part A of title IV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7101 et seq.), as in effect on the day before the date of enactment of this Act, are rescinded and no funds appropriated hereafter for such activities shall be expended, except as determined necessary or essential by such Secretary, in consultation with the appropriate Federal agencies.

**SEC. 716. RESCISSION OF AMOUNTS FOR ECONOMIC DEVELOPMENT ADMINISTRATION.**

Notwithstanding any other provision of law—

(1) all amounts made available for programs, activities, and grants of the Economic Development Administration that remain unobligated as of the date of enactment of this Act are rescinded; and

(2) no amounts made available after the date of enactment of this Act for the programs, activities, and grants referred to in paragraph (1) shall be expended, other than such amounts as are necessary to cover costs incurred in terminating such programs, activities, and grants, as determined by the Secretary of Commerce, in consultation with other appropriate Federal agencies.

**SEC. 717. DEPARTMENT OF JUSTICE WASTEFUL ACTIVITIES.**

Notwithstanding any other provision of law, 5 percent of all unobligated balances held by the Attorney General as of the date of enactment of this Act are rescinded to eliminate wasteful activities of the Department of Justice.

**SEC. 718. RESCISSION OF AMOUNTS FOR HOLLINGS MANUFACTURING PARTNERSHIP PROGRAM AND BALDRIDGE PERFORMANCE EXCELLENCE PROGRAM.**

Notwithstanding any other provision of law—

(1) all amounts made available for the Hollings Manufacturing Partnership Program and the Baldridge Performance Excellence Program that remain unobligated as of the date of enactment of this Act are rescinded; and

(2) no amounts made available after the date of enactment of this Act for the programs referred to in paragraph (1) shall be expended, other than such amounts as are necessary to cover costs incurred in terminating ongoing projects and activities under such programs, as determined by the Secretary of Commerce, in consultation with other appropriate Federal agencies.

**SEC. 719. FOSSIL FUEL APPLIED RESEARCH.**

(a) TERMINATION OF AUTHORITY.—The authority of the Secretary of Energy to carry out fossil fuel applied research is terminated.

(b) RESCISSION.—Notwithstanding any other provision of law—

(1) all amounts made available for fossil fuel applied research described in subsection (a) that remain unobligated as of the date of enactment of this Act are rescinded; and

(2) no amounts made available after the date of enactment of this Act for research referred to in paragraph (1) shall be expended, other than such amounts as are necessary to cover costs incurred in terminating ongoing

research described in paragraph (1), as determined by the Secretary of Energy, in consultation with other appropriate Federal agencies.

**SEC. 720. CORPORATION FOR PUBLIC BROADCASTING.**

Notwithstanding any other provision of law, the portion of all unobligated balances held by the Corporation for Public Broadcasting that consists of Federal funds are rescinded and no Federal funds appropriated hereafter for the Corporation for Public Broadcasting shall be obligated or expended by such Corporation.

**SEC. 721. FIFTEEN PERCENT REDUCTION IN FISCAL YEAR 2011 FUNDING FOR THE DEPARTMENT OF DEFENSE FOR PROCUREMENT.**

Notwithstanding any other provision of law, the amount available to the Department of Defense for fiscal year 2011 for procurement is the amount equal to the aggregate amount otherwise authorized to be appropriated to the Department for that fiscal year for procurement minus an amount equal to 15 percent of such aggregate amount.

**SEC. 722. TEN PERCENT REDUCTION IN FISCAL YEAR 2011 FUNDING FOR THE DEPARTMENT OF DEFENSE FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.**

Notwithstanding any other provision of law, the amount available to the Department of Defense for fiscal year 2011 for research, development, test, and evaluation is the amount equal to the aggregate amount otherwise authorized to be appropriated to the Department for that fiscal year for research, development, test, and evaluation minus an amount equal to 10 percent of such aggregate amount.

**SEC. 723. REDUCTION IN DEPARTMENT OF DEFENSE SPENDING IN SUPPORT OF MILITARY INSTALLATIONS.**

The Secretary of Defense shall reduce the amount obligated or expended in support of military installations through the reduction or elimination of waste, fraud, and abuse attributable to programs and activities related to such support.

**SEC. 724. RESCISSION OF DIPLOMATIC AND CONSULAR PROGRAMS FUNDING.**

Ten percent of the funds appropriated or otherwise made available to the Secretary of State for diplomatic and consular programs and available for obligation as of the date of the enactment of this Act is hereby rescinded.

**SEC. 725. ELIMINATION OF PROGRAM TO PAY INSTITUTIONS OF HIGHER EDUCATION FOR ADMINISTRATIVE EXPENSES RELATING TO STUDENT AID PROGRAM.**

(a) REPEAL.—Section 489 of the Higher Education Act of 1965 (20 U.S.C. 1096) is repealed.

(b) RECESSION.—Notwithstanding any other provision of law, all unobligated balances held by the Secretary of Education for payments to institutions of higher education under section 489 of the Higher Education Act of 1965 (20 U.S.C. 1096), as in effect on the day before the date of enactment of this Act, are rescinded and no funds appropriated hereafter for such payments shall be expended, except as determined necessary or essential by such Secretary, in consultation with the appropriate Federal agencies.

**SEC. 726. CONSOLIDATE ALL FEDERAL FIRE MANAGEMENT PROGRAMS AND REDUCING FUNDING BY 10 PERCENT.**

(a) CONSOLIDATION.—Notwithstanding any other provision of law, the Secretary of Homeland Security shall consolidate all fire management programs carried out under laws administered by the Secretary.

(b) RESCISSION.—Notwithstanding any other provision of law—

(1) of amounts made available for programs consolidated under subsection (a), the lesser of 10 percent of such amounts, on the one hand, and the amount of such amounts that remain unobligated as of the date of enactment of this Act, on the other hand, are rescinded; and

(2) no amounts made available after the date of enactment of this Act for the programs referred to in paragraph (1) shall be expended, other than such amounts as are necessary to cover costs incurred in terminating or reducing ongoing projects and activities under such programs, as determined by the Secretary of Homeland Security, in consultation with other appropriate Federal agencies.

**SEC. 727. HIGH-ENERGY COST GRANT PROGRAM.**

(a) REPEAL.—Section 19 of the Rural Electrification Act of 1936 (7 U.S.C. 918a) is repealed.

(b) RESCISSION.—Notwithstanding any other provision of law—

(1) all amounts made available for the program carried out under section 19 of the Rural Electrification Act of 1936 (7 U.S.C. 918a) (as in existence on the day before the date of enactment of this Act) that remain unobligated as of the date of enactment of this Act are rescinded; and

(2) no amounts made available after the date of enactment of this Act for the program referred to in paragraph (1) shall be expended, other than such amounts as are necessary to cover costs incurred in terminating the program described in paragraph (1), as determined by the Secretary of Agriculture, in consultation with other appropriate Federal agencies.

**SEC. 728. RESOURCE CONSERVATION AND DEVELOPMENT PROGRAMS.**

(a) TERMINATION OF AUTHORITY.—The authority to carry out the resource conservation and development program of the Natural Resources Conservation Service of the Department of Agriculture is terminated.

(b) RESCISSION.—Notwithstanding any other provision of law—

(1) all amounts made available for the resource conservation and development program of the Natural Resources Conservation Service of the Department of Agriculture (as in existence on the day before the date of enactment of this Act) that remain unobligated as of the date of enactment of this Act are rescinded; and

(2) no amounts made available after the date of enactment of this Act for the program referred to in paragraph (1) shall be expended, other than such amounts as are necessary to cover costs incurred in terminating ongoing projects and activities under that program, as determined by the Secretary of Agriculture, in consultation with other appropriate Federal agencies.

**SEC. 729. REPEAL OF LEAP.**

(a) REPEAL OF LEAP.—Subpart 4 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070c) is repealed.

(b) RECESSION.—Notwithstanding any other provision of law, all unobligated balances held by the Secretary of Education for the Leveraging Educational Assistance Partnership Program under subpart 4 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070c), as in effect on the day before the date of enactment of this Act, are rescinded and no funds appropriated hereafter for such program shall be expended, except as determined necessary or essential by such Secretary, in consultation with the appropriate Federal agencies.

**SEC. 730. ELIMINATION OF THE B.J. STUPAK OLYMPIC SCHOLARSHIPS PROGRAM.**

(a) REPEAL.—Section 1543 of the Higher Education Amendments of 1992 (20 U.S.C. 1070 note) is repealed.

(b) ELIMINATION OF FUNDING.—Notwithstanding any other provision of law, all unobligated balances held by the Secretary of Education for the B.J. Stupak Olympic Scholarships program under section 1543 of the Higher Education Amendments of 1992 (20 U.S.C. 1070 note), as in effect on the day before the date of enactment of this Act, are rescinded and no funds appropriated hereafter for such activities shall be expended, except as determined necessary or essential by such Secretary, in consultation with the appropriate Federal agencies.

**SEC. 731. REPEAL OF ROBERT C. BYRD HONORS SCHOLARSHIP PROGRAM.**

(a) REPEAL OF LEAP.—Subpart 6 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070c) is repealed.

(b) RECESSION.—Notwithstanding any other provision of law, all unobligated balances held by the Secretary of Education for the Robert C. Byrd Honors Scholarship Program under subpart 6 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070c), as in effect on the day before the date of enactment of this Act, are rescinded and no funds appropriated hereafter for such program shall be expended, except as determined necessary or essential by such Secretary, in consultation with the appropriate Federal agencies.

**SEC. 732. ELIMINATION OF THE HISTORIC WHALING AND TRADING PARTNERS PROGRAM.**

(a) REPEAL.—Subpart 12 of part D of title V of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7265 et seq.) is repealed.

(b) RECISION OF FUNDS.—Notwithstanding any other provision of law, all unobligated balances held by the Secretary of Education for the Educational, Cultural, Apprenticeship, and Exchange Programs for Alaska Natives, Native Hawaiians, and Their Historical Whaling and Trading Partners in Massachusetts under subpart 12 of part D of title V of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7265 et seq.), as in effect on the day before the date of enactment of this Act, are rescinded and no funds appropriated hereafter for such activities shall be expended, except as determined necessary or essential by such Secretary, in consultation with the appropriate Federal agencies.

**SEC. 733. ELIMINATION OF THE UNDERGROUND RAILROAD EDUCATIONAL AND CULTURAL PROGRAM.**

(a) REPEAL.—Section 841 of the Higher Education Amendments of 1998 (20 U.S.C. 1153) is repealed.

(b) ELIMINATION OF FUNDING.—Notwithstanding any other provision of law, all unobligated balances held by the Secretary of Education for the Underground Railroad educational and cultural program under section 841 of the Higher Education Amendments of 1998 (20 U.S.C. 1153), as in effect on the day before the date of enactment of this Act, are rescinded and no funds appropriated hereafter for such activities shall be expended, except as determined necessary or essential by such Secretary, in consultation with the appropriate Federal agencies.

**SEC. 734. BROWNFIELDS ECONOMIC DEVELOPMENT INITIATIVE.**

(a) IN GENERAL.—Notwithstanding section 108(q) of the Housing and Community Development Act of 1974 (42 U.S.C. 5309(q)) or any other provision of law, the Secretary of Housing and Urban Development may not make any competitive economic development grants, as otherwise authorized by section 108(q) of that Act, for Brownfields redevelopment projects.

(b) RESCISSION.—Notwithstanding any other provision of law—

(1) all amounts made available for grants described in subsection (a) that remain unobligated as of the date of enactment of this Act are rescinded; and

(2) no amounts made available after the date of enactment of this Act for grants described in subsection (a) shall be expended, other than such amounts as are necessary to cover costs incurred in terminating ongoing projects and activities under those grants, as determined by the Secretary of Housing and Urban Development, in consultation with other appropriate Federal agencies.

**SEC. 735. ELECTION REFORM GRANTS.**

(a) TERMINATION OF AUTHORITY.—The authority to make requirements payments to States under part 1 of subtitle D of title II of the Help America Vote Act of 2002 (42 U.S.C. 15401 et seq.) is terminated.

(b) RESCISSION.—Notwithstanding any other provision of law—

(1) all amounts made available for such requirements payments (as of the day before the date of enactment of this Act) that remain unobligated as of the date of enactment of this Act are rescinded; and

(2) no amounts made available after the date of enactment of this Act for such requirements payments shall be expended, other than such amounts as are necessary to cover costs incurred in terminating ongoing projects and activities using such requirements payments, as determined by the Administrator of General Services, in consultation with other appropriate Federal agencies.

**SEC. 736. ELECTION ASSISTANCE COMMISSION.**

(a) TERMINATION OF AUTHORITY.—The Election Assistance Commission established under section 201 of the Help America Vote Act of 2002 (42 U.S.C. 15321) is terminated.

(b) RESCISSION.—Notwithstanding any other provision of law—

(1) all amounts made available for the Election Assistance Commission (as in existence on the day before the date of enactment of this Act) that remain unobligated as of the date of enactment of this Act are rescinded; and

(2) no amounts made available after the date of enactment of this Act for the Commission described in paragraph (1) shall be expended, other than such amounts as are necessary to cover costs incurred in terminating ongoing projects and activities of the Commission, as determined by the Administrator of General Services, in consultation with other appropriate Federal agencies.

**SEC. 737. EMERGENCY OPERATIONS CENTER GRANT PROGRAM.**

(a) TERMINATION.—Section 614 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5196c) is repealed.

(b) RESCISSION.—Notwithstanding any other provision of law, all unobligated balances held by the Secretary of Homeland Security for the emergency operations center grant program under section 614 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5196c), as in effect on the day before the date of enactment of this Act, are rescinded and no funds appropriated hereafter for such activities shall be expended, except as determined necessary or essential by the Secretary of Homeland Security, in consultation with the appropriate Federal agencies.

**SEC. 738. ELIMINATION OF HEALTH CARE FACILITIES AND CONSTRUCTION PROGRAM.**

Notwithstanding any other provision of law, all unobligated balances held by the Secretary of Health and Human Services for health care facilities and construction are rescinded and no funds appropriated hereafter for such activities shall be expended, except as determined necessary or essential by such Secretary, in consultation with the appropriate Federal agencies.

**SEC. 739. HIGH PRIORITY SURFACE TRANSPORTATION PROJECTS.**

(a) IN GENERAL.—Section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59; 119 Stat. 1256) is repealed.

(b) RESCISSION.—Notwithstanding any other provision of law—

(1) all amounts made available for high priority projects under section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59; 119 Stat. 1256) (before the amendment made by subsection (a)) that remain unobligated as of the date of enactment of this Act are rescinded; and

(2) no amounts made available after the date of enactment of this Act for high priority projects described in paragraph (1) shall be expended, other than such amounts as are necessary to cover costs incurred in terminating ongoing projects and activities under those projects, as determined by the Secretary of Transportation, in consultation with other appropriate Federal agencies.

**SEC. 740. SAVE AMERICA'S TREASURES PROGRAM; PRESERVE AMERICA PROGRAM.**

(a) REPEALS.—Sections 7302 and 7303 of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 469n, 469o) are repealed.

(b) RESCISSION.—Notwithstanding any other provision of law—

(1) all amounts made available for the Save America's Treasures Program or Preserve America Program that remain unobligated as of the date of enactment of this Act are rescinded; and

(2) no amounts made available after the date of enactment of this Act for the programs referred to in paragraph (1) shall be expended, other than such amounts as are necessary to cover costs incurred in terminating ongoing projects and activities under those programs, as determined by the Secretary of the Interior in consultation with other appropriate Federal agencies.

**SEC. 741. TARGETED WATER INFRASTRUCTURE GRANTS.**

(a) TERMINATION OF AUTHORITY.—The Targeted Watershed Grants Program and the U.S.–Mexico Border Water Infrastructure Program of the Environmental Protection Agency are terminated.

(b) RESCISSION.—Notwithstanding any other provision of law—

(1) all amounts made available for the Targeted Watershed Grants Program and the U.S.–Mexico Border Water Infrastructure Program of the Environmental Protection Agency (as in existence on the day before the date of enactment of this Act) that remain unobligated as of the date of enactment of this Act are rescinded; and

(2) no amounts made available after the date of enactment of this Act for the programs referred to in paragraph (1) (as so in existence) shall be expended, other than such amounts as are necessary to cover costs incurred in terminating ongoing projects and activities under those programs, as determined by the Administrator of the Environmental Protection Agency, in consultation with other appropriate Federal agencies.

**SEC. 742. NATIONAL PARK SERVICE CHALLENGE COST SHARE PROGRAM.**

(a) TERMINATION OF AUTHORITY.—The authority to provide Department of the Interior Challenge Cost Share Program grants is terminated.

(b) RESCISSION.—Notwithstanding any other provision of law—

(1) all amounts made available for the Department of the Interior Challenge Cost Share Program (as in existence on the day before the date of enactment of this Act) that remain unobligated as of the date of enactment of this Act are rescinded; and

(2) no amounts made available after the date of enactment of this Act for the Department of the Interior Challenge Cost Share Program shall be expended, other than such amounts as are necessary to cover costs incurred in terminating ongoing projects and activities under the program, as determined by the Secretary of the Interior in consultation with other appropriate Federal agencies.

**SEC. 743. TERMINATION OF THE CONSTELLATION PROGRAM OF THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION.**

(a) TERMINATION REQUIRED.—The Administrator of the National Aeronautics and Space Administration shall terminate the Constellation Program of the National Aeronautics and Space Administration.

(b) DISPOSITION OF UNOBLIGATED FUNDS.—

(1) RESCISSION.—Except as provided in paragraph (2), any funds available for obligation by the National Aeronautics and Space Administration as of the date of the enactment of this Act for the Constellation Program are hereby rescinded.

(2) AVAILABILITY FOR WIND-UP OF PROGRAM.—Funds described in paragraph (1) may be utilized by the National Aeronautics and Space Administration solely for costs related to the winding-up of the provision of the Constellation Program.

**SEC. 744. DELTA HEALTH INITIATIVE.**

Notwithstanding any other provision of law, all unobligated balances held by the Secretary of Health and Human Services to carry out the Delta Health Initiative are rescinded and no funds appropriated hereafter for such Initiative shall be expended, except as determined necessary or essential by such Secretary, in consultation with the appropriate Federal agencies.

**SEC. 745. DEPARTMENT OF AGRICULTURE HEALTH CARE SERVICES GRANT PROGRAM.**

(a) TERMINATION OF AUTHORITY.—The authority to carry out any health care services grant program of the Department of Agriculture is terminated.

(b) RESCISSION.—Notwithstanding any other provision of law—

(1) all amounts made available for any health care services grant program of the Department of Agriculture (as in existence on the day before the date of enactment of this Act) that remain unobligated as of the date of enactment of this Act are rescinded; and

(2) no amounts made available after the date of enactment of this Act for the program referred to in paragraph (1) shall be expended, other than such amounts as are necessary to cover costs incurred in terminating ongoing projects and activities under that program, as determined by the Secretary of Agriculture, in consultation with other appropriate Federal agencies.

**SEC. 746. ELIMINATION OF LOAN REPAYMENT FOR CIVIL LEGAL ASSISTANCE ATTORNEYS.**

(a) REPEAL.—Section 428L of the Higher Education Act of 1965 (20 U.S.C. 1078–12) is repealed.

(b) ELIMINATION OF FUNDING.—Notwithstanding any other provision of law, all unobligated balances held by the Secretary of Education for the Repayment for Civil Legal Assistance Attorneys program under section 428L of the Higher Education Act of 1965 (20 U.S.C. 1078–12), as in effect on the day before the date of enactment of this Act, are rescinded and no funds appropriated hereafter for such activities shall be expended, except as determined necessary or essential by such Secretary, in consultation with the appropriate Federal agencies.

**SEC. 747. TARGETED AIR SHED GRANT PROGRAM.**

(a) TERMINATION OF AUTHORITY.—The Targeted Air Shed Grant Program of the Environmental Protection Agency is terminated.

(b) RESCISSION.—Notwithstanding any other provision of law—

(1) all amounts made available for the Targeted Air Shed Grant Program of the Environmental Protection Agency (as in existence on the day before the date of enactment of this Act) that remain unobligated as of the date of enactment of this Act are rescinded; and

(2) no amounts made available after the date of enactment of this Act for the program referred to in paragraph (1) (as so in existence) shall be expended, other than such amounts as are necessary to cover costs incurred in terminating ongoing projects and activities under that program, as determined by the Administrator of the Environmental Protection Agency, in consultation with other appropriate Federal agencies.

**SEC. 748. REQUIRING TRANSPARENCY AND ENSURING NO SPECIAL TREATMENT FOR THE AARP OR AMA.**

(a) REQUIREMENT.—Notwithstanding any other provision of law, no Federal grants or contracts may be made available to the AARP or the American Medical Association (commonly referred to as the ''AMA'') for fiscal year 2011 or any fiscal year thereafter unless awarded by a competitive bidding process.

(b) DISCLOSURE CONDITIONS.—Any physician trade and lobbying organization partnering with the Federal Government by participating in technical reviews, making health care payment policy recommendations, representing physician interests on advisory panels, or otherwise representing physicians in matters being reviewed or examined by the Department of Health and Human Services shall disclose the following:

(1) The number of dues paying physician-members the organization currently represents.

(2) The professional status of such members, whether said physicians are currently practicing medicine, teaching, retired, or a medical student in residency.

(c) MEMBERSHIP REQUIREMENT.—No physician trade and lobbying organization shall be eligible to participate in activities listed in subsection (b) unless such organizations have a membership composed of at least 50 percent of currently-practicing physicians in the same calendar year. The requirement of the preceding sentence shall apply to all physician trade organizations, regardless of whether the organization is a State, regional, or national organization, and regardless of what specialty or practice areas said organizations represent.

(d) REQUIREMENT FOR CERTAIN MEDIGAP SELLERS OR ISSUERS.—Sellers or issuers of medicare supplemental policies under section 1882 of the Social Security Act (42 U.S.C. 1395ss) that constitute more than 20 percent of the market share of the previous fiscal year shall be required to spend at least 80 percent of their premium dollars on medical claims to ensure value for seniors.

## Subtitle B—Fighting Fraud and Abuse to Save Taxpayers' Dollars

**SEC. 760. FINDINGS.**

Congress makes the following findings:

(1) The Medicare program loses an estimated $60,000,000,000 annually to wasted and fraudulent payments.

(2) The Medicaid program also suffers from rampant fraud. As the Office of the Inspector General of the Department of Health and Human Services noted in 2009, in an analysis of the only source of nationwide Medicaid claims and beneficiary eligibility information, the Medicaid Statistical Information System, the Federal Government does not have ''timely, accurate, or comprehensive information for fraud, waste, and abuse detection'' in the Medicaid program.

(3) Absent comprehensive estimates, the Medicaid program's improper payment rate may be the most objective measure of taxpayer dollars lost to fraud. The national average improper payment rate ranges between 8.7 percent and 10.5 percent, but many States have much higher improper payment rates.

(4) The new Federal health reform law substantially expands the Medicaid program, significantly changes the Medicare program, creates new mandates and regulations, and will send hundreds of billions of dollars to insurance companies.

(5) It is the duty of public officials and public servants in Congress and the Administration to protect the American public's taxpayer dollars. Congress and the Administration must continue to aggressively combat waste, fraud, and abuse in public health care programs.

(6) The Inspector General of the Department of Health and Human Services has stated that ''swift and effective detection of and response to waste, fraud, and abuse remain an essential program integrity strategy''. Furthermore, the Inspector General noted that ''effective use of Medicare and Medicaid data is critical to the success of the Government's efforts to reduce waste, fraud, and abuse''.

(7) The loss of taxpayer dollars due to waste and fraud under the Medicare and Medicaid programs not only threatens the financial viability of those programs, it erodes the public trust. American taxpayers should not be expected to tolerate rampant waste, fraud, and abuse in publicly funded health care programs.

(8) Congress supports the commitment of the Office of the Inspector General of the Department of Health and Human Services to ''enhancing existing data analysis and mining capabilities and employing advanced techniques such as predictive analytics and social network analysis, to counter new and existing fraud schemes''.

(9) Congress supports the use of predictive modeling and other smart technologies that can transform the current ''pay and chase'' payment cultures under the Medicare and Medicaid programs and prevent taxpayer dollars from being lost to waste, fraud, and abuse.

**SEC. 761. TRACKING EXCLUDED PROVIDERS ACROSS STATE LINES.**

(a) GREATER COORDINATION.—In order to ensure that providers of services and suppliers that have operated in one State and are excluded from participation in the Medicare program are unable to begin operation and participation in other Federal health care programs in another State, the Secretary shall provide for increased coordination between the following:

(1) The Administrator of the Centers for Medicare & Medicaid Services.

(2) Regional offices of the Centers for Medicare & Medicaid Services.

(3) Medicare administrative contractors, fiscal intermediaries, and carriers.

(4) State health agencies, State plans under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.), State plans under title XXI of such Act (42 U.S.C. 1397aa et seq.), and entities that contract with such agencies and plans, as directed by the Secretary.

(5) The Federation of State Medical Boards.

(b) IMPROVED INFORMATION SYSTEMS.—

(1) IN GENERAL.—The Secretary shall improve information systems to allow greater integration between databases under the Medicare program so that—

(A) Medicare administrative contractors, fiscal intermediaries, and carriers have immediate access to information identifying providers and suppliers excluded from participation in the Medicare program, the Medicaid program under title XIX of the Social Security Act, the State Children's Health Insurance Program under title XXI of such Act, and other Federal health care programs; and

(B) such information can be shared on a real-time basis, in accordance with protocols established under subsection (g)(2)—

(i) across Federal health care programs and agencies, including between the Department of Health and Human Services, the Social Security Administration, the Department of Veterans Affairs, the Department of Defense, the Department of Justice, and the Office of Personnel Management; and

(ii) with State health agencies, State plans under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.), State child health plans under title XXI of such Act (42 U.S.C. 1397aa et seq.), and entities that contract with such agencies and plans, as directed by the Secretary.

(2) SHARING OF INFORMATION IN ADDITION TO HEAT EFFORTS.—The information shared under paragraph (1) shall be in addition to, and shall not replace, activities of the Health Care Fraud Prevention and Enforcement Action Team (HEAT) established by the Attorney General and the Department of Health and Human Services.

(3) APPROPRIATE COORDINATION.—In implementing this subsection, the Secretary shall provide for the maximum appropriate coordination with the process established under section 6401(b)(2) of the Patient Protection and Affordable Care Act (Public Law 111–148).

(c) ''ONE PI'' DATABASE FOR MEDICARE, MEDICAID, AND CHIP.—

(1) IN GENERAL.—The Secretary shall—

(A) continue to upload Medicare claims, provider, and beneficiary data into the Integrated Data Repository under section 1128J(a)(1) of the Social Security Act, as added by section 6402(a) of the Patient Protection and Affordable Care Act until such time as the Secretary determines that the Integrated Data Repository is completed; and

(B) fully implement the waste, fraud, and abuse detection solution of the Centers for Medicare & Medicaid Services, called the ''One PI project'' (in this subsection referred to as the ''project'') by not later than January 1, 2013.

(2) ACCESS.—The Secretary, in consultation with Inspector General of the Department of Health and Human Services, may allow stakeholders who combat, or could assist in combating, waste, fraud, and abuse under Federal health care programs to have access to the One PI system established under the project. Such stakeholders may include the Director of the Federal Bureau of Investigation, the Comptroller General of the United States, Medicare administrative contractors, fiscal intermediaries, and carriers.

(d) FEDERAL AND STATE AGENCY ACCESS TO NATIONAL PRACTITIONER DATA BANK.—For purposes of enhancing data sharing in order to identify programmatic weaknesses and improving the timeliness of analysis and actions to prevent waste, fraud, and abuse, relevant Federal and State agencies, including the Department of Health and Human Services, the Department of Justice, State departments of health, State Medicaid plans under title XIX of the Social Security Act, State child health plans under title XXI of such Act, and State medicaid fraud control units (as described in section 1903(q) of the Social Security Act (42 U.S.C. 1396b(q))), shall have real-time access to the National

Practitioner Data Bank, as directed by the Secretary. The Secretary may, in consultation with the Inspector General of the Department of Health and Human Services, give such real-time access to State attorneys general and State and local law enforcement agencies.

(e) ACCESS TO CLAIMS AND PAYMENT DATABASES.—Section 1128J(a)(2) of the Social Security Act, as added by section 6402(a) of the Patient Protection and Affordable Care Act (Public Law 111–148) is amended—

(1) by striking ''DATABASES.—For purposes'' and inserting ''DATABASES.—

''(A) ACCESS FOR THE CONDUCT OF LAW ENFORCEMENT AND OVERSIGHT ACTIVITIES.—For purposes'';

(2) in subparagraph (A), as added by paragraph (1), by inserting '', including the Integrated Data Repository under paragraph (1)'' before the period at the end; and

(3) by adding at the end the following new subparagraph:

''(B) ACCESS TO REDUCE WASTE, FRAUD, AND ABUSE.—For purposes of reducing waste, fraud, and abuse, and to the extent consistent with applicable information, privacy, security, and disclosure laws, including the regulations promulgated under the Health Insurance Portability and Accountability Act of 1996 and section 552a of title 5, United States Code, and subject to any information systems security requirements under such laws or otherwise required by the Secretary, the Secretary, in consultation with the Inspector General of the Department of Health and Human Services, may allow State Medicaid fraud control units and State and local law enforcement officials to have access to claims and payment data of the Department of Health and Human Services and its contractors related to titles XVIII, XIX, and XXI, including the Integrated Data Repository under paragraph (1).''.

(f) ENSURING DATA IS UPLOADED TO THE IDR ON A DAILY BASIS.—Section 1128J(a)(1) of the Social Security Act, as added by section 6402(a) of the Patient Protection and Affordable Care Act (Public Law 111–148) is amended by adding at the end the following new subparagraph:

''(C) UPLOADING OF MEDICARE CLAIMS DATA ON A DAILY BASIS.—All Medicare claims data shall be uploaded into the Integrated Data Repository on a daily basis.''.

(g) REAL-TIME ACCESS TO DATA.—

(1) IN GENERAL.—The Secretary shall ensure that any data provided to an entity or individual under the provisions of or amendments made by this section is provided to such entity or individual on a real-time basis, in accordance with protocols established by the Secretary under paragraph (2). The Secretary shall consult with the Inspector General of the Department of Health and Human Services prior to implementing this subsection.

(2) PROTOCOLS.—

(A) IN GENERAL.—The Secretary shall establish protocols to ensure the secure transfer and storage of any data provided to another entity or individual under the provisions of or amendments made by this section.

(B) CONSIDERATION OF HHS OIG RECOMMENDATIONS.—In establishing protocols under subparagraph (A), the Secretary shall take into account recommendations submitted to the Secretary by the Inspector General of the Department of Health and Human Services with respect to the secure transfer and storage of such data.

(h) GAO STUDY AND REPORT ON USE OF FEDERATION OF STATE MEDICAL BOARDS TO STRENGTHEN ENROLLMENT INTEGRITY PROCESSES.—

(1) STUDY.—The Comptroller General of the United States shall, in consultation with the Federation of State Medical Boards, conduct a study on whether and, if so, to what degree, such Federation may be useful to the Secretary in further strengthening the integrity of processes for enrolling providers of services and suppliers under Federal health care programs.

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report containing the results of the study conducted under paragraph (1), together with recommendations for such legislation and administrative action as the Comptroller General determines appropriate.

(i) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Centers for Medicare & Medicaid Services.

(2) CHIP.—The term ''CHIP'' means the State Children's Health Insurance Program under title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.).

(3) FEDERAL HEALTH CARE PROGRAM.—The term ''Federal health care program'' has the meaning given such term in section 1128B(f) of the Social Security Act (42 U.S.C. 1320a–7b(f)).

(4) HHS OIG.—The term ''HHS OIG'' means the Inspector General of the Department of Health and Human Services.

(5) MEDICARE ADMINISTRATIVE CONTRACTORS, FISCAL INTERMEDIARIES, AND CARRIERS.—The term ''Medicare administrative contractors, fiscal intermediaries, and carriers'' includes zone program integrity contractors, program safeguard or integrity contractors, recovery audit contractors under section 1893(h) of the Social Security Act (42 U.S.C. 1395ddd(h)), and special investigative units at Medicare contractors (as defined in section 1889(g) of the Social Security Act (42 U.S.C. 1395zz(g))).

(6) MEDICARE PROGRAM.—The term ''Medicare program'' means the program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

(7) PROVIDER OF SERVICES.—The term ''provider of services'' has the meaning given such term in section 1861(u) of the Social Security Act (42 U.S.C. 1395x(u)).

(8) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

(9) STATE.—The term ''State'' includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa.

(10) SUPPLIER.—The term ''supplier'' has the meaning given such term in section 1861(d) of the Social Security Act (42 U.S.C. 1395x(d)).

**SEC. 762. ACCESS FOR PRIVATE SECTOR AND GOVERNMENTAL ENTITIES.**

(a) IN GENERAL.—Title XI of the Social Security Act (42 U.S.C. 1301 et seq.), as amended by section 6402(a) of the Patient Protection and Affordable Care Act (Public Law 111–148), is amended by inserting after section 1128J the following new section:

''EXPANDED ACCESS TO THE NATIONAL PRACTITIONER DATA BANK

''SEC. 1128K. (a) EXPANDED ACCESS.—

''(1) IN GENERAL.—The information in the National Practitioner Data Bank established pursuant to the Health Care Quality Improvement Act of 1986 (42 U.S.C. 11101 et seq.) may be available on a real-time basis, in accordance with protocols established by the Secretary under subsection (b), to—

''(A) Federal and State government agencies and health plans, commercial health plans, and any health care provider, supplier, or practitioner entering an employment or contractual relationship with an individual or entity who has been subject to a final adverse action in the past 10 years, where the contract involves the furnishing of items or services reimbursed by 1 or more Federal health care programs (regardless of whether the individual or entity is paid by the programs directly, or whether the items or services are reimbursed directly or indirectly through the claims of a direct provider); and

''(B) utilization and quality control peer review organizations and accreditation entities as defined by the Secretary, including but not limited to organizations described in part B of this title and in section 1154(a)(4)(C).

''(2) NO EFFECT ON ACCESS UNDER OTHER APPLICABLE LAW; APPROPRIATE COORDINATION.—Nothing in this section shall affect the availability of information in the National Practitioner Data Bank under other applicable law, including the availability of such information to entities or individuals under part B of the Health Care Quality Improvement Act of 1986 (42 U.S.C. 11131 et seq.). In implementing this section, the Secretary shall provide for the maximum appropriate coordination with such part.

''(b) PROTOCOLS.—The Secretary shall establish protocols to ensure the secure transfer and storage of data made available under this section. In establishing such protocols the Secretary shall take into account recommendations submitted to the Secretary by the Inspector General of the Department of Health and Human Services and the National Association of Insurance Commissioners with respect to the secure transfer and storage of such data, the establishment or approval of a fee structure under subsection (c), and the establishment of user access protocols.

''(c) FEES FOR DISCLOSURE.—

''(1) IN GENERAL.—

''(A) FEES.—Subject to paragraph (2), the Secretary may establish or approve reasonable fees for the disclosure of information under this section, including with respect to requests by Federal agencies or other entities, such as fiscal intermediaries and carriers, acting under contract on behalf of such agencies.

''(B) ESTABLISHMENT OR APPROVAL OF FEE AMOUNTS.—In establishing or approving the amount of such fees, the Secretary shall ensure that the total amount of the fees to be collected is equal to the total costs of processing the requests for disclosure and of providing such information. Such fees shall be available to the Secretary to cover such costs.

''(C) FOR-PROFIT ENTITIES.—The Secretary may allow for-profit entities to receive data under this section for a fee that is comparable to the fee charged to a Federal agency or other entity under subparagraph (A) with respect to a similar request.

''(2) FREE ACCESS TO CERTAIN DATA.—

''(A) IN GENERAL.—Not later than 1 year after the date of enactment of the Fighting Fraud and Abuse to Save Taxpayers' Dollars Act, for purposes of identifying additional strategies and tools to combat waste, fraud, and abuse, the Secretary—

''(i) establish protocols to ensure the secure transmission of data under this section; and

''(ii) may ensure nonprofit academic, policy, and research institutions have access to data from the National Practitioner Data Bank.

''(B) ACCESS FREE OF CHARGE.—Data shall be provided under subparagraph (A)(ii) free of charge to academic, policy, and research institutions.

''(C) REQUIREMENT.—Any academic, policy, or research institution that is provided data under subparagraph (A)(ii) shall, as a condition of receiving such data, be required to share with the Secretary any findings using

such data to combat waste, fraud, and abuse (in a form and manner of the academic, policy, or research institution's choosing).

''(d) ESTABLISHMENT OF APPEALS PROCESS.—

''(1) IN GENERAL.—The Secretary shall establish a transparent and responsive appeals process under which a provider of services or supplier may have their name removed from the National Practitioner Data Bank. Under such process, appeals shall be conducted in a timely manner (not more than 90 days after the earlier of the date of the listing in the National Practitioner Data Bank or the issuance of any penalty involved) in order to minimize the time that providers of services or suppliers who successfully appeal are excluded from participation under the programs under titles XVIII and XIX.

''(2) CONSULTATION.—The Secretary shall consult with major colleges of medical practice in the United States, commercial health plans, the Inspector General of the Department of Health and Human Services, the National Association of Insurance Commissioners, and the Federation of State Medical Boards in establishing the appeals process under paragraph (1).

''(e) DEFINITIONS.—In this section:

''(1) COMMERCIAL HEALTH PLAN.—The term 'commercial health plan' means health insurance coverage (as defined in section 2791 of the Public Health Service Act and including group health plans).

''(2) FINAL ADVERSE ACTION.—The term 'final adverse action' means one or more of the following actions:

''(A) A Medicare-imposed revocation of any Medicare billing privileges.

''(B) Suspension or revocation of a license to provide health care by any State licensing authority.

''(C) A conviction of a Federal or State felony offense within the last 10 years preceding enrollment, revalidation, or re-enrollment.

''(D) An exclusion or debarment from participation in a Federal or State health care program.''.

(b) CRIMINAL PENALTY FOR MISUSE OF INFORMATION DISCLOSED.—Section 1128B(b) of the Social Security Act (42 U.S.C. 1320a–7b(b)) is amended by adding at the end the following:

''(4) Whoever knowingly uses information disclosed from the National Practitioner Data Bank under section 1128K for a purpose other than those authorized under that section shall be imprisoned for not more than 3 years or fined under title 18, United States Code, or both.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this Act.

**SEC. 763. LIABILITY OF MEDICARE ADMINISTRATIVE CONTRACTORS FOR CLAIMS SUBMITTED BY EXCLUDED PROVIDERS.**

(a) REIMBURSEMENT TO THE SECRETARY FOR AMOUNTS PAID TO EXCLUDED PROVIDERS.—Section 1874A(b) of the Social Security Act (42 U.S.C. 1395kk(b)) is amended by adding at the end the following new paragraph:

''(6) REIMBURSEMENTS TO SECRETARY FOR AMOUNTS PAID TO EXCLUDED PROVIDERS.—

''(A) LIMITATION.—

''(i) IN GENERAL.—Except as provided in clause (ii), the Secretary shall not enter into a contract with a Medicare administrative contractor under this section unless the contractor agrees to reimburse the Secretary for any amounts paid by the contractor for with respect to any item or service (other than an emergency item or service, not including items or services furnished in an emergency room of a hospital) which is furnished—

''(I) by an individual or entity during the period when such individual or entity is excluded pursuant to section 1128, 1128A, 1156 or 1842(j)(2) from participation in the program under this title; or

''(II) at the medical direction or on the prescription of a physician during the period when he is excluded pursuant to section 1128, 1128A, 1156 or 1842(j)(2) from participation in the program under this title and when the person furnishing such item or service knew or had reason to know of the exclusion (after a reasonable time period after reasonable notice has been furnished to the person).

''(ii) EXCEPTION.—Where a Medicare administrative contractor pays a claim for payment for items or services furnished by an individual or entity excluded from participation in the programs under this title, pursuant to section 1128, 1128A, 1156, or 1866, and such Medicare administrative contractor did not know or have reason to know that such individual or entity was so excluded, then, to the extent permitted by this title, and notwithstanding such exclusion, the contractor shall not be required to reimburse the Secretary under clause (i) for any amounts paid with respect to such items or services. In each such case the Secretary shall notify the contractor of the exclusion of the individual or entity furnishing the items or services. A Medicare administrative contractor shall not make payment for items or services furnished by an excluded individual or entity to a beneficiary after a reasonable time (as determined by the Secretary in regulations) after the Secretary has notified the contractor of the exclusion of that individual or entity.

''(B) REQUIREMENT TO REVIEW CLAIMS.—A Medicare administrative contractor shall review claims submitted to the contractor for payment for services under this title in order to ensure that such services were not furnished by an individual or entity during any period for which the individual or entity is excluded from such participation (as described in subparagraph (A)).''.

(b) REPORT ON EFFECTIVENESS AND DEVELOPMENT OF SCORECARD AND MEASURABLE PERFORMANCE METRICS FOR MEDICARE CONTRACTORS.—

(1) REPORT.—

(A) IN GENERAL.—Not later than 12 months after the date of enactment of this Act, the Secretary of Health and Human Services shall submit to Congress a report on the overall effectiveness and potential of Medicare contractors.

(B) CONTENTS OF REPORT.—The report submitted under subparagraph (A) shall include the Secretary's recommendations for the development of measurable performance metrics and a scorecard for Medicare contractors (or, in the case of Medicare administrative contractors, updated and revised measurable performance metrics and a revised scorecard), together with recommendations for such legislation and administrative action as the Secretary determines appropriate

(2) CONSULTATION.—The Secretary shall consult with Medicare contractors, the Inspector General of the Department of Health and Human Services, private sector waste, fraud, and abuse experts, and entities with experience combating and preventing waste, fraud, and abuse, including through the review of Medicare claims, in preparing the report submitted under paragraph (1).

(3) MEDICARE CONTRACTORS DEFINED.—In this subsection, the term ''Medicare contractor'' means any of the following:

(A) A Medicare administrative contractor under section 1874A of the Social Security Act.

(B) A Medicare Program Safeguard Contractor.

(C) A Zone Program Integrity Contractor.

(D) A Medicare Drug Integrity Contractor.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by subsection (a) shall apply to claims for reimbursement submitted on or after the date of enactment of this Act.

(2) CONTRACT MODIFICATION.—The Secretary of Health and Human Services shall take such steps as may be necessary to modify contracts entered into, renewed, or extended prior to the date of enactment of this Act to conform such contracts to the provisions of and amendments made by this section.

**SEC. 764. LIMITING THE DISCHARGE OF DEBTS IN BANKRUPTCY PROCEEDINGS IN CASES WHERE A HEALTH CARE PROVIDER OR A SUPPLIER ENGAGES IN FRAUDULENT ACTIVITY.**

(a) IN GENERAL.—

(1) CIVIL MONETARY PENALTIES.—Section 1128A(a) of the Social Security Act (42 U.S.C. 1320a–7a(a)) is amended by adding at the end the following: ''Notwithstanding any other provision of law, amounts made payable under this section are not dischargeable under section 727, 944, 1141, 1228, or 1328 of title 11, United States Code, or any other provision of such title.''.

(2) RECOVERY OF OVERPAYMENT TO PROVIDERS OF SERVICES UNDER PART A.—Section 1815(d) of the Social Security Act (42 U.S.C. 1395g(d)) is amended—

(A) by inserting ''(1)'' after ''(d)''; and

(B) by adding at the end the following:

''(2) Notwithstanding any other provision of law, amounts due to the Secretary under this section are not dischargeable under section 727, 944, 1141, 1228, or 1328 of title 11, United States Code, or any other provision of such title if the overpayment was the result of fraudulent activity, as may be defined by the Secretary.''.

(3) RECOVERY OF OVERPAYMENT OF BENEFITS UNDER PART B.—Section 1833(j) of the Social Security Act (42 U.S.C. 13951(j)) is amended—

(A) by inserting ''(1)'' after ''(j)''; and

(B) by adding at the end the following:

''(2) Notwithstanding any other provision of law, amounts due to the Secretary under this section are not dischargeable under section 727, 944, 1141, 1228, or 1328 of title 11, United States Code, or any other provision of such title if the overpayment was the result of fraudulent activity, as may be defined by the Secretary.''.

(4) COLLECTION OF PAST-DUE OBLIGATIONS ARISING FROM BREACH OF SCHOLARSHIP AND LOAN CONTRACT.—Section 1892(a) of the Social Security Act (42 U.S.C. 1395ccc(a)) is amended by adding at the end the following:

''(5) Notwithstanding any other provision of law, amounts due to the Secretary under this section are not dischargeable under section 727, 944, 1141, 1228, or 1328 of title 11, United States Code, or any other provision of such title.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to bankruptcy petitions filed after the date of enactment of this Act.

**SEC. 765. PREVENTION OF WASTE, FRAUD, AND ABUSE IN THE MEDICAID AND CHIP PROGRAMS.**

(a) DETECTION OF FRAUDULENT IDENTIFICATION NUMBERS WITHIN THE MEDICAID AND CHIP PROGRAMS.—

(1) MEDICAID.—Section 1903(i) of the Social Security Act (42 U.S.C. 1396b(i)), as amended by section 2001(a)(2)(B) of the Patient Protection and Affordable Care Act (Public Law 111–148), is amended—

(A) in paragraph (25), by striking ''or'' at the end;

(B) in paragraph (26), by striking the period and inserting ''; or''; and

(C) by adding at the end the following new paragraph:

''(27) with respect to amounts expended for an item or service for which medical assistance is provided under the State plan or

under a waiver of such plan unless the claim for payment for such item or service contains—

''(A) a valid beneficiary identification number that, for purposes of the individual who received such item or service, has been determined by the State agency to correspond to an individual who is eligible to receive benefits under the State plan or waiver; and

''(B) a valid National Provider Identifier that, for purposes of the provider that furnished such item or service, has been determined by the State agency to correspond to a participating provider that is eligible to receive payment for furnishing such item or service under the State plan or waiver.''.

(2) CHIP.—Section 2107(e)(1)(I) of the Social Security Act (42 U.S.C. 1397gg(e)(1)(I)) is amended by striking ''and (17)'' and inserting ''(17), and (27)''.

(b) SCREENING REQUIREMENTS FOR MANAGED CARE ENTITIES.—

(1) IN GENERAL.—Section 1902 of the Social Security Act (42 U.S.C. 1396a) is amended—

(A) by redesignating the second subsection (ii), as added by section 6401(b)(1)(B) of the Patient Protection and Affordable Care Act, as subsection (kk) of such section; and

(B) in subsection (kk), as so redesignated—

(i) by redesignating paragraph (8) as paragraph (9); and

(ii) by inserting after paragraph (7) the following new paragraph:

''(8) MANAGED CARE ENTITIES.—The State establishes procedures to ensure that any managed care entity (as defined in section 1932(a)(1)(B)) under contract with the State complies with all applicable requirements under this subsection.''.

(2) MEDICAID MANAGED CARE ORGANIZATIONS.—Section 1903(m)(2)(A) of the Social Security Act (42 U.S.C. 1396b(m)(2)(A)) is amended—

(A) in clause (xii), by striking ''and'' at the end;

(B) in clause (xiii), by striking the period and inserting ''; and''; and

(C) by adding at the end the following new clause:

''(xiv) such contract requires that the entity comply with any applicable screening, oversight, and reporting requirements under section 1902(kk).''.

(3) MANAGED CARE ENTITIES.—Section 1932(d) of the Social Security Act (42 U.S.C. 1396u–2(d)) is amended by adding at the end the following new paragraph:

''(5) COMPLIANCE WITH SCREENING, OVERSIGHT, AND REPORTING REQUIREMENTS.—A managed care entity shall comply with any applicable screening, oversight, and reporting requirements under section 1902(kk).''.

(c) REQUIRED DATABASE CHECKS.—Clause (i) of section 1866(j)(2)(B) of the Social Security Act (42 U.S.C. 1395cc(j)(2)(B)) is amended to read as follows:

''(i) shall include—

''(I) a licensure check, which may include such checks across States; and

''(II) for purposes of the Medicaid program under title XIX—

''(aa) database checks (including such checks across States), which shall include—

''(AA) the Medicaid Statistical Information System (as described in section 1903(r)(1)(F)); and

''(BB) any relevant medical databases that are maintained by the State agencies, as determined by the Secretary in consultation with the directors of the State agencies; and

''(bb) coordination of excluded provider lists between the Secretary and the State agency, including exchanges of data regarding excluding providers between Federal and State databases; and''.

(d) TECHNICAL CORRECTIONS.—Section 1902 of the Social Security Act (42 U.S.C. 1396a), as amended by subsection (b)(1), is further amended—

(1) in subsection (a)—

(A) in paragraph (23), by striking ''subsection (ii)(4)'' and inserting ''subsection (kk)(4)''; and

(B) in paragraph (77), by striking ''subsection (ii)'' and inserting ''subsection (kk)''; and

(2) in subsection (kk), by striking ''section 1886'' each place it appears and inserting ''section 1866''.

**SEC. 766. ILLEGAL DISTRIBUTION OF A MEDICARE, MEDICAID, OR CHIP BENEFICIARY IDENTIFICATION OR BILLING PRIVILEGES.**

Section 1128B(b) of the Social Security Act (42 U.S.C. 1320a–7b(b)), as amended by section 962(b), is amended by adding at the end the following:

''(5) Whoever knowingly, intentionally, and with the intent to defraud purchases, sells or distributes, or arranges for the purchase, sale, or distribution of a Medicare, Medicaid, or CHIP beneficiary identification number or billing privileges under title XVIII, title XIX, or title XXI shall be imprisoned for not more than 10 years or fined not more than $500,000 ($1,000,000 in the case of a corporation), or both.''.

**SEC. 767. PILOT PROGRAM FOR THE USE OF UNIVERSAL PRODUCT NUMBERS ON CLAIM FORMS FOR REIMBURSEMENT UNDER THE MEDICARE PROGRAM.**

(a) ESTABLISHMENT.—

(1) IN GENERAL.—Not later than January 1, 2013, the Secretary shall establish a pilot program under which claims for reimbursement under the Medicare program for UPN covered items contain the universal product number of the UPN covered item.

(2) DURATION.—The pilot program under this section shall be conducted for a 2-year period.

(3) CONSIDERATION OF GAO RECOMMENDATIONS.—The Secretary shall take into account the recommendations of the Comptroller General of the United States in establishing the pilot program under this section.

(b) DEVELOPMENT AND IMPLEMENTATION OF PROCEDURES.—

(1) INFORMATION INCLUDED IN UPN.—The Secretary, in consultation with manufacturers and entities with appropriate expertise, shall determine the relevant descriptive information appropriate for inclusion in a universal product number for a UPN covered item under the pilot program.

(2) REVIEW OF PROCEDURE.—The Secretary, in consultation with interested parties (which shall, at a minimum, include the Inspector General of the Department of Health and Human Services and private sector and health industry experts), shall use information obtained under the pilot program through the use of universal product numbers on claims for reimbursement under the Medicare program to periodically review the UPN covered items billed under the Health Care Financing Administration Common Procedure Coding System and adjust such coding system to ensure that functionally equivalent UPN covered items are billed and reimbursed under the same codes.

(c) GAO REPORTS TO CONGRESS ON EFFECTIVENESS OF IMPLEMENTATION OF PILOT PROGRAM.—

(1) INITIAL REPORT.—Not later than 6 months after the implementation of the pilot program under this section, the Comptroller General of the United States shall submit to Congress a report on the effectiveness of such implementation.

(2) FINAL REPORT.—Not later than 18 months after the completion of the pilot program under this section, the Comptroller General of the United States shall submit to Congress a report on the effectiveness of the pilot program, together with recommendations regarding the use of universal product numbers and the use of data obtained from the use of such numbers, and recommendations for such legislation and administrative action as the Comptroller General determines appropriate.

(d) USE OF AVAILABLE FUNDING.—The Secretary shall use amounts available in the Centers for Medicare & Medicaid Services Program Management Account or in the Health Care Fraud and Abuse Control Account under section 1817(k) of the Social Security Act (42 U.S.C. 1395i(k)) to carry out the pilot program under this section.

(e) DEFINITIONS.—In this section:

(1) MEDICARE PROGRAM.—The term ''Medicare program'' means the program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

(3) UNIVERSAL PRODUCT NUMBER.—The term ''universal product number'' means a number that is—

(A) affixed by the manufacturer to each individual UPN covered item that uniquely identifies the item at each packaging level; and

(B) based on commercially acceptable identification standards such as, but not limited to, standards established by the Uniform Code Council—International Article Numbering System or the Health Industry Business Communication Council.

(4) UPN COVERED ITEM.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the term ''UPN covered item'' means—

(i) a covered item as that term is defined in section 1834(a)(13) of the Social Security Act (42 U.S.C. 1395m(a)(13));

(ii) an item described in paragraph (8) or (9) of section 1861(s) of such Act (42 U.S.C. 1395x);

(iii) an item described in paragraph (5) of such section 1861(s); and

(iv) any other item for which payment is made under this title that the Secretary determines to be appropriate.

(B) EXCLUSION.—The term ''UPN covered item'' does not include a customized item for which payment is made under this title.

**SEC. 768. PROHIBITION OF INCLUSION OF SOCIAL SECURITY ACCOUNT NUMBERS ON MEDICARE CARDS.**

(a) IN GENERAL.—Section 205(c)(2)(C) of the Social Security Act (42 U.S.C. 405(c)(2)(C)), as amended by section 1414(a)(2) of the Patient Protection and Affordable Care Act (Public Law 111–148), is amended by adding at the end the following new clause:

''(xi) The Secretary of Health and Human Services, in consultation with the Commissioner of Social Security, shall establish cost-effective procedures to ensure that a social security account number (or any derivative thereof) is not displayed, coded, or embedded on the Medicare card issued to an individual who is entitled to benefits under part A of title XVIII or enrolled under part B of title XVIII and that any other identifier displayed on such card is easily identifiable as not being the social security account number (or a derivative thereof).''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (a) shall apply with respect to Medicare cards issued on and after an effective date specified by the Secretary of Health and Human Services, but in no case shall such effective date be later than the date that is 24 months after the date adequate funding is provided pursuant to subsection (d)(2).

(2) REISSUANCE.—Subject to subsection (d)(2), in the case of individuals who have

been issued such cards before such date, the Secretary of Health and Human Services—

(A) shall provide for the reissuance for such individuals of such a card that complies with such amendment not later than 3 years after the effective date specified under paragraph (1); and

(B) may permit such individuals to apply for the reissuance of such a card that complies with such amendment before the date of reissuance otherwise provided under subparagraph (A) in such exceptional circumstances as the Secretary may specify.

(c) OUTREACH PROGRAM.—Subject to subsection (d)(2), the Secretary of Health and Human Services, in consultation with the Commissioner of Social Security, shall conduct an outreach program to Medicare beneficiaries and providers about the new Medicare card provided under this section.

(d) REPORT TO CONGRESS AND LIMITATIONS ON EFFECTIVE DATE.—

(1) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Health and Human Services, acting through the Administrator of the Centers for Medicare & Medicaid Services and in consultation with the Commissioner of Social Security, shall submit to Congress a report that includes detailed options regarding the implementation of this section, including line-item estimates of and justifications for the costs associated with such options and estimates of timeframes for each stage of implementation. In recommending such options, the Secretary shall take into consideration, among other factors, cost-effectiveness and beneficiary outreach and education.

(2) LIMITATION; MODIFICATION OF DEADLINES.—With respect to the amendment made by subsection (a), and the requirements of subsections (b) and (c)—

(A) such amendment and requirements shall not apply until adequate funding is transferred pursuant to section 11(b) to implement the provisions of this section, as determined by Congress; and

(B) any deadlines otherwise established under this section for such amendment and requirements are contingent upon the receipt of adequate funding (as determined in subparagraph (A)) for such implementation. The previous sentence shall not affect the timely submission of the report required under paragraph (1).

**SEC. 769. IMPLEMENTATION.**

(a) EMPOWERING THE HHS OIG AND GAO.—Except as otherwise provided, to the extent practicable, the Secretary of Health and Human Services (in this section referred to as the ''Secretary'') shall—

(1) carry out the provisions of and amendments made by this subtitle in consultation with the Inspector General of the Department of Health and Human Services; and

(2) take into consideration the findings and recommendations of the Comptroller General of the United States in carrying out such provisions and amendments.

(b) FUNDING.—The Secretary shall provide for the transfer, from the Health Care Fraud and Abuse Control Account under section 1817(k) of the Social Security Act (42 U.S.C. 1395i(k)), to the Centers for Medicare & Medicaid Services Program Management Account, of such sums, provided such sums are fully offset, as the Secretary determines are for necessary administrative expenses associated with carrying out the provisions of and amendments made by this subtitle (other than section 967). Amounts transferred under the preceding sentence shall remain available until expended.

(c) SAVINGS.—Any reduction in outlays under the Medicare program under title XVIII of the Social Security Act under the provisions of, and amendments made by, this subtitle may only be utilized to offset outlays under part A of title XVIII of the Social Security Act.

**TITLE VIII—BUDGETARY PROVISIONS**

**SEC. 801. DETERMINATION OF BUDGETARY EFFECTS.**

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, jointly submitted for printing in the Congressional Record by the Chairmen of the House and Senate Budget Committees, provided that such statement has been submitted prior to the vote on passage in the House acting first on this conference report or amendment between the Houses.

**SEC. 802. EMERGENCY DESIGNATIONS.**

(a) STATUTORY PAYGO.—This Act is designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (Public Law 111–139; 2 U.S.C. 933(g)) except to the extent that the budgetary effects of this Act are determined to be subject to the current policy adjustments under sections 4(c) and 7 of the Statutory Pay-As-You-Go Act.

(b) SENATE.—In the Senate, this Act is designated as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

(c) HOUSE OF REPRESENTATIVES.—In the House of Representatives, every provision of this Act is expressly designated as an emergency for purposes of pay-as-you-go principles except to the extent that any such provision is subject to the current policy adjustments under section 4(c) of the Statutory Pay-As-You-Go Act of 2010.

**SEC. 803. SPENDING CAPS.**

The Balanced Budget and Emergency Deficit Control Act of 1985 is amended by inserting after section 253 the following:

**''SEC. 253A. ENFORCING SPENDING CAPS.**

''(a) ENFORCING DISCRETIONARY SPENDING LIMITS.—In this section, the term 'discretionary spending limit' means an amount, as estimated by OMB, not to exceed—

''(1) for fiscal year 2012, an amount equal to discretionary outlays for fiscal year 2011;

''(2) for fiscal year 2013, an amount equal to discretionary outlays for fiscal year 2008, adjusted for inflation; and

''(3) for each of the fiscal years 2014 through 2020, an amount equal to the discretionary outlays for preceding fiscal year increased by an amount equal to 50 percent of the projected rate of inflation.

''(b) DISCRETIONARY SPENDING LIMIT.—The Office of Management and Budget shall estimate the discretionary spending limit for the target fiscal year at the outset of the previous fiscal year, on April 30, on August 20, and 15 days after the conclusion of the fiscal year. CBO shall provide advisory reports calculating the discretionary spending limit at identical times.

''(c) SEQUESTRATION.—

''(1) IN GENERAL.—

''(A) EXCESS SPENDING.—Not later than 45 calendar days after the beginning of a fiscal year, OMB shall conduct a sequestration to eliminate any excess discretionary spending.

''(B) DEFINITION.—For purposes of this subsection, the term 'excess discretionary spending' means the amount by which total Federal discretionary spending for a fiscal year exceeds the discretionary spending limit as adjusted pursuant to paragraph (2).

''(2) PREVIEW REPORT.—CBO shall submit an advisory sequestration preview report as described in section 254(c)(4) on August 10 of each year. OMB shall produce an sequestration preview report on August 20 as described in section 254(c)(4). Fifteen days after the fiscal year begins, OMB shall issue an updated sequestration report as described in section 254(e). Thirty days later, the OMB should issue its final sequestration report as described in section 254(f)(3). It shall be accompanied by a Presidential order detailing the uniform spending reductions. The reductions should generally follow the process set forth in section 253 and 254, except as provided in this section.

''(3) CONGRESSIONAL ACTION.—If the August 20 OMB report projects a sequestration, the Senate and House Budget Committees may report a resolution directing their committees to change the existing law to achieve the goals outlined in the August 20 report. If the Committees report their respective resolutions, a reconciliation process shall be triggered in accordance with section 258C.

''(4) REDUCING NONEXEMPT BUDGETARY RESOURCES BY A UNIFORM PERCENTAGE.—OMB shall calculate the uniform percentage by which the budgetary resources of nonexempt direct and discretionary spending programs are to be sequestered such that the outlay savings resulting from that sequestration, as calculated under this subsection, to eliminate excess outlays.

''(d) NO EXEMPT PROGRAMS.—Section 255 shall not apply to this section, except that payments for net interest (budget function 900) shall be exempt.

''(e) LOOK BACK.—If, after June 30, a bill resulting in outlays for the fiscal year in progress is enacted that causes excess outlays, the excess outlays for the next fiscal year shall be increased by the amount or amounts of that breach.''.

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**SA 4807.** Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 3082, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. _____. PROHIBITION ON FUNDING EARMARKS.**

(a) IN GENERAL.—Notwithstanding any other provision of this Act, none of the funds provided in this Act may be expended to fund an earmark. Any account in this Act from which an earmark is made shall be reduced by an amount equal to any such earmark.

(b) EARMARK DEFINED.—The term ''earmark'' means a congressionally directed spending item, limited tax benefit, or limited tariff benefit as defined in paragraph 5 of rule XLIV of the Standing Rules of the Senate, as added by section 521 of the Honest Leadership and Open Government Act of 2007 (Public Law 110–81).

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**SA 4808.** Mr. CORKER (for himself, Mrs. MCCASKILL, Mr. ALEXANDER, Mr. BURR, Mr. CHAMBLISS, Mr. CORNYN, Mr. ISAKSON, Mr. LEMIEUX, and Mr. MCCAIN) submitted an amendment intended to be proposed to amendment SA 4753 proposed by Mr. REID (for himself and Mr. MCCONNELL) to the bill H.R. 4853, to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes;

which was ordered to lie on the table; as follows:

On page __, between lines __ and __, insert the following:

**TITLE ____—CAP ACT OF 2010**

**SEC. __01. SHORT TITLE.**

This title may be cited as the ''Commitment to American Prosperity Act of 2010'' or the ''CAP Act of 2010''.

**SEC. __02. FINDINGS.**

Congress finds the following:

(1) This Act is authorized by the United States Constitution under clause 1 of section 8 of article I, relating to the power of the Congress to tax and spend.

(2) Total Federal outlays have averaged 20.4 percent of gross domestic product over the past 50 years.

(3) Total Federal outlays in fiscal year 2010 were 23.8 percent of gross domestic product.

(4) Total Federal outlays in fiscal year 2020 will be 25.9 percent of gross domestic product.

(5) It is appropriate and necessary to put total federal outlays under a limitation, as a percent of gross domestic product, such that a downward glide path ultimately brings spending in line with historical norms.

**SEC. __03. OUTLAYS EXCEEDING THE GDP OUTLAY LIMIT.**

(a) DEFINITIONS.—Section 250(c)(4) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by striking paragraph (4), redesignating the succeeding paragraphs accordingly, and adding the following paragraphs:

''(19) The term 'GDP', for any fiscal year, means the gross domestic product during such fiscal year consistent with Department of Commerce definitions.

''(20)(A) The term 'emergency requirement' means any provision that provides new budget authority and resulting outlays for a situation that poses a threat to life, property, or national security and is—

''(i) sudden, quickly coming into being, and not building up over time;

''(ii) an urgent, pressing, and compelling need requiring immediate action;

''(iii) unforeseen, unpredictable, and unanticipated; and

''(iv) not permanent, temporary in nature.

''(B) An emergency that is part of an aggregate level of anticipated emergencies, particularly when normally estimated in advance, is not unforeseen.

''(21) The term 'target fiscal year' means the fiscal year in which a GDP outlay limit is in effect under section 253A.''.

(b) CAPS.—The Balanced Budget and Emergency Deficit Control Act of 1985 is amended by inserting after section 253 the following:

**''SEC. 253A. ENFORCING GDP OUTLAY LIMITS.**

''(a) ENFORCING GDP OUTLAY LIMITS.—In this section, the term 'GDP outlay limit' means an amount, as estimated by OMB, equal to—

''(1) the average GDP for the first 3 of the 4 fiscal years preceding the target fiscal year (fiscal year 2009, fiscal year 2010 and fiscal year 2011 for target year fiscal year 2013, and so on); multiplied by

''(2)(A) 25 percent for fiscal year 2013; and

''(B) for fiscal years 2014 through 2022, 25 percent minus 0.168 percent accumulating for each fiscal year (25 percent minus .168 percent in fiscal year 2014, 25 percent minus .336 percent in fiscal year 2015, and so on).

''(b) GDP OUTLAY LIMIT AND OUTLAYS.—

''(1) DETERMINING THE GDP OUTLAY LIMIT.—The Office of Management and Budget shall estimate the GDP outlay limit for the target fiscal year at the outset of the previous fiscal year, on April 30, on August 20, and 15 days after the conclusion of the fiscal year. CBO shall provide advisory reports calculating the GDP outlay limit at identical times.

''(2) TOTAL FEDERAL OUTLAYS.—In this section, total Federal outlays shall—

''(A) include all on-budget and off-budget outlays; and

''(B) exclude surplus-funded redemptions of the public debt.

''(c) SEQUESTRATION.—

''(1) IN GENERAL.—

''(A) EXCESS SPENDING.—Not later than 45 calendar days after the beginning of a fiscal year, OMB shall conduct a sequestration to eliminate the excess outlay amount.

''(B) DEFINITION.—For purposes of this subsection, the term 'excess outlay amount' means the amount by which total Federal outlays for a fiscal year exceed the GDP outlay limit as adjusted pursuant to paragraph (2).

''(2) PREVIEW REPORT.—CBO shall submit an advisory sequestration preview report as described in section 254(c)(4) on August 10 of each year. OMB shall produce an sequestration preview report on August 20 as described in section 254(c)(4). Fifteen days after the fiscal year begins, OMB shall issue an updated sequestration report as described in section 254(e). Thirty days later, the OMB should issue its final sequestration report as described in section 254(f)(3). It shall be accompanied by a Presidential order detailing the uniform spending reductions. The reductions should generally follow the process set forth in section 253 and 254, except as provided in this section.

''(3) CONGRESSIONAL ACTION.—If the August 20 OMB report projects a sequestration, the Senate and House Budget Committees may report a resolution directing their committees to change the existing law to achieve the goals outlined in the August 20 report. If the Committees report their respective resolutions, a reconciliation process shall be triggered in accordance with section 258C.

''(4) REDUCING NONEXEMPT BUDGETARY RESOURCES BY A UNIFORM PERCENTAGE.—OMB shall calculate the uniform percentage by which the budgetary resources of nonexempt direct and discretionary spending programs are to be sequestered such that the outlay savings resulting from that sequestration, as calculated under this subsection, to eliminate excess outlays.

''(d) EXCEPTIONS.—Total Federal outlays may exceed the GDP outlay limit if during the fiscal year the excess amount is being paid to reduce the public debt or the public debt is zero.

''(e) NO EXEMPT PROGRAMS.—Section 255 shall not apply to this section, except that payments for net interest (budget function 900) shall be exempt.

''(f) LOOK BACK.—If, after June 30, a bill resulting in outlays for the fiscal year in progress is enacted that causes excess outlays, the excess outlays for the next fiscal year shall be increased by the amount or amounts of that breach.''.

(c) EFFECTIVE DATE.—This section shall apply beginning in fiscal year 2013 and beyond.

**SEC. __05. ENFORCEMENT PROCEDURES UNDER THE CONGRESSIONAL BUDGET ACT OF 1974.**

(a) ENFORCEMENT.—Title III of the Congressional Budget Act of 1974 is amended by adding after section 315 the following:

**''SEC. 316. ENFORCEMENT PROCEDURES.**

''(a) GDP OUTLAY LIMITS.—It shall not be in order in the House of Representatives or the Senate to consider any bill, joint resolution, amendment, or conference report that includes any provision that would cause the most recently reported, current GDP outlay limits set forth in section 253A of the Balanced Budget and Emergency Deficit Control Act of 1985 to be exceeded.

''(b) WAIVER OR SUSPENSION.—

''(1) IN THE SENATE.—The provisions of this section may be waived or suspended in the Senate only by the affirmative vote of two-thirds of the Members, duly chosen and sworn.

''(2) IN THE HOUSE.—The provisions of this section may be waived or suspended in the House of Representatives only by a rule or order proposing only to waive such provisions by an affirmative vote of two-thirds of the Members, duly chosen and sworn.

''(c) POINT OF ORDER PROTECTION.—In the House, it shall not be in order to consider a rule or order that waives the application of paragraph (2) of subsection (b).

''(d) MOTION TO SUSPEND.—It shall not be in order for the Speaker to entertain a motion to suspend the application of this section under clause 1 of rule XV.''.

(b) TABLE OF CONTENTS.—The table of contents in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by inserting after the item relating to section 315 the following:

''Sec. 316. Enforcement procedures.''.

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**SA 4809.** Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 4753 proposed by Mr. REID (for himself and Mr. MCCONNELL) to the bill H.R. 4853, to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after the first word and insert the following:

**1. SHORT TITLE; ETC.**

(a) SHORT TITLE.—This Act may be cited as the ''Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010''.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; etc.

TITLE I—TEMPORARY EXTENSION OF TAX RELIEF

Sec. 101. Temporary extension of 2001 tax relief.

Sec. 102. Temporary extension of 2003 tax relief.

Sec. 103. Temporary extension of 2009 tax relief.

TITLE II—TEMPORARY EXTENSION OF INDIVIDUAL AMT RELIEF

Sec. 201. Temporary extension of increased alternative minimum tax exemption amount.

Sec. 202. Temporary extension of alternative minimum tax relief for nonrefundable personal credits.

TITLE III—RESPONSIBLE ESTATE TAX REFORM

Sec. 301. Short title.

Sec. 302. Reinstatement of estate tax; repeal of carryover basis.

Sec. 303. Modifications to estate, gift, and generation-skipping transfer taxes.

Sec. 304. Application of EGTRRA sunset to this title.

TITLE IV—TEMPORARY EXTENSION OF INVESTMENT INCENTIVES
Sec. 401. Extension of bonus depreciation; temporary 100 percent expensing for certain business assets.
Sec. 402. Temporary extension of increased small business expensing.
TITLE V—TEMPORARY EXTENSION OF UNEMPLOYMENT INSURANCE AND RELATED MATTERS
Sec. 501. Temporary extension of unemployment insurance provisions.
Sec. 502. Temporary modification of indicators under the extended benefit program.
Sec. 503. Technical amendment relating to collection of unemployment compensation debts.
Sec. 504. Technical correction relating to repeal of continued dumping and subsidy offset.
Sec. 505. Additional extended unemployment benefits under the Railroad Unemployment Insurance Act.
TITLE VI—EXTENSION OF MAKING WORK PAY CREDIT
Sec. 601. Making work pay credit.
TITLE VII—TEMPORARY EXTENSION OF CERTAIN EXPIRING PROVISIONS
Subtitle A—Energy
Sec. 701. Incentives for biodiesel and renewable diesel.
Sec. 702. Credit for refined coal facilities.
Sec. 703. New energy efficient home credit.
Sec. 704. Excise tax credits and outlay payments for alternative fuel and alternative fuel mixtures.
Sec. 705. Special rule for sales or dispositions to implement FERC or State electric restructuring policy for qualified electric utilities.
Sec. 706. Suspension of limitation on percentage depletion for oil and gas from marginal wells.
Sec. 707. Extension of grants for specified energy property in lieu of tax credits.
Sec. 708. Extension of provisions related to alcohol used as fuel.
Sec. 709. Energy efficient appliance credit.
Sec. 710. Credit for nonbusiness energy property.
Sec. 711. Alternative fuel vehicle refueling property.
Subtitle B—Individual Tax Relief
Sec. 721. Deduction for certain expenses of elementary and secondary school teachers.
Sec. 722. Deduction of State and local sales taxes.
Sec. 723. Contributions of capital gain real property made for conservation purposes.
Sec. 724. Above-the-line deduction for qualified tuition and related expenses.
Sec. 725. Tax-free distributions from individual retirement plans for charitable purposes.
Sec. 726. Look-thru of certain regulated investment company stock in determining gross estate of nonresidents.
Sec. 727. Parity for exclusion from income for employer-provided mass transit and parking benefits.
Sec. 728. Refunds disregarded in the administration of Federal programs and federally assisted programs.
Subtitle C—Business Tax Relief
Sec. 731. Research credit.
Sec. 732. Indian employment tax credit.
Sec. 733. New markets tax credit.
Sec. 734. Railroad track maintenance credit.
Sec. 735. Mine rescue team training credit.
Sec. 736. Employer wage credit for employees who are active duty members of the uniformed services.
Sec. 737. 15-year straight-line cost recovery for qualified leasehold improvements, qualified restaurant buildings and improvements, and qualified retail improvements.
Sec. 738. 7-year recovery period for motorsports entertainment complexes.
Sec. 739. Accelerated depreciation for business property on an Indian reservation.
Sec. 740. Enhanced charitable deduction for contributions of food inventory.
Sec. 741. Enhanced charitable deduction for contributions of book inventories to public schools.
Sec. 742. Enhanced charitable deduction for corporate contributions of computer inventory for educational purposes.
Sec. 743. Election to expense mine safety equipment.
Sec. 744. Special expensing rules for certain film and television productions.
Sec. 745. Expensing of environmental remediation costs.
Sec. 746. Deduction allowable with respect to income attributable to domestic production activities in Puerto Rico.
Sec. 747. Modification of tax treatment of certain payments to controlling exempt organizations.
Sec. 748. Treatment of certain dividends of regulated investment companies.
Sec. 749. RIC qualified investment entity treatment under FIRPTA.
Sec. 750. Exceptions for active financing income.
Sec. 751. Look-thru treatment of payments between related controlled foreign corporations under foreign personal holding company rules.
Sec. 752. Basis adjustment to stock of S corps making charitable contributions of property.
Sec. 753. Empowerment zone tax incentives.
Sec. 754. Tax incentives for investment in the District of Columbia.
Sec. 755. Temporary increase in limit on cover over of rum excise taxes to Puerto Rico and the Virgin Islands.
Sec. 756. American Samoa economic development credit.
Sec. 757. Work opportunity credit.
Sec. 758. Qualified zone academy bonds.
Sec. 759. Mortgage insurance premiums.
Sec. 760. Temporary exclusion of 100 percent of gain on certain small business stock.
Subtitle D—Temporary Disaster Relief Provisions
SUBPART A—NEW YORK LIBERTY ZONE
Sec. 761. Tax-exempt bond financing.
SUBPART B—GO ZONE
Sec. 762. Increase in rehabilitation credit.
Sec. 763. Low-income housing credit rules for buildings in GO zones.
Sec. 764. Tax-exempt bond financing.
Sec. 765. Bonus depreciation deduction applicable to the GO Zone.
TITLE VIII—SENIOR CITIZENS RELIEF
Sec. 801. Short title.
Sec. 802. Extension and modification of certain economic recovery payments.
TITLE IX—INFRASTRUCTURE, ENERGY, AND WATER PROVISIONS
Subtitle A—TIGER Discretionary Grants
Sec. 901. TIGER discretionary grants.
Subtitle B—National Infrastructure Bank
Sec. 911. Findings.
Sec. 912. Definitions.
Sec. 913. Establishment of national infrastructure development bank.
Sec. 914. Board of directors.
Sec. 915. Executive committee.
Sec. 916. Risk management committee.
Sec. 917. Audit Committee.
Sec. 918. Personnel.
Sec. 919. Eligibility criteria for assistance from Bank.
Sec. 920. Exemption from local taxation.
Sec. 921. Status and applicability of certain Federal laws; full faith and credit.
Sec. 922. Compliance with Davis-Bacon Act.
Sec. 923. Applicability of certain State laws.
Sec. 924. Audits; reports to President and Congress.
Sec. 925. Capitalization of bank.
Sec. 926. Sunset.
Subtitle C—Energy and Water Programs
Sec. 931. Energy Efficiency and Conservation Block Grant Program.
Sec. 932. State water pollution control revolving funds.
Sec. 933. State drinking water revolving loan funds.
Sec. 934. State energy conservation plans.
Sec. 935. Temporary program for rapid deployment of renewable energy and electric power transmission projects.
Sec. 936. Extension of qualifying advanced energy project credit.
Sec. 937. Land and Water Conservation Fund.
Sec. 938. Flood control projects.
Subtitle D—Housing Programs
Sec. 941. National Housing Trust Fund.
Sec. 942. Green retrofit program.
TITLE X—BUDGETARY PROVISIONS
Sec. 1001. Determination of budgetary effects.
Sec. 1002. Emergency designations.

## TITLE I—TEMPORARY EXTENSION OF TAX RELIEF

### SEC. 101. TEMPORARY EXTENSION OF 2001 TAX RELIEF.

(a) TEMPORARY EXTENSION.—

(1) IN GENERAL.—Section 901 of the Economic Growth and Tax Relief Reconciliation Act of 2001 is amended by striking ''December 31, 2010'' both places it appears and inserting ''December 31, 2012''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect as if included in the enactment of the Economic Growth and Tax Relief Reconciliation Act of 2001.

(b) APPLICATION TO TAXPAYERS WITH INCOME OF $250,000 OR MORE.—

(1) INCOME TAX RATES.—

(A) 25- AND 28- PERCENT RATE BRACKETS MADE PERMANENT.—Paragraph (2) of section 1(i) is amended to read as follows:

''(2) 25- AND 28- PERCENT RATE BRACKETS.—The tables under subsections (a), (b), (c), (d), and (e) shall be applied—

''(A) by substituting '25%' for '28%' each place it appears (before the application of subparagraph (B)), and

''(B) by substituting '28%' for '31%' each place it appears.''.

(B) 33-PERCENT RATE BRACKET.—Subsection (i) of section 1 is amended by redesignating paragraph (3) as paragraph (4) and by inserting after paragraph (2) the following new paragraph:

''(3) 33-PERCENT RATE BRACKET.—

''(A) IN GENERAL.—In the case of taxable years beginning after December 31, 2010—

''(i) the rate of tax under subsections (a), (b), (c), and (d) on a taxpayer's taxable income in the fourth rate bracket shall be 33 percent to the extent such income does not exceed an amount equal to the excess of—

''(I) the applicable amount, over

''(II) the dollar amount at which such bracket begins, and

''(ii) the 36 percent rate of tax under such subsections shall apply only to the taxpayer's taxable income in such bracket in excess of the amount to which clause (i) applies.

''(B) APPLICABLE AMOUNT.—For purposes of this paragraph, the term 'applicable amount' means the excess of—

''(i) the applicable threshold, over

''(ii) the sum of the following amounts in effect for the taxable year:

''(I) the basic standard deduction (within the meaning of section 63(c)(2)), and

''(II) the exemption amount (within the meaning of section 151(d)(1) (or, in the case of subsection (a), 2 such exemption amounts).

''(C) APPLICABLE THRESHOLD.—For purposes of this paragraph, the term 'applicable threshold' means—

''(i) $250,000 in the case of subsection (a),

''(ii) $200,000 in the case of subsections (b) and (c), and

''(iii) ½ the amount applicable under clause (i) (after adjustment, if any, under subparagraph (E)) in the case of subsection (d).

''(D) FOURTH RATE BRACKET.—For purposes of this paragraph, the term 'fourth rate bracket' means the bracket which would (determined without regard to this paragraph) be the 36-percent rate bracket.

''(E) INFLATION ADJUSTMENT.—For purposes of this paragraph, a rule similar to the rule of paragraph (1)(C) shall apply with respect to taxable years beginning in calendar years after 2010, applied by substituting '2008' for '1992' in subsection (f)(3)(B).''.

(2) PHASEOUT OF PERSONAL EXEMPTIONS AND ITEMIZED DEDUCTIONS.—

(A) OVERALL LIMITATION ON ITEMIZED DEDUCTIONS.—Section 68 is amended—

(i) by striking ''the applicable amount'' the first place it appears in subsection (a) and inserting ''the applicable threshold in effect under section 1(i)(3)'',

(ii) by striking ''the applicable amount'' in subsection (a)(1) and inserting ''such applicable threshold'',

(iii) by striking subsection (b) and redesignating subsections (c), (d), and (e) as subsections (b), (c), and (d), respectively, and

(iv) by striking subsections (f) and (g).

(B) PHASEOUT OF DEDUCTIONS FOR PERSONAL EXEMPTIONS.—

(i) IN GENERAL.—Paragraph (3) of section 151(d) is amended—

(I) by striking ''the threshold amount'' in subparagraphs (A) and (B) and inserting ''the applicable threshold in effect under section 1(i)(3)'',

(II) by striking subparagraph (C) and redesignating subparagraph (D) as subparagraph (C), and

(III) by striking subparagraphs (E) and (F).

(ii) CONFORMING AMENDMENTS.—Paragraph (4) of section 151(d) is amended—

(I) by striking subparagraph (B),

(II) by redesignating clauses (i) and (ii) of subparagraph (A) as subparagraphs (A) and (B), respectively, and by indenting such subparagraphs (as so redesignated) accordingly, and

(III) by striking all that precedes ''in a calendar year after 1989,'' and inserting the following:

''(4) INFLATION ADJUSTMENT.—In the case of any taxable year beginning''.

(c) EFFECTIVE DATE.—Except as otherwise provided, the amendments made by this section shall apply to taxable years beginning after December 31, 2010.

**SEC. 102. TEMPORARY EXTENSION OF 2003 TAX RELIEF.**

(a) EXTENSION.—

(1) IN GENERAL.—Section 303 of the Jobs and Growth Tax Relief Reconciliation Act of 2003 is amended by striking ''December 31, 2010'' and inserting ''December 31, 2012''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect as if included in the enactment of the Jobs and Growth Tax Relief Reconciliation Act of 2003.

(b) 20-PERCENT CAPITAL GAINS RATE FOR CERTAIN HIGH INCOME INDIVIDUALS.—

(1) IN GENERAL.—Paragraph (1) of section 1(h) is amended by striking subparagraph (C), by redesignating subparagraphs (D) and (E) as subparagraphs (E) and (F) and by inserting after subparagraph (B) the following new subparagraphs:

''(C) 15 percent of the lesser of—

''(i) so much of the adjusted net capital gain (or, if less, taxable income) as exceeds the amount on which a tax is determined under subparagraph (B), or

''(ii) the excess (if any) of—

''(I) the amount of taxable income which would (without regard to this paragraph) be taxed at a rate below 39.6 percent, over

''(II) the sum of the amounts on which a tax is determined under subparagraphs (A) and (B),

''(D) 20 percent of the adjusted net capital gain (or, if less, taxable income) in excess of the sum of the amounts on which tax is determined under subparagraphs (B) and (C),''.

(2) MINIMUM TAX.—Paragraph (3) of section 55(b) is amended by striking subparagraph (C), by redesignating subparagraph (D) as subparagraph (E), and by inserting after subparagraph (B) the following new subparagraphs:

''(C) 15 percent of the lesser of—

''(i) so much of the adjusted net capital gain (or, if less, taxable excess) as exceeds the amount on which tax is determined under subparagraph (B), or

''(ii) the excess described in section 1(h)(1)(C)(ii), plus

''(D) 20 percent of the adjusted net capital gain (or, if less, taxable excess) in excess of the sum of the amounts on which tax is determined under subparagraphs (B) and (C), plus''.

(c) CONFORMING AMENDMENTS.—

(1) The following provisions are each amended by striking ''15 percent'' and inserting ''20 percent'':

(A) Section 531.

(B) Section 541.

(C) Section 1445(e)(1).

(D) The second sentence of section 7518(g)(6)(A).

(E) Section 53511(f)(2) of title 46, United States Code.

(2) Sections 1(h)(1)(B) and 55(b)(3)(B) are each amended by striking ''5 percent (0 percent in the case of taxable years beginning after 2007)'' and inserting ''0 percent''.

(3) Section 1445(e)(6) is amended by striking ''15 percent (20 percent in the case of taxable years beginning after December 31, 2010)'' and inserting ''20 percent''.

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in otherwise provided, the amendments made by subsections (b) and (c) shall apply to taxable years beginning after December 31, 2010.

(2) WITHHOLDING.—The amendments made by paragraphs (1)(C) and (3) of subsection (c) shall apply to amounts paid on or after January 1, 2011.

**SEC. 103. TEMPORARY EXTENSION OF 2009 TAX RELIEF.**

(a) AMERICAN OPPORTUNITY TAX CREDIT.—

(1) IN GENERAL.—Section 25A(i) is amended by striking ''or 2010'' and inserting '', 2010, 2011, or 2012''.

(2) TREATMENT OF POSSESSIONS.—Section 1004(c)(1) of the American Recovery and Reinvestment Tax Act of 2009 is amended by striking ''and 2010'' each place it appears and inserting '', 2010, 2011, and 2012''.

(b) CHILD TAX CREDIT.—Section 24(d)(4) is amended—

(1) by striking ''2009 AND 2010'' in the heading and inserting ''2009, 2010, 2011, AND 2012'', and

(2) by striking ''or 2010'' and inserting '', 2010, 2011, or 2012''.

(c) EARNED INCOME TAX CREDIT.—Section 32(b)(3) is amended—

(1) by striking ''2009 AND 2010'' in the heading and inserting ''2009, 2010, 2011, AND 2012'', and

(2) by striking ''or 2010'' and inserting '', 2010, 2011, or 2012''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2010.

## TITLE II—TEMPORARY EXTENSION OF INDIVIDUAL AMT RELIEF

**SEC. 201. TEMPORARY EXTENSION OF INCREASED ALTERNATIVE MINIMUM TAX EXEMPTION AMOUNT.**

(a) IN GENERAL.—Paragraph (1) of section 55(d) is amended—

(1) by striking ''$70,950'' and all that follows through ''2009'' in subparagraph (A) and inserting ''$72,450 in the case of taxable years beginning in 2010 and $74,450 in the case of taxable years beginning in 2011'', and

(2) by striking ''$46,700'' and all that follows through ''2009'' in subparagraph (B) and inserting ''$47,450 in the case of taxable years beginning in 2010 and $48,450 in the case of taxable years beginning in 2011''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

(c) REPEAL OF EGTRRA SUNSET.—Title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 (relating to sunset of provisions of such Act) shall not apply to title VII of such Act (relating to alternative minimum tax).

**SEC. 202. TEMPORARY EXTENSION OF ALTERNATIVE MINIMUM TAX RELIEF FOR NONREFUNDABLE PERSONAL CREDITS.**

(a) IN GENERAL.—Paragraph (2) of section 26(a) is amended—

(1) by striking ''or 2009'' and inserting ''2009, 2010, or 2011'', and

(2) by striking ''2009'' in the heading thereof and inserting ''2011''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

## TITLE III—RESPONSIBLE ESTATE TAX REFORM

**SEC. 301. SHORT TITLE.**

This title may be cited as the ''Responsible Estate Tax Act''.

**SEC. 302. REINSTATEMENT OF ESTATE TAX; REPEAL OF CARRYOVER BASIS.**

(a) IN GENERAL.—Each provision of law amended by subtitle A or E of title V of the Economic Growth and Tax Relief Reconciliation Act of 2001 is amended to read as such provision would read if such subtitle had never been enacted.

(b) CONFORMING AMENDMENT.—On and after January 1, 2011, paragraph (1) of section 2505(a) of the Internal Revenue Code of 1986 is amended to read as such paragraph would read if section 521(b)(2) of the Economic Growth and Tax Relief Reconciliation Act of 2001 had never been enacted.

(c) SPECIAL ELECTION WITH RESPECT TO ESTATES OF DECEDENTS DYING IN 2010.—Notwithstanding subsection (a), in the case of an estate of a decedent dying after December 31, 2009, and before January 1, 2011, the executor (within the meaning of section 2203 of the Internal Revenue Code of 1986) may elect to apply such Code as though the amendments made by subsection (a) do not apply with respect to chapter 11 of such Code and with respect to property acquired or passing from such decedent (within the meaning of section 1014(b) of such Code). Such election shall be made at such time and in such manner as the Secretary of the Treasury or the Secretary's delegate shall provide. Such an election once made shall be revocable only with the consent of the Secretary of the Treasury or the Secretary's delegate. For purposes of section 2652(a)(1) of such Code, the determination of whether any property is subject to the tax imposed by such chapter 11 shall be made without regard to any election made under this subsection.

(d) EXTENSION OF TIME FOR PERFORMING CERTAIN ACTS.—

(1) ESTATE TAX.—In the case of the estate of a decedent dying after December 31, 2009, and before the date of the enactment of this Act, the due date for—

(A) filing any return under section 6018 of the Internal Revenue Code of 1986 (including any election required to be made on such a return) as such section is in effect after the date of the enactment of this Act without regard to any election under subsection (c),

(B) making any payment of tax under chapter 11 of such Code, and

(C) making any disclaimer described in section 2518(b) of such Code of an interest in property passing by reason of the death of such decedent,

shall not be earlier than the date which is 9 months after the date of the enactment of this Act.

(2) GENERATION-SKIPPING TAX.—In the case of any generation-skipping transfer made after December 31, 2009, and before the date of the enactment of this Act, the due date for filing any return under section 2662 of the Internal Revenue Code of 1986 (including any election required to be made on such a return) shall not be earlier than the date which is 9 months after the date of the enactment of this Act.

(e) EFFECTIVE DATE.—Except as otherwise provided in this section, the amendments made by this section shall apply to estates of decedents dying, and transfers made, after December 31, 2009.

**SEC. 303. MODIFICATIONS TO ESTATE, GIFT, AND GENERATION-SKIPPING TRANSFER TAXES.**

(a) MODIFICATIONS TO ESTATE TAX.—

(1) $3,500,000 APPLICABLE EXCLUSION AMOUNT.—Subsection (c) of section 2010 is amended to read as follows:

''(c) APPLICABLE CREDIT AMOUNT.—

''(1) IN GENERAL.—For purposes of this section, the applicable credit amount is the amount of the tentative tax which would be determined under section 2001(c) if the amount with respect to which such tentative tax is to be computed were equal to the applicable exclusion amount.

''(2) APPLICABLE EXCLUSION AMOUNT.—For purposes of this subsection, the applicable exclusion amount is $3,500,000.''.

(2) MAXIMUM ESTATE TAX RATE EQUAL TO 45 PERCENT.—Subsection (c) of section 2001 is amended—

(A) by striking ''Over $1,500,000'' and all that follows in the table contained in paragraph (1) and inserting the following:

| | |
|---|---|
| ''Over $1,500,000. | $555,800, plus 35 percent of the excess of such amount over $1,500,000.'', |

(B) by striking ''(1) IN GENERAL.—'', and

(C) by striking paragraph (2).

(b) MODIFICATIONS TO GIFT TAX.—

(1) RESTORATION OF UNIFIED CREDIT AGAINST GIFT TAX.—

(A) IN GENERAL.—Paragraph (1) of section 2505(a), after the application of section 301(b), is amended by striking ''(determined as if the applicable exclusion amount were $1,000,000)''.

(B) EFFECTIVE DATE.—The amendment made by this paragraph shall apply to gifts made after December 31, 2010.

(2) MODIFICATION OF GIFT TAX RATE.—On and after January 1, 2011, subsection (a) of section 2502 is amended to read as such subsection would read if section 511(d) of the Economic Growth and Tax Relief Reconciliation Act of 2001 had never been enacted.

(c) MODIFICATION OF GENERATION-SKIPPING TRANSFER TAX.—In the case of any generation-skipping transfer made after December 31, 2009, and before January 1, 2011, the applicable rate determined under section 2641(a) of the Internal Revenue Code of 1986 shall be zero.

(d) MODIFICATIONS OF ESTATE AND GIFT TAXES TO REFLECT DIFFERENCES IN CREDIT RESULTING FROM DIFFERENT TAX RATES.—

(1) ESTATE TAX.—

(A) IN GENERAL.—Section 2001(b)(2) is amended by striking ''if the provisions of subsection (c) (as in effect at the decedent's death)'' and inserting ''if the modifications described in subsection (g)''.

(B) MODIFICATIONS.—Section 2001 is amended by adding at the end the following new subsection:

''(g) MODIFICATIONS TO GIFT TAX PAYABLE TO REFLECT DIFFERENT TAX RATES.—For purposes of applying subsection (b)(2) with respect to 1 or more gifts, the rates of tax under subsection (c) in effect at the decedent's death shall, in lieu of the rates of tax in effect at the time of such gifts, be used both to compute—

''(1) the tax imposed by chapter 12 with respect to such gifts, and

''(2) the credit allowed against such tax under section 2505, including in computing—

''(A) the applicable credit amount under section 2505(a)(1), and

''(B) the sum of the amounts allowed as a credit for all preceding periods under section 2505(a)(2).''.

(2) GIFT TAX.—Section 2505(a) is amended by adding at the end the following new flush sentence:

''For purposes of applying paragraph (2) for any calendar year, the rates of tax in effect under section 2502(a)(2) for such calendar year shall, in lieu of the rates of tax in effect for preceding calendar periods, be used in determining the amounts allowable as a credit under this section for all preceding calendar periods.''.

(e) CONFORMING AMENDMENT.—Section 2511 is amended by striking subsection (c).

(f) EFFECTIVE DATE.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to estates of decedents dying, generation-skipping transfers, and gifts made, after December 31, 2009.

**SEC. 304. APPLICATION OF EGTRRA SUNSET TO THIS TITLE.**

Section 901 of the Economic Growth and Tax Relief Reconciliation Act of 2001 shall apply to the amendments made by this title.

## TITLE IV—TEMPORARY EXTENSION OF INVESTMENT INCENTIVES

**SEC. 401. EXTENSION OF BONUS DEPRECIATION; TEMPORARY 100 PERCENT EXPENSING FOR CERTAIN BUSINESS ASSETS.**

(a) IN GENERAL.—Paragraph (2) of section 168(k) is amended—

(1) by striking ''January 1, 2012'' in subparagraph (A)(iv) and inserting ''January 1, 2014'', and

(2) by striking ''January 1, 2011'' each place it appears and inserting ''January 1, 2013''.

(b) TEMPORARY 100 PERCENT EXPENSING.—Subsection (k) of section 168 is amended by adding at the end the following new paragraph:

''(5) SPECIAL RULE FOR PROPERTY ACQUIRED DURING CERTAIN PRE-2012 PERIODS.—In the case of qualified property acquired by the taxpayer (under rules similar to the rules of clauses (ii) and (iii) of paragraph (2)(A)) after September 8, 2010, and before January 1, 2012, and which is placed in service by the taxpayer before January 1, 2012 (January 1, 2013, in the case of property described in subparagraph (2)(B) or (2)(C)), paragraph (1)(A) shall be applied by substituting '100 percent' for '50 percent'.''.

(c) EXTENSION OF ELECTION TO ACCELERATE THE AMT CREDIT IN LIEU OF BONUS DEPRECIATION.—

(1) EXTENSION.—Clause (iii) of section 168(k)(4)(D) is amended by striking ''or production'' and all that follows and inserting ''or production—

''(I) after March 31, 2008, and before January 1, 2010, and

''(II) after December 31, 2010, and before January 1, 2013,

shall be taken into account under subparagraph (B)(ii) thereof,''.

(2) RULES FOR ROUND 2 EXTENSION PROPERTY.—Paragraph (4) of section 168(k) is amended by adding at the end the following new subparagraph:

''(I) SPECIAL RULES FOR ROUND 2 EXTENSION PROPERTY.—

''(i) IN GENERAL.—In the case of round 2 extension property, this paragraph shall be applied without regard to—

''(I) the limitation described in subparagraph (B)(i) thereof, and

''(II) the business credit increase amount under subparagraph (E)(iii) thereof.

''(ii) TAXPAYERS PREVIOUSLY ELECTING ACCELERATION.—In the case of a taxpayer who made the election under subparagraph (A) for its first taxable year ending after March 31, 2008, or a taxpayer who made the election under subparagraph (H)(ii) for its first taxable year ending after December 31, 2008—

''(I) the taxpayer may elect not to have this paragraph apply to round 2 extension property, but

''(II) if the taxpayer does not make the election under subclause (I), in applying this paragraph to the taxpayer the bonus depreciation amount, maximum amount, and maximum increase amount shall be computed and applied to eligible qualified property which is round 2 extension property.

The amounts described in subclause (II) shall be computed separately from any amounts computed with respect to eligible qualified property which is not round 2 extension property.

''(iii) TAXPAYERS NOT PREVIOUSLY ELECTING ACCELERATION.—In the case of a taxpayer

who neither made the election under subparagraph (A) for its first taxable year ending after March 31, 2008, nor made the election under subparagraph (H)(ii) for its first taxable year ending after December 31, 2008—

''(I) the taxpayer may elect to have this paragraph apply to its first taxable year ending after December 31, 2010, and each subsequent taxable year, and

''(II) if the taxpayer makes the election under subclause (I), this paragraph shall only apply to eligible qualified property which is round 2 extension property.

''(iv) ROUND 2 EXTENSION PROPERTY.—For purposes of this subparagraph, the term 'round 2 extension property' means property which is eligible qualified property solely by reason of the extension of the application of the special allowance under paragraph (1) pursuant to the amendments made by section 401(a) of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 (and the application of such extension to this paragraph pursuant to the amendment made by section 401(c)(1) of such Act).''.

(d) CONFORMING AMENDMENTS.—

(1) The heading for subsection (k) of section 168 is amended by striking ''JANUARY 1, 2011'' and inserting ''JANUARY 1, 2013''.

(2) The heading for clause (ii) of section 168(k)(2)(B) is amended by striking ''PRE-JANUARY 1, 2011'' and inserting ''PRE-JANUARY 1, 2013''.

(3) Subparagraph (D) of section 168(k)(4) is amended—

(A) by striking clauses (iv) and (v),

(B) by inserting ''and'' at the end of clause (ii), and

(C) by striking the comma at the end of clause (iii) and inserting a period.

(4) Paragraph (5) of section 168(l) is amended—

(A) by inserting ''and'' at the end of subparagraph (A),

(B) by striking subparagraph (B), and

(C) by redesignating subparagraph (C) as subparagraph (B).

(5) Subparagraph (C) of section 168(n)(2) is amended by striking ''January 1, 2011'' and inserting ''January 1, 2013''.

(6) Subparagraph (D) of section 1400L(b)(2) is amended by striking ''January 1, 2011'' and inserting ''January 1, 2013''.

(7) Subparagraph (B) of section 1400N(d)(3) is amended by striking ''January 1, 2011'' and inserting ''January 1, 2013''.

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to property placed in service after December 31, 2010, in taxable years ending after such date.

(2) TEMPORARY 100 PERCENT EXPENSING.—The amendment made by subsection (b) shall apply to property placed in service after September 8, 2010, in taxable years ending after such date.

**SEC. 402. TEMPORARY EXTENSION OF INCREASED SMALL BUSINESS EXPENSING.**

(a) DOLLAR LIMITATION.—Section 179(b)(1) is amended by striking ''and'' at the end of subparagraph (B) and by striking subparagraph (C) and inserting the following new subparagraphs:

''(C) $125,000 in the case of taxable years beginning in 2012, and

''(D) $25,000 in the case of taxable years beginning after 2012.''.

(b) REDUCTION IN LIMITATION.—Section 179(b)(2) is amended by striking ''and'' at the end of subparagraph (B) and by striking subparagraph (C) and inserting the following new subparagraphs:

''(C) $500,000 in the case of taxable years beginning in 2012, and

''(D) $200,000 in the case of taxable years beginning after 2012.''.

(c) INFLATION ADJUSTMENT.—Subsection (b) of section 179 is amended by adding at the end the following new paragraph:

''(6) INFLATION ADJUSTMENT.—

''(A) IN GENERAL.—In the case of any taxable year beginning in calendar year 2012, the $125,000 and $500,000 amounts in paragraphs (1)(C) and (2)(C) shall each be increased by an amount equal to—

''(i) such dollar amount, multiplied by

''(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, by substituting 'calendar year 2006' for 'calendar year 1992' in subparagraph (B) thereof.

''(B) ROUNDING.—

''(i) DOLLAR LIMITATION.—If the amount in paragraph (1) as increased under subparagraph (A) is not a multiple of $1,000, such amount shall be rounded to the nearest multiple of $1,000.

''(ii) PHASEOUT AMOUNT.—If the amount in paragraph (2) as increased under subparagraph (A) is not a multiple of $10,000, such amount shall be rounded to the nearest multiple of $10,000.''.

(d) COMPUTER SOFTWARE.—Section 179(d)(1)(A)(ii) is amended by striking ''2012'' and inserting ''2013''.

(e) CONFORMING AMENDMENT.—Section 179(c)(2) is amended by striking ''2012'' and inserting ''2013''.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2011.

## TITLE V—TEMPORARY EXTENSION OF UNEMPLOYMENT INSURANCE AND RELATED MATTERS

**SEC. 501. TEMPORARY EXTENSION OF UNEMPLOYMENT INSURANCE PROVISIONS.**

(a) IN GENERAL.—(1) Section 4007 of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is amended—

(A) by striking ''November 30, 2010'' each place it appears and inserting ''January 3, 2012'';

(B) in the heading for subsection (b)(2), by striking ''NOVEMBER 30, 2010'' and inserting ''JANUARY 3, 2012''; and

(C) in subsection (b)(3), by striking ''April 30, 2011'' and inserting ''June 9, 2012''.

(2) Section 2005 of the Assistance for Unemployed Workers and Struggling Families Act, as contained in Public Law 111–5 (26 U.S.C. 3304 note; 123 Stat. 444), is amended—

(A) by striking ''December 1, 2010'' each place it appears and inserting ''January 4, 2012''; and

(B) in subsection (c), by striking ''May 1, 2011'' and inserting ''June 11, 2012''.

(3) Section 5 of the Unemployment Compensation Extension Act of 2008 (Public Law 110–449; 26 U.S.C. 3304 note) is amended by striking ''April 30, 2011'' and inserting ''June 10, 2012''.

(b) FUNDING.—Section 4004(e)(1) of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) is amended—

(1) in subparagraph (E), by striking ''and'' at the end; and

(2) by inserting after subparagraph (F) the following:

''(G) the amendments made by section 501(a)(1) of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010; and''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of the Unemployment Compensation Extension Act of 2010 (Public Law 111–205).

**SEC. 502. TEMPORARY MODIFICATION OF INDICATORS UNDER THE EXTENDED BENEFIT PROGRAM.**

(a) INDICATOR.—Section 203(d) of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) is amended, in the flush matter following paragraph (2), by inserting after the first sentence the following sentence: ''Effective with respect to compensation for weeks of unemployment beginning after the date of enactment of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 (or, if later, the date established pursuant to State law), and ending on or before December 31, 2011, the State may by law provide that the determination of whether there has been a state 'on' or 'off' indicator beginning or ending any extended benefit period shall be made under this subsection as if the word 'two' were 'three' in subparagraph (1)(A).''.

(b) ALTERNATIVE TRIGGER.—Section 203(f) of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by inserting after paragraph (1) the following new paragraph:

''(2) Effective with respect to compensation for weeks of unemployment beginning after the date of enactment of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 (or, if later, the date established pursuant to State law), and ending on or before December 31, 2011, the State may by law provide that the determination of whether there has been a state 'on' or 'off' indicator beginning or ending any extended benefit period shall be made under this subsection as if the word 'either' were 'any', the word ''both'' were 'all', and the figure '2' were '3' in clause (1)(A)(ii).''.

**SEC. 503. TECHNICAL AMENDMENT RELATING TO COLLECTION OF UNEMPLOYMENT COMPENSATION DEBTS.**

(a) IN GENERAL.—Section 6402(f)(3)(C), as amended by section 801 of the Claims Resolution Act of 2010, is amended by striking ''is not a covered unemployment compensation debt'' and inserting ''is a covered unemployment compensation debt''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in section 801 of the Claims Resolution Act of 2010.

**SEC. 504. TECHNICAL CORRECTION RELATING TO REPEAL OF CONTINUED DUMPING AND SUBSIDY OFFSET.**

(a) IN GENERAL.—Section 822(2)(A) of the Claims Resolution Act of 2010 is amended by striking ''or'' and inserting ''and''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the provisions of the Claims Resolution Act of 2010.

**SEC. 505. ADDITIONAL EXTENDED UNEMPLOYMENT BENEFITS UNDER THE RAILROAD UNEMPLOYMENT INSURANCE ACT.**

(a) EXTENSION.—Section 2(c)(2)(D)(iii) of the Railroad Unemployment Insurance Act, as added by section 2006 of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) and as amended by section 9 of the Worker, Homeownership, and Business Assistance Act of 2009 (Public Law 111–92), is amended—

(1) by striking ''June 30, 2010'' and inserting ''June 30, 2011''; and

(2) by striking ''December 31, 2010'' and inserting ''December 31, 2011''.

(b) CLARIFICATION ON AUTHORITY TO USE FUNDS.—Funds appropriated under either the first or second sentence of clause (iv) of section 2(c)(2)(D) of the Railroad Unemployment Insurance Act shall be available to

cover the cost of additional extended unemployment benefits provided under such section 2(c)(2)(D) by reason of the amendments made by subsection (a) as well as to cover the cost of such benefits provided under such section 2(c)(2)(D), as in effect on the day before the date of the enactment of this Act.

## TITLE VI—EXTENSION OF MAKING WORK PAY CREDIT

### SEC. 601. MAKING WORK PAY CREDIT.

(a) IN GENERAL.—Section 36A(e) is amended by striking ''December 31, 2010'' and inserting ''December 31, 2011''.

(b) TREATMENT OF POSSESSIONS.—Section 1001(b)(1) of the American Recovery and Reinvestment Tax Act of 2009 is amended by striking ''2009 and 2010'' both places it appears and inserting ''2009, 2010, and 2011''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2010.

## TITLE VII—TEMPORARY EXTENSION OF CERTAIN EXPIRING PROVISIONS

### Subtitle A—Energy

### SEC. 701. INCENTIVES FOR BIODIESEL AND RENEWABLE DIESEL.

(a) CREDITS FOR BIODIESEL AND RENEWABLE DIESEL USED AS FUEL.—Subsection (g) of section 40A is amended by striking ''December 31, 2009'' and inserting ''December 31, 2011''.

(b) EXCISE TAX CREDITS AND OUTLAY PAYMENTS FOR BIODIESEL AND RENEWABLE DIESEL FUEL MIXTURES.—

(1) Paragraph (6) of section 6426(c) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2011''.

(2) Subparagraph (B) of section 6427(e)(6) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2011''.

(c) SPECIAL RULE FOR 2010.—Notwithstanding any other provision of law, in the case of any biodiesel mixture credit properly determined under section 6426(c) of the Internal Revenue Code of 1986 for periods during 2010, such credit shall be allowed, and any refund or payment attributable to such credit (including any payment under section 6427(e) of such Code) shall be made, only in such manner as the Secretary of the Treasury (or the Secretary's delegate) shall provide. Such Secretary shall issue guidance within 30 days after the date of the enactment of this Act providing for a one-time submission of claims covering periods during 2010. Such guidance shall provide for a 180-day period for the submission of such claims (in such manner as prescribed by such Secretary) to begin not later than 30 days after such guidance is issued. Such claims shall be paid by such Secretary not later than 60 days after receipt. If such Secretary has not paid pursuant to a claim filed under this subsection within 60 days after the date of the filing of such claim, the claim shall be paid with interest from such date determined by using the overpayment rate and method under section 6621 of such Code.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel sold or used after December 31, 2009.

### SEC. 702. CREDIT FOR REFINED COAL FACILITIES.

(a) IN GENERAL.—Subparagraph (B) of section 45(d)(8) is amended by striking ''January 1, 2010'' and inserting ''January 1, 2012''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to facilities placed in service after December 31, 2009.

### SEC. 703. NEW ENERGY EFFICIENT HOME CREDIT.

(a) IN GENERAL.—Subsection (g) of section 45L is amended by striking ''December 31, 2009'' and inserting ''December 31, 2011''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to homes acquired after December 31, 2009.

### SEC. 704. EXCISE TAX CREDITS AND OUTLAY PAYMENTS FOR ALTERNATIVE FUEL AND ALTERNATIVE FUEL MIXTURES.

(a) IN GENERAL.—Sections 6426(d)(5), 6426(e)(3), and 6427(e)(6)(C) are each amended by striking ''December 31, 2009'' and inserting ''December 31, 2011''.

(b) EXCLUSION OF BLACK LIQUOR FROM CREDIT ELIGIBILITY.—The last sentence of section 6426(d)(2) is amended by striking ''or biodiesel'' and inserting ''biodiesel, or any fuel (including lignin, wood residues, or spent pulping liquors) derived from the production of paper or pulp''.

(c) SPECIAL RULE FOR 2010.—Notwithstanding any other provision of law, in the case of any alternative fuel credit or any alternative fuel mixture credit properly determined under subsection (d) or (e) of section 6426 of the Internal Revenue Code of 1986 for periods during 2010, such credit shall be allowed, and any refund or payment attributable to such credit (including any payment under section 6427(e) of such Code) shall be made, only in such manner as the Secretary of the Treasury (or the Secretary's delegate) shall provide. Such Secretary shall issue guidance within 30 days after the date of the enactment of this Act providing for a one-time submission of claims covering periods during 2010. Such guidance shall provide for a 180-day period for the submission of such claims (in such manner as prescribed by such Secretary) to begin not later than 30 days after such guidance is issued. Such claims shall be paid by such Secretary not later than 60 days after receipt. If such Secretary has not paid pursuant to a claim filed under this subsection within 60 days after the date of the filing of such claim, the claim shall be paid with interest from such date determined by using the overpayment rate and method under section 6621 of such Code.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel sold or used after December 31, 2009.

### SEC. 705. SPECIAL RULE FOR SALES OR DISPOSITIONS TO IMPLEMENT FERC OR STATE ELECTRIC RESTRUCTURING POLICY FOR QUALIFIED ELECTRIC UTILITIES.

(a) IN GENERAL.—Paragraph (3) of section 451(i) is amended by striking ''January 1, 2010'' and inserting ''January 1, 2012''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to dispositions after December 31, 2009.

### SEC. 706. SUSPENSION OF LIMITATION ON PERCENTAGE DEPLETION FOR OIL AND GAS FROM MARGINAL WELLS.

(a) IN GENERAL.—Clause (ii) of section 613A(c)(6)(H) is amended by striking ''January 1, 2010'' and inserting ''January 1, 2012''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2009.

### SEC. 707. EXTENSION OF GRANTS FOR SPECIFIED ENERGY PROPERTY IN LIEU OF TAX CREDITS.

(a) IN GENERAL.—Subsection (a) of section 1603 of division B of the American Recovery and Reinvestment Act of 2009 is amended—

(1) in paragraph (1), by striking ''2009 or 2010'' and inserting ''2009, 2010, or 2011'', and

(2) in paragraph (2)—

(A) by striking ''after 2010'' and inserting ''after 2011'', and

(B) by striking ''2009 or 2010'' and inserting ''2009, 2010, or 2011''.

(b) CONFORMING AMENDMENT.—Subsection (j) of section 1603 of division B of such Act is amended by striking ''2011'' and inserting ''2012''.

### SEC. 708. EXTENSION OF PROVISIONS RELATED TO ALCOHOL USED AS FUEL.

(a) EXTENSION OF INCOME TAX CREDIT FOR ALCOHOL USED AS FUEL.—

(1) IN GENERAL.—Paragraph (1) of section 40(e) is amended—

(A) by striking ''December 31, 2010'' in subparagraph (A) and inserting ''December 31, 2011'', and

(B) by striking ''January 1, 2011'' in subparagraph (B) and inserting ''January 1, 2012''.

(2) REDUCED AMOUNT FOR ETHANOL BLENDERS.—Subsection (h) of section 40 is amended by striking ''2010'' both places it appears and inserting ''2011''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to periods after December 31, 2010.

(b) EXTENSION OF EXCISE TAX CREDIT FOR ALCOHOL USED AS FUEL.—

(1) IN GENERAL.—Paragraph (6) of section 6426(b) is amended by striking ''December 31, 2010'' and inserting ''December 31, 2011''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to periods after December 31, 2010.

(c) EXTENSION OF PAYMENT FOR ALCOHOL FUEL MIXTURE.—

(1) IN GENERAL.—Subparagraph (A) of section 6427(e)(6) is amended by striking ''December 31, 2010'' and inserting ''December 31, 2011''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to sales and uses after December 31, 2010.

(d) EXTENSION OF ADDITIONAL DUTIES ON ETHANOL.—

(1) IN GENERAL.—Headings 9901.00.50 and 9901.00.52 of the Harmonized Tariff Schedule of the United States are each amended in the effective period column by striking ''1/1/2011'' and inserting ''1/1/2012''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on January 1, 2011.

### SEC. 709. ENERGY EFFICIENT APPLIANCE CREDIT.

(a) DISHWASHERS.—Paragraph (1) of section 45M(b) is amended by striking ''and'' at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting a comma, and by adding at the end the following new subparagraphs:

''(C) $25 in the case of a dishwasher which is manufactured in calendar year 2011 and which uses no more than 307 kilowatt hours per year and 5.0 gallons per cycle (5.5 gallons per cycle for dishwashers designed for greater than 12 place settings),

''(D) $50 in the case of a dishwasher which is manufactured in calendar year 2011 and which uses no more than 295 kilowatt hours per year and 4.25 gallons per cycle (4.75 gallons per cycle for dishwashers designed for greater than 12 place settings), and

''(E) $75 in the case of a dishwasher which is manufactured in calendar year 2011 and which uses no more than 280 kilowatt hours per year and 4 gallons per cycle (4.5 gallons per cycle for dishwashers designed for greater than 12 place settings).''.

(b) CLOTHES WASHERS.—Paragraph (2) of section 45M(b) is amended by striking ''and'' at the end of subparagraph (C), by striking the period at the end of subparagraph (D) and inserting a comma, and by adding at the end the following new subparagraphs:

''(E) $175 in the case of a top-loading clothes washer manufactured in calendar year 2011 which meets or exceeds a 2.2 modified energy factor and does not exceed a 4.5 water consumption factor, and

''(F) $225 in the case of a clothes washer manufactured in calendar year 2011—

''(i) which is a top-loading clothes washer and which meets or exceeds a 2.4 modified energy factor and does not exceed a 4.2 water consumption factor, or

''(ii) which is a front-loading clothes washer and which meets or exceeds a 2.8 modified energy factor and does not exceed a 3.5 water consumption factor.''.

(c) REFRIGERATORS.—Paragraph (3) of section 45M(b) is amended by striking ''and'' at

the end of subparagraph (C), by striking the period at the end of subparagraph (D) and inserting a comma, and by adding at the end the following new subparagraphs:

''(E) $150 in the case of a refrigerator manufactured in calendar year 2011 which consumes at least 30 percent less energy than the 2001 energy conservation standards, and

''(F) $200 in the case of a refrigerator manufactured in calendar year 2011 which consumes at least 35 percent less energy than the 2001 energy conservation standards.''.

(d) REBASING OF LIMITATIONS.—

(1) IN GENERAL.—Paragraph (1) of section 45M(e) is amended—

(A) by striking ''$75,000,000'' and inserting ''$25,000,000'', and

(B) by striking ''December 31, 2007'' and inserting ''December 31, 2010''.

(2) EXCEPTION FOR CERTAIN REFRIGERATORS AND CLOTHES WASHERS.—Paragraph (2) of section 45M(e) is amended—

(A) by striking ''subsection (b)(3)(D)'' and inserting ''subsection (b)(3)(F)'', and

(B) by striking ''subsection (b)(2)(D)'' and inserting ''subsection (b)(2)(F)''.

(3) GROSS RECEIPTS LIMITATION.—Paragraph (3) of section 45M(e) is amended by striking ''2 percent'' and inserting ''4 percent''.

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by subsections (a), (b), and (c) shall apply to appliances produced after December 31, 2010.

(2) LIMITATIONS.—The amendments made by subsection (d) shall apply to taxable years beginning after December 31, 2010.

**SEC. 710. CREDIT FOR NONBUSINESS ENERGY PROPERTY.**

(a) EXTENSION.—Section 25C(g)(2) is amended by striking ''2010'' and inserting ''2011''.

(b) RETURN TO PRE-ARRA LIMITATIONS AND STANDARDS.—

(1) IN GENERAL.—Subsections (a) and (b) of section 25C are amended to read as follows:

''(a) ALLOWANCE OF CREDIT.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the sum of—

''(1) 10 percent of the amount paid or incurred by the taxpayer for qualified energy efficiency improvements installed during such taxable year, and

''(2) the amount of the residential energy property expenditures paid or incurred by the taxpayer during such taxable year.

''(b) LIMITATIONS.—

''(1) LIFETIME LIMITATION.—The credit allowed under this section with respect to any taxpayer for any taxable year shall not exceed the excess (if any) of $500 over the aggregate credits allowed under this section with respect to such taxpayer for all prior taxable years ending after December 31, 2005.

''(2) WINDOWS.—In the case of amounts paid or incurred for components described in subsection (c)(2)(B) by any taxpayer for any taxable year, the credit allowed under this section with respect to such amounts for such year shall not exceed the excess (if any) of $200 over the aggregate credits allowed under this section with respect to such amounts for all prior taxable years ending after December 31, 2005.

''(3) LIMITATION ON RESIDENTIAL ENERGY PROPERTY EXPENDITURES.—The amount of the credit allowed under this section by reason of subsection (a)(2) shall not exceed—

''(A) $50 for any advanced main air circulating fan,

''(B) $150 for any qualified natural gas, propane, or oil furnace or hot water boiler, and

''(C) $300 for any item of energy-efficient building property.''.

(2) MODIFICATION OF STANDARDS.—

(A) IN GENERAL.—Paragraph (1) of section 25C(c) is amended by striking ''2000'' and all that follows through ''this section'' and inserting ''2009 International Energy Conservation Code, as such Code (including supplements) is in effect on the date of the enactment of the American Recovery and Reinvestment Tax Act of 2009''.

(B) WOOD STOVES.—Subparagraph (E) of section 25C(d)(3) is amended by striking '', as measured using a lower heating value''.

(C) OIL FURNACES AND HOT WATER BOILERS.—

(i) IN GENERAL.—Paragraph (4) of section 25C(d) is amended to read as follows:

''(4) QUALIFIED NATURAL GAS, PROPANE, OR OIL FURNACE OR HOT WATER BOILER.—The term 'qualified natural gas, propane, or oil furnace or hot water boiler' means a natural gas, propane, or oil furnace or hot water boiler which achieves an annual fuel utilization efficiency rate of not less than 95.''.

(ii) CONFORMING AMENDMENT.—Clause (ii) of section 25C(d)(2)(A) is amended to read as follows:

''(ii) a qualified natural gas, propane, or oil furnace or hot water boiler, or''.

(D) EXTERIOR WINDOWS, DOORS, AND SKYLIGHTS.—

(i) IN GENERAL.—Subsection (c) of section 25C is amended by striking paragraph (4).

(ii) APPLICATION OF ENERGY STAR STANDARDS.—Paragraph (1) of section 25C(c) is amended by inserting ''an exterior window, a skylight, an exterior door,'' after ''in the case of'' in the matter preceding subparagraph (A).

(E) INSULATION.—Subparagraph (A) of section 25C(c)(2) is amended by striking ''and meets the prescriptive criteria for such material or system established by the 2009 International Energy Conservation Code, as such Code (including supplements) is in effect on the date of the enactment of the American Recovery and Reinvestment Tax Act of 2009''.

(3) SUBSIDIZED ENERGY FINANCING.—Subsection (e) of section 25C is amended by adding at the end the following new paragraph:

''(3) PROPERTY FINANCED BY SUBSIDIZED ENERGY FINANCING.—For purposes of determining the amount of expenditures made by any individual with respect to any property, there shall not be taken into account expenditures which are made from subsidized energy financing (as defined in section 48(a)(4)(C)).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2010.

**SEC. 711. ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY.**

(a) EXTENSION OF CREDIT.—Paragraph (2) of section 30C(g) is amended by striking ''December 31, 2010'' and inserting ''December 31, 2011.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2010.

## Subtitle B—Individual Tax Relief

**SEC. 721. DEDUCTION FOR CERTAIN EXPENSES OF ELEMENTARY AND SECONDARY SCHOOL TEACHERS.**

(a) IN GENERAL.—Subparagraph (D) of section 62(a)(2) is amended by striking ''or 2009'' and inserting ''2009, 2010, or 2011''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2009.

**SEC. 722. DEDUCTION OF STATE AND LOCAL SALES TAXES.**

(a) IN GENERAL.—Subparagraph (I) of section 164(b)(5) is amended by striking ''January 1, 2010'' and inserting ''January 1, 2012''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2009.

**SEC. 723. CONTRIBUTIONS OF CAPITAL GAIN REAL PROPERTY MADE FOR CONSERVATION PURPOSES.**

(a) IN GENERAL.—Clause (vi) of section 170(b)(1)(E) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2011''.

(b) CONTRIBUTIONS BY CERTAIN CORPORATE FARMERS AND RANCHERS.—Clause (iii) of section 170(b)(2)(B) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2011''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to contributions made in taxable years beginning after December 31, 2009.

**SEC. 724. ABOVE-THE-LINE DEDUCTION FOR QUALIFIED TUITION AND RELATED EXPENSES.**

(a) IN GENERAL.—Subsection (e) of section 222 is amended by striking ''December 31, 2009'' and inserting ''December 31, 2011''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2009.

**SEC. 725. TAX-FREE DISTRIBUTIONS FROM INDIVIDUAL RETIREMENT PLANS FOR CHARITABLE PURPOSES.**

(a) IN GENERAL.—Subparagraph (F) of section 408(d)(8) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2011''.

(b) EFFECTIVE DATE; SPECIAL RULE.—

(1) EFFECTIVE DATE.—The amendment made by this section shall apply to distributions made in taxable years beginning after December 31, 2009.

(2) SPECIAL RULE.—For purposes of subsections (a)(6), (b)(3), and (d)(8) of section 408 of the Internal Revenue Code of 1986, at the election of the taxpayer (at such time and in such manner as prescribed by the Secretary of the Treasury) any qualified charitable distribution made after December 31, 2010, and before February 1, 2011, shall be deemed to have been made on December 31, 2010.

**SEC. 726. LOOK-THRU OF CERTAIN REGULATED INVESTMENT COMPANY STOCK IN DETERMINING GROSS ESTATE OF NONRESIDENTS.**

(a) IN GENERAL.—Paragraph (3) of section 2105(d) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2011''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to estates of decedents dying after December 31, 2009.

**SEC. 727. PARITY FOR EXCLUSION FROM INCOME FOR EMPLOYER-PROVIDED MASS TRANSIT AND PARKING BENEFITS.**

(a) IN GENERAL.—Paragraph (2) of section 132(f) is amended by striking ''January 1, 2011'' and inserting ''January 1, 2012''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to months after December 31, 2010.

**SEC. 728. REFUNDS DISREGARDED IN THE ADMINISTRATION OF FEDERAL PROGRAMS AND FEDERALLY ASSISTED PROGRAMS.**

(a) IN GENERAL.—Subchapter A of chapter 65 is amended by adding at the end the following new section:

**''SEC. 6409. REFUNDS DISREGARDED IN THE ADMINISTRATION OF FEDERAL PROGRAMS AND FEDERALLY ASSISTED PROGRAMS.**

''(a) IN GENERAL.—Notwithstanding any other provision of law, any refund (or advance payment with respect to a refundable credit) made to any individual under this title shall not be taken into account as income, and shall not be taken into account as resources for a period of 12 months from receipt, for purposes of determining the eligibility of such individual (or any other individual) for benefits or assistance (or the amount or extent of benefits or assistance) under any Federal program or under any State or local program financed in whole or in part with Federal funds.

''(b) TERMINATION.—Subsection (a) shall not apply to any amount received after December 31, 2012.''.

(b) CLERICAL AMENDMENT.—The table of sections for such subchapter is amended by adding at the end the following new item:

''Sec. 6409. Refunds disregarded in the administration of Federal programs and federally assisted programs.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts received after December 31, 2009.

**Subtitle C—Business Tax Relief**

**SEC. 731. RESEARCH CREDIT.**

(a) IN GENERAL.—Subparagraph (B) of section 41(h)(1) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2011''.

(b) CONFORMING AMENDMENT.—Subparagraph (D) of section 45C(b)(1) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2011''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred after December 31, 2009.

**SEC. 732. INDIAN EMPLOYMENT TAX CREDIT.**

(a) IN GENERAL.—Subsection (f) of section 45A is amended by striking ''December 31, 2009'' and inserting ''December 31, 2011''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2009.

**SEC. 733. NEW MARKETS TAX CREDIT.**

(a) IN GENERAL.—Paragraph (1) of section 45D(f) is amended—

(1) by striking ''and'' at the end of subparagraph (E),

(2) by striking the period at the end of subparagraph (F), and

(3) by adding at the end the following new subparagraph:

''(G) $3,500,000,000 for 2010 and 2011.''.

(b) CONFORMING AMENDMENT.—Paragraph (3) of section 45D(f) is amended by striking ''2014'' and inserting ''2016''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to calendar years beginning after 2009.

**SEC. 734. RAILROAD TRACK MAINTENANCE CREDIT.**

(a) IN GENERAL.—Subsection (f) of section 45G is amended by striking ''January 1, 2010'' and inserting ''January 1, 2012''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to expenditures paid or incurred in taxable years beginning after December 31, 2009.

**SEC. 735. MINE RESCUE TEAM TRAINING CREDIT.**

(a) IN GENERAL.—Subsection (e) of section 45N is amended by striking ''December 31, 2009'' and inserting ''December 31, 2011''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2009.

**SEC. 736. EMPLOYER WAGE CREDIT FOR EMPLOYEES WHO ARE ACTIVE DUTY MEMBERS OF THE UNIFORMED SERVICES.**

(a) IN GENERAL.—Subsection (f) of section 45P is amended by striking ''December 31, 2009'' and inserting ''December 31, 2011''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to payments made after December 31, 2009.

**SEC. 737. 15-YEAR STRAIGHT-LINE COST RECOVERY FOR QUALIFIED LEASEHOLD IMPROVEMENTS, QUALIFIED RESTAURANT BUILDINGS AND IMPROVEMENTS, AND QUALIFIED RETAIL IMPROVEMENTS.**

(a) IN GENERAL.—Clauses (iv), (v), and (ix) of section 168(e)(3)(E) are each amended by striking ''January 1, 2010'' and inserting ''January 1, 2012''.

(b) CONFORMING AMENDMENTS.—

(1) Clause (i) of section 168(e)(7)(A) is amended by striking ''if such building is placed in service after December 31, 2008, and before January 1, 2010,''.

(2) Paragraph (8) of section 168(e) is amended by striking subparagraph (E).

(3) Section 179(f)(2) is amended—

(A) by striking ''(without regard to the dates specified in subparagraph (A)(i) thereof)'' in subparagraph (B), and

(B) by striking ''(without regard to subparagraph (E) thereof)'' in subparagraph (C).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2009.

**SEC. 738. 7-YEAR RECOVERY PERIOD FOR MOTORSPORTS ENTERTAINMENT COMPLEXES.**

(a) IN GENERAL.—Subparagraph (D) of section 168(i)(15) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2011''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2009.

**SEC. 739. ACCELERATED DEPRECIATION FOR BUSINESS PROPERTY ON AN INDIAN RESERVATION.**

(a) IN GENERAL.—Paragraph (8) of section 168(j) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2011''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2009.

**SEC. 740. ENHANCED CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF FOOD INVENTORY.**

(a) IN GENERAL.—Clause (iv) of section 170(e)(3)(C) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2011''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made after December 31, 2009.

**SEC. 741. ENHANCED CHARITABLE DEDUCTION FOR CONTRIBUTIONS OF BOOK INVENTORIES TO PUBLIC SCHOOLS.**

(a) IN GENERAL.—Clause (iv) of section 170(e)(3)(D) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2011''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made after December 31, 2009.

**SEC. 742. ENHANCED CHARITABLE DEDUCTION FOR CORPORATE CONTRIBUTIONS OF COMPUTER INVENTORY FOR EDUCATIONAL PURPOSES.**

(a) IN GENERAL.—Subparagraph (G) of section 170(e)(6) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2011''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made in taxable years beginning after December 31, 2009.

**SEC. 743. ELECTION TO EXPENSE MINE SAFETY EQUIPMENT.**

(a) IN GENERAL.—Subsection (g) of section 179E is amended by striking ''December 31, 2009'' and inserting ''December 31, 2011''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2009.

**SEC. 744. SPECIAL EXPENSING RULES FOR CERTAIN FILM AND TELEVISION PRODUCTIONS.**

(a) IN GENERAL.—Subsection (f) of section 181 is amended by striking ''December 31, 2009'' and inserting ''December 31, 2011''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to productions commencing after December 31, 2009.

**SEC. 745. EXPENSING OF ENVIRONMENTAL REMEDIATION COSTS.**

(a) IN GENERAL.—Subsection (h) of section 198 is amended by striking ''December 31, 2009'' and inserting ''December 31, 2011''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to expenditures paid or incurred after December 31, 2009.

**SEC. 746. DEDUCTION ALLOWABLE WITH RESPECT TO INCOME ATTRIBUTABLE TO DOMESTIC PRODUCTION ACTIVITIES IN PUERTO RICO.**

(a) IN GENERAL.—Subparagraph (C) of section 199(d)(8) is amended—

(1) by striking ''first 4 taxable years'' and inserting ''first 6 taxable years''; and

(2) by striking ''January 1, 2010'' and inserting ''January 1, 2012''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

**SEC. 747. MODIFICATION OF TAX TREATMENT OF CERTAIN PAYMENTS TO CONTROLLING EXEMPT ORGANIZATIONS.**

(a) IN GENERAL.—Clause (iv) of section 512(b)(13)(E) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2011''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to payments received or accrued after December 31, 2009.

**SEC. 748. TREATMENT OF CERTAIN DIVIDENDS OF REGULATED INVESTMENT COMPANIES.**

(a) IN GENERAL.—Paragraphs (1)(C) and (2)(C) of section 871(k) are each amended by striking ''December 31, 2009'' and inserting ''December 31, 2011''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

**SEC. 749. RIC QUALIFIED INVESTMENT ENTITY TREATMENT UNDER FIRPTA.**

(a) IN GENERAL.—Clause (ii) of section 897(h)(4)(A) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2011''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (a) shall take effect on January 1, 2010. Notwithstanding the preceding sentence, such amendment shall not apply with respect to the withholding requirement under section 1445 of the Internal Revenue Code of 1986 for any payment made before the date of the enactment of this Act.

(2) AMOUNTS WITHHELD ON OR BEFORE DATE OF ENACTMENT.—In the case of a regulated investment company—

(A) which makes a distribution after December 31, 2009, and before the date of the enactment of this Act; and

(B) which would (but for the second sentence of paragraph (1)) have been required to withhold with respect to such distribution under section 1445 of such Code,

such investment company shall not be liable to any person to whom such distribution was made for any amount so withheld and paid over to the Secretary of the Treasury.

**SEC. 750. EXCEPTIONS FOR ACTIVE FINANCING INCOME.**

(a) IN GENERAL.—Sections 953(e)(10) and 954(h)(9) are each amended by striking ''January 1, 2010'' and inserting ''January 1, 2012''.

(b) CONFORMING AMENDMENT.—Section 953(e)(10) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2011''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years of foreign corporations beginning after December 31, 2009, and to taxable years of United States shareholders with or within which any such taxable year of such foreign corporation ends.

**SEC. 751. LOOK-THRU TREATMENT OF PAYMENTS BETWEEN RELATED CONTROLLED FOREIGN CORPORATIONS UNDER FOREIGN PERSONAL HOLDING COMPANY RULES.**

(a) IN GENERAL.—Subparagraph (C) of section 954(c)(6) is amended by striking ''January 1, 2010'' and inserting ''January 1, 2012''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years of foreign corporations beginning after

December 31, 2009, and to taxable years of United States shareholders with or within which any such taxable year of such foreign corporation ends.

**SEC. 752. BASIS ADJUSTMENT TO STOCK OF S CORPS MAKING CHARITABLE CONTRIBUTIONS OF PROPERTY.**

(a) IN GENERAL.—Paragraph (2) of section 1367(a) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2011''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to contributions made in taxable years beginning after December 31, 2009.

**SEC. 753. EMPOWERMENT ZONE TAX INCENTIVES.**

(a) IN GENERAL.—Section 1391 is amended—

(1) by striking ''December 31, 2009'' in subsection (d)(1)(A)(i) and inserting ''December 31, 2011''; and

(2) by striking the last sentence of subsection (h)(2).

(b) INCREASED EXCLUSION OF GAIN ON STOCK OF EMPOWERMENT ZONE BUSINESSES.—Subparagraph (C) of section 1202(a)(2) is amended—

(1) by striking ''December 31, 2014'' and inserting ''December 31, 2016''; and

(2) by striking ''2014'' in the heading and inserting ''2016''.

(c) TREATMENT OF CERTAIN TERMINATION DATES SPECIFIED IN NOMINATIONS.—In the case of a designation of an empowerment zone the nomination for which included a termination date which is contemporaneous with the date specified in subparagraph (A)(i) of section 1391(d)(1) of the Internal Revenue Code of 1986 (as in effect before the enactment of this Act), subparagraph (B) of such section shall not apply with respect to such designation if, after the date of the enactment of this section, the entity which made such nomination amends the nomination to provide for a new termination date in such manner as the Secretary of the Treasury (or the Secretary's designee) may provide.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to periods after December 31, 2009.

**SEC. 754. TAX INCENTIVES FOR INVESTMENT IN THE DISTRICT OF COLUMBIA.**

(a) IN GENERAL.—Subsection (f) of section 1400 is amended by striking ''December 31, 2009'' each place it appears and inserting ''December 31, 2011''.

(b) TAX-EXEMPT DC EMPOWERMENT ZONE BONDS.—Subsection (b) of section 1400A is amended by striking ''December 31, 2009'' and inserting ''December 31, 2011''.

(c) ZERO-PERCENT CAPITAL GAINS RATE.—

(1) ACQUISITION DATE.—Paragraphs (2)(A)(i), (3)(A), (4)(A)(i), and (4)(B)(i)(I) of section 1400B(b) are each amended by striking ''January 1, 2010'' and inserting ''January 1, 2012''.

(2) LIMITATION ON PERIOD OF GAINS.—

(A) IN GENERAL.—Paragraph (2) of section 1400B(e) is amended—

(i) by striking ''December 31, 2014'' and inserting ''December 31, 2016''; and

(ii) by striking ''2014'' in the heading and inserting ''2016''.

(B) PARTNERSHIPS AND S-CORPS.—Paragraph (2) of section 1400B(g) is amended by striking ''December 31, 2014'' and inserting ''December 31, 2016''.

(d) FIRST-TIME HOMEBUYER CREDIT.—Subsection (i) of section 1400C is amended by striking ''January 1, 2010'' and inserting ''January 1, 2012''.

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to periods after December 31, 2009.

(2) TAX-EXEMPT DC EMPOWERMENT ZONE BONDS.—The amendment made by subsection (b) shall apply to bonds issued after December 31, 2009.

(3) ACQUISITION DATES FOR ZERO-PERCENT CAPITAL GAINS RATE.—The amendments made by subsection (c) shall apply to property acquired or substantially improved after December 31, 2009.

(4) HOMEBUYER CREDIT.—The amendment made by subsection (d) shall apply to homes purchased after December 31, 2009.

**SEC. 755. TEMPORARY INCREASE IN LIMIT ON COVER OVER OF RUM EXCISE TAXES TO PUERTO RICO AND THE VIRGIN ISLANDS.**

(a) IN GENERAL.—Paragraph (1) of section 7652(f) is amended by striking ''January 1, 2010'' and inserting ''January 1, 2012''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to distilled spirits brought into the United States after December 31, 2009.

**SEC. 756. AMERICAN SAMOA ECONOMIC DEVELOPMENT CREDIT.**

(a) IN GENERAL.—Subsection (d) of section 119 of division A of the Tax Relief and Health Care Act of 2006 is amended—

(1) by striking ''first 4 taxable years'' and inserting ''first 6 taxable years'', and

(2) by striking ''January 1, 2010'' and inserting ''January 1, 2012''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

**SEC. 757. WORK OPPORTUNITY CREDIT.**

(a) IN GENERAL.—Subparagraph (B) of section 51(c)(4) is amended by striking ''August 31, 2011'' and inserting ''December 31, 2011''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to individuals who begin work for the employer after the date of the enactment of this Act.

**SEC. 758. QUALIFIED ZONE ACADEMY BONDS.**

(a) IN GENERAL.—Section 54E(c)(1) is amended—

(1) by striking ''2008 and'' and inserting ''2008,'', and

(2) by inserting ''and $400,000,000 for 2011'' after ''2010,''.

(b) REPEAL OF REFUNDABLE CREDIT FOR QZABS.—Paragraph (3) of section 6431(f) is amended by inserting ''determined without regard to any allocation relating to the national zone academy bond limitation for 2011 or any carryforward of such allocation'' after ''54E)'' in subparagraph (A)(iii).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after December 31, 2010.

**SEC. 759. MORTGAGE INSURANCE PREMIUMS.**

(a) IN GENERAL.—Clause (iv) of section 163(h)(3)(E) is amended by striking ''December 31, 2010'' and inserting ''December 31, 2011''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to amounts paid or accrued after December 31, 2010.

**SEC. 760. TEMPORARY EXCLUSION OF 100 PERCENT OF GAIN ON CERTAIN SMALL BUSINESS STOCK.**

(a) IN GENERAL.—Paragraph (4) of section 1202(a) is amended—

(1) by striking ''January 1, 2011'' and inserting ''January 1, 2012'', and

(2) by inserting ''AND 2011'' after ''2010'' in the heading thereof.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to stock acquired after December 31, 2010.

## Subtitle D—Temporary Disaster Relief Provisions

## PART

### Subpart A—New York Liberty Zone

**SEC. 761. TAX-EXEMPT BOND FINANCING.**

(a) IN GENERAL.—Subparagraph (D) of section 1400L(d)(2) is amended by striking ''January 1, 2010'' and inserting ''January 1, 2012''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to bonds issued after December 31, 2009.

### Subpart B—GO Zone

**SEC. 762. INCREASE IN REHABILITATION CREDIT.**

(a) IN GENERAL.—Subsection (h) of section 1400N is amended by striking ''December 31, 2009'' and inserting ''December 31, 2011''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to amounts paid or incurred after December 31, 2009.

**SEC. 763. LOW-INCOME HOUSING CREDIT RULES FOR BUILDINGS IN GO ZONES.**

Section 1400N(c)(5) is amended by striking ''January 1, 2011'' and inserting ''January 1, 2012''.

**SEC. 764. TAX-EXEMPT BOND FINANCING.**

(a) IN GENERAL.—Paragraphs (2)(D) and (7)(C) of section 1400N(a) are each amended by striking ''January 1, 2011'' and inserting ''January 1, 2012''.

(b) CONFORMING AMENDMENTS.—Sections 702(d)(1) and 704(a) of the Heartland Disaster Tax Relief Act of 2008 are each amended by striking ''January 1, 2011'' each place it appears and inserting ''January 1, 2012''.

**SEC. 765. BONUS DEPRECIATION DEDUCTION APPLICABLE TO THE GO ZONE.**

(a) IN GENERAL.—Paragraph (6) of section 1400N(d) is amended—

(1) by striking ''December 31, 2010'' both places it appears in subparagraph (B) and inserting ''December 31, 2011'', and

(2) by striking ''January 1, 2010'' in the heading and the text of subparagraph (D) and inserting ''January 1, 2012''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2009.

## TITLE VIII—SENIOR CITIZENS RELIEF

**SEC. 801. SHORT TITLE.**

This Act may be cited as the ''Emergency Senior Citizens Relief Act of 2010''.

**SEC. 802. EXTENSION AND MODIFICATION OF CERTAIN ECONOMIC RECOVERY PAYMENTS.**

(a) EXTENSION AND MODIFICATION OF PAYMENTS.—Section 2201 of the American Recovery and Reinvestment Tax Act of 2009 is amended—

(1) in subsection (a)(1)(A)—

(A) by inserting ''for each of calendar years 2009 and 2011'' after ''shall disburse'',

(B) by inserting ''(for purposes of payments made for calendar year 2009), or the 3-month period ending with December 2010 (for purposes of payments made for calendar year 2011)'' after ''the date of the enactment of this Act'', and

(C) by adding at the end the following new sentence: ''In the case of an individual who is eligible for a payment under the preceding sentence by reason of entitlement to a benefit described in subparagraph (B)(i), no such payment shall be made to such individual for calendar year 2011 unless such individual was paid a benefit described in such subparagraph (B)(i) for any month in the 12-month period ending with December 2010.'',

(2) in subsection (a)(1)(B)(iii), by inserting ''(for purposes of payments made under this paragraph for calendar year 2009), or the 3-month period ending with December 2010 (for purposes of payments made under this paragraph for calendar year 2011)'' before the period at the end,

(3) in subsection (a)(2)—

(A) by inserting '', or who are utilizing a foreign or domestic Army Post Office, Fleet Post Office, or Diplomatic Post Office address'' after ''Northern Mariana Islands'', and

(B) by striking ''current address of record'' and inserting ''address of record, as of the date of certification under subsection (b) for a payment under this section'',

(4) in subsection (a)(3)—

(A) by inserting ''per calendar year (determined with respect to the calendar year for

which the payment is made, and without regard to the date such payment is actually paid to such individual)'' after ''only 1 payment under this section'', and

(B) by inserting ''FOR THE SAME YEAR'' after ''PAYMENTS'' in the heading thereof,

(5) in subsection (a)(4)—

(A) by inserting ''(or, in the case of subparagraph (D), shall not be due)'' after ''made'' in the matter preceding subparagraph (A),

(B) by striking subparagraph (A) and inserting the following:

''(A) in the case of an individual entitled to a benefit specified in paragraph (1)(B)(i) or paragraph (1)(B)(ii)(VIII) if —

''(i) for the most recent month of such individual's entitlement in the applicable 3-month period described in paragraph (1); or

''(ii) for any month thereafter which is before the month after the month of the payment;

such individual's benefit under such paragraph was not payable by reason of subsection (x) or (y) of section 202 of the Social Security Act (42 U.S.C. 402) or section 1129A of such Act (42 U.S.C. 1320a–8a);'',

(C) in subparagraph (B), by striking ''3 month period'' and inserting ''applicable 3-month period'',

(D) by striking subparagraph (C) and inserting the following:

''(C) in the case of an individual entitled to a benefit specified in paragraph (1)(C) if—

''(i) for the most recent month of such individual's eligibility in the applicable 3-month period described in paragraph (1); or

''(ii) for any month thereafter which is before the month after the month of the payment;

such individual's benefit under such paragraph was not able by reason of subsection (e)(1)(A) or (e)(4) of section 1611 (42 U.S.C. 1382) or section 1129A of such Act (42 U.S.C. 1320a–8a); or''

(E) by striking subparagraph (D) and inserting the following:

''(D) in the case of any individual whose date of death occurs—

''(i) before the date of receipt of the payment; or

''(ii) in the case of a direct deposit, before the date on which such payment is deposited into such individual's account.'',

(F) by adding at the end the following flush sentence:

''In the case of any individual whose date of death occurs before a payment is negotiated (in the case of a check) or deposited (in the case of a direct deposit), such payment shall not be due and shall not be reissued to the estate of such individual or to any other person.'', and

(G) by adding at the end, as amended by subparagraph (F), the following new sentence: ''Subparagraphs (A)(ii) and (C)(ii) shall apply only in the case of certifications under subsection (b) which are, or but for this paragraph would be, made after the date of the enactment of Emergency Senior Citizens Relief Act of 2010, and shall apply to such certifications without regard to the calendar year of the payments to which such certifications apply.''.

(6) in subsection (a)(5)—

(A) by inserting '', in the case of payments for calendar year 2009, and no later than April 30, 2011, in the case of payments for calendar year 2011'' before the period at the end of the first sentence of subparagraph (A), and

(B) by striking subparagraph (B) and inserting the following:

''(B) DEADLINE.—No payment for calendar year 2009 shall be disbursed under this section after December 31, 2010, and no payment for calendar year 2011 shall be disbursed under this section after December 31, 2012, regardless of any determinations of entitlement to, or eligibility for, such payment made after whichever of such dates is applicable to such payment.'',

(7) in subsection (b), by inserting ''(except that such certification shall be affected by a determination that an individual is an individual described in subparagraph (A), (B), (C), or (D) of subsection (a)(4) during a period described in such subparagraphs), and no individual shall be certified to receive a payment under this section for a calendar year if such individual has at any time been denied certification for such a payment for such calendar year by reason of subparagraph (A)(ii) or (C)(ii) of subsection (a)(4) (unless such individual is subsequently determined not to have been an individual described in either such subparagraph at the time of such denial)'' before the period at the end of the last sentence,

(8) in subsection (c), by striking paragraph (4) and inserting the following:

''(4) PAYMENTS SUBJECT TO OFFSET AND RECLAMATION.—Notwithstanding paragraph (3), any payment made under this section—

''(A) shall, in the case of a payment by direct deposit which is made after the date of the enactment of the Emergency Senior Citizens Relief Act of 2010, be subject to the reclamation provisions under subpart B of part 210 of title 31, Code of Federal Regulations (relating to reclamation of benefit payments); and

''(B) shall not, for purposes of section 3716 of title 31, United States Code, be considered a benefit payment or cash benefit made under the applicable program described in subparagraph (B) or (C) of subsection (a)(1), and all amounts paid shall be subject to offset under such section 3716 to collect delinquent debts.'',

(9) in subsection (e)—

(A) by striking ''2011'' and inserting ''2013'',

(B) by inserting ''section 2(b) of the Emergency Senior Citizens Relief Act of 2010,'' after ''section 2202,'' in paragraph (1), and

(C) by adding at the following new paragraph:

''(5)(A) For the Secretary of the Treasury, an additional $5,200,000 for purposes described in paragraph (1).

''(B) For the Commissioner of Social Security, an additional $5,000,000 for the purposes described in paragraph (2)(B).

''(C) For the Railroad Retirement Board, an additional $600,000 for the purposes described in paragraph (3)(B).

''(D) For the Secretary of Veterans Affairs, an additional $625,000 for the Information Systems Technology account''.

(b) EXTENSION OF SPECIAL CREDIT FOR CERTAIN GOVERNMENT RETIREES.—

(1) IN GENERAL.—In the case of an eligible individual (as defined in section 2202(b) of the American Recovery and Reinvestment Tax Act of 2009, applied by substituting ''2011'' for ''2009''), with respect to the first taxable year of such individual beginning in 2011, section 2202 of the American Recovery and Reinvestment Tax Act of 2009 shall be applied by substituting ''2011'' for ''2009'' each place it appears.

(2) CONFORMING AMENDMENT.—Subsection (c) of section 36A of the Internal Revenue Code of 1986 is amended by inserting '', and any credit allowed to the taxpayer under section 2(b)(1) of the Emergency Senior Citizens Relief Act of 2010'' after ''the American Recovery and Reinvestment Tax Act of 2009''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in paragraph (2), the amendments made by this section shall take effect on the date of the enactment of this Act.

(2) APPLICATION OF RULE RELATING TO DECEASED INDIVIDUALS.—The amendment made by subsection (a)(5)(F) shall take effect as if included in section 2201 of the American Recovery and Reinvestment Tax Act of 2009.

## TITLE IX—INFRASTRUCTURE, ENERGY, AND WATER PROVISIONS

### Subtitle A—TIGER Discretionary Grants

**SEC. 901. TIGER DISCRETIONARY GRANTS.**

There are appropriated, out of any money in the Treasury not otherwise appropriated, $5,000,000,000 for each of fiscal years 2011 and 2012, for the discretionary grant program established under the heading ''NATIONAL INFRASTRUCTURE INVESTMENTS'' under the heading ''OFFICE OF THE SECRETARY'' under the heading ''DEPARTMENT OF TRANSPORTATION'' of title I of division A of the Consolidated Appropriations Act, 2010 (Public Law 111–117; 123 Stat. 3036), commonly referred to as the ''TIGER II Discretionary Grant Program'': *Provided, That the amount of a grant under this section may not exceed $400,000,000: Provided further, That not less than 20 percent of the funds made available under this section for each fiscal year may be awarded to projects located in rural areas: Provided further, That not less than 1 percent of the funds made available under this section for each fiscal year may be used for the planning, preparation, or design of projects eligible for funding under the TIGER II Discretionary Grant Program: Provided further, That not more than 15 percent of the funds made available under this section for a fiscal year may be awarded to projects in a single State: Provided further, That the Secretary may award a grant of less than $10,000,000 to fund a significant project in a smaller city, region, or State: Provided further, That the Federal share of the cost of a significant project in a smaller city, region, or State may exceed 80 percent: Provided further, That, of the amounts made available under this section for a fiscal year, the Secretary may use an amount not to exceed $750,000,000 for the purpose of paying the subsidy and administrative costs of projects eligible for Federal credit assistance under chapter 6 of title 23, United States Code, if the Secretary finds that such use of the funds would advance the purposes of this section.*

### Subtitle B—National Infrastructure Bank

**SEC. 911. FINDINGS.**

Congress finds the following:

(1) According to the American Society of Civil Engineers, the current condition of the infrastructure in the United States earns a grade point average of D, and an estimated $2,200,000,000,000 investment is needed over the next 5 years to meet adequate conditions.

(2) According to the National Surface Transportation Policy and Revenue Study Commission, $225,000,000,000 is needed annually from all sources for the next 50 years to upgrade our surface transportation system to a state of good repair and create a more advanced system.

(3) According to the Federal Highway Administration up to $131,700,000,000 must be invested annually for a 20-year period to improve bridge efficiencies and the physical condition and operational performance of the highway system of the United States.

(4) According to the Federal Transit Administration, up to $21,800,000,000 must be invested annually for a 20-year period to improve conditions and performance of the major transit systems of the United States.

(5) The Environmental Protection Agency projects that—

(A) $183,600,000,000 is needed for installation and maintenance of drinking water transmission and distribution systems through 2022; and

(B) $202,500,000,000 is needed for publicly owned wastewater systems-related infrastructure needs through 2024.

(6) According to the Edison Electric Institute, to maintain current levels of service

given expected growth in demand, electric utilities need to invest an annual average of—

(A) $28,000,000,000 for generation;

(B) $12,000,000,000 for transmission; and

(C) $34,000,000,000 for distribution of electricity.

(7) According to the American Council on Renewable Energy, renewable energy could provide up to 635 gigawatts of new electricity generating capacity by 2025—a substantial contribution and potentially more than the Nation's need for new capacity, according to the United States Energy Information Administration.

(8) According to the United States Green Building Council, United States buildings account for 38.9 percent of primary energy use, 38 percent of carbon emissions, and 72 percent of electricity consumption.

(9) There are over 1,200,000 units of public housing nationwide, with an accumulated capital needs backlog of approximately $18,000,000,000, with an additional $2,000,000,000 accruing each year.

(10) According to the Organization for Economic Cooperation and Development (OECD), the United States ranks 15th among OECD nations in broadband access per 100 inhabitants.

(11) Although grant programs of the Government must continue to play a central role in financing the transportation, environment, energy, and telecommunications infrastructure needs of the United States, current and foreseeable demands on existing Federal, State, and local funding for infrastructure expansion exceed the resources to support these programs by margins wide enough to prompt serious concerns about the United States' ability to sustain long-term economic development, productivity, and international competitiveness.

(12) The capital markets, including central banks, pension funds, financial institutions, sovereign wealth funds and insurance companies, have a growing interest in infrastructure investment. The establishment of a United States Government-owned institution that would provide this investment opportunity through high quality bond issues that would be used to finance qualifying infrastructure projects would attract needed capital for United States infrastructure development.

**SEC. 912. DEFINITIONS.**

For purposes of this subtitle, the following definitions shall apply, unless the context requires otherwise:

(1) BANK.—The term ''Bank'' means the National Infrastructure Development Bank established under section 913(a) of this subtitle.

(2) BOARD.—The term ''Board'' means the National Infrastructure Development Bank Board.

(3) CHIEF ASSET AND LIABILITY MANAGEMENT OFFICER.—The term ''chief asset and liability management officer'' means the chief individual responsible for coordinating the management of assets and liabilities of the Bank.

(4) CHIEF COMPLIANCE OFFICER.—The term ''chief compliance officer or CCO'' means the chief individual responsible for overseeing and managing the compliance and regulatory affairs issues of the Bank.

(5) CHIEF FINANCIAL OFFICER.—The term ''chief financial officer or CFO'' means the chief individual responsible for managing the financial risks, planning, and reporting of the Bank.

(6) CHIEF LOAN ORIGINATION OFFICER.—The term ''chief loan origination officer'' means the chief individual responsible for the processing of new loans provided by the Bank.

(7) CHIEF OPERATIONS OFFICER.—The term ''chief operations officer or COO'' means the chief individual responsible for information technology and the day to day operations of the Bank.

(8) CHIEF RISK OFFICER.—The term ''chief risk officer or CRO'' means the chief individual responsible for managing operational and compliance-related risks of the Bank.

(9) CHIEF TREASURY OFFICER.—The term ''chief treasury officer'' means the chief individual responsible for managing the Bank's treasury operations.

(10) DEVELOPMENT.—The terms ''development'' and ''develop'' mean, with respect to an infrastructure project, any—

(A) preconstruction planning, feasibility review, permitting, design work, and other preconstruction activities; and

(B) construction, reconstruction, rehabilitation, replacement, or expansion.

(11) DISADVANTAGED COMMUNITY.—The term ''disadvantaged community'' means a community with a median household income of less than 80 percent of the statewide median household income for the State in which the community is located.

(12) ENERGY INFRASTRUCTURE PROJECT.—The term ''energy infrastructure project'' means any project for energy transmission, energy efficiency enhancement for buildings, public housing, and schools, renewable energy, and energy storage.

(13) ENTITY.—The term ''entity'' means an individual, corporation, partnership (including a public-private partnership), joint venture, trust, and a State or other governmental entity, including a political subdivision or any other instrumentality of a State or a revolving fund.

(14) ENVIRONMENTAL INFRASTRUCTURE PROJECT.—The term ''environmental infrastructure project'' means any project for the establishment, maintenance, or enhancement of any drinking water and wastewater treatment facility, storm water management system, dam, levee, open space management system, solid waste disposal facility, hazardous waste facility, or industrial site cleanup.

(15) EXECUTIVE DIRECTOR.—The term ''executive director'' means the individual serving as the chief executive officer of the Bank.

(16) GENERAL COUNSEL.—The term ''general counsel'' means the individual who serves as the chief lawyer for the Bank.

(17) INFRASTRUCTURE PROJECT.—The term ''infrastructure project'' means any energy, environmental, telecommunications, or transportation infrastructure project.

(18) PUBLIC BENEFIT BOND.—The term ''public benefit bond'' means a bond issued with respect to an infrastructure project in accordance with this subtitle if—

(A) the net spendable proceeds from the sale of the issue may be used for expenditures incurred after the date of issuance with respect to the project, subject to the rules of the Bank;

(B) the bond issued by the Bank is in registered form and meets the requirements of this subtitle and otherwise applicable law;

(C) the term of each bond which is part of the issue is greater than 30 years; and

(D) the payment of principal with respect to the bond is the obligation of the Bank.

(19) PUBLIC-PRIVATE PARTNERSHIP.—The term ''public-private partnership'' means any entity—

(A)(i) which is undertaking the development of all or part of an infrastructure project, which will have a public benefit, pursuant to requirements established in one or more contracts between the entity and a State or an instrumentality of a State; or

(ii) the activities of which, with respect to such an infrastructure project, are subject to regulation by a State or any instrumentality of a State; and

(B) which owns, leases, or operates, or will own, lease, or operate, the project in whole or in part, and at least one of the participants in the entity is a nongovernmental entity.

(20) REVOLVING FUND.—The term ''revolving fund'' means a fund or program established by a State or a political subdivision or other instrumentality of a State, the principal activity of which is to make loans, commitments, or other financial accommodation available for the development of one or more categories of infrastructure projects.

(21) SECRETARY.—The term ''Secretary'' means the Secretary of the Treasury or the designee of the Secretary.

(22) SMART GRID.—The term ''smart grid'' means a system that provides for any of the smart grid functions set forth in section 1306(d) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17386(d)).

(23) SMART GROWTH.—The term ''smart growth'' means growth in the center of a city to avoid urban sprawl.

(24) STATE.—The term ''State'' includes the District of Columbia, Puerto Rico, Guam, American Samoa, the Virgin Islands, the Commonwealth of Northern Mariana Islands, and any other territory of the United States.

(25) TELECOMMUNICATIONS INFRASTRUCTURE PROJECT.—The term ''telecommunications infrastructure project'' means any project involving infrastructure required to provide communications by wire or radio.

(26) TRANSPORTATION INFRASTRUCTURE PROJECT.—The term ''transportation infrastructure project'' means any project for the construction, maintenance, or enhancement of highways, roads, bridges, transit and intermodal systems, inland waterways, commercial ports, airports, high speed rail and freight rail systems.

**SEC. 913. ESTABLISHMENT OF NATIONAL INFRASTRUCTURE DEVELOPMENT BANK.**

(a) ESTABLISHMENT OF NATIONAL INFRASTRUCTURE DEVELOPMENT BANK.—The National Infrastructure Development Bank is established as a wholly owned Government corporation subject to chapter 91 of title 31, United States Code (commonly known as the ''Government Corporation Control Act''), except as otherwise provided in this subtitle.

(b) RESPONSIBILITY OF THE SECRETARY.—The Secretary shall take such action as may be necessary to assist in implementing the establishment of the Bank in accordance with this subtitle.

(c) CONFORMING AMENDMENT.—Section 9101(3) of title 31, United States Code, is amended by inserting after subparagraph (N) the following:

''(O) the National Infrastructure Development Bank.''.

**SEC. 914. BOARD OF DIRECTORS.**

(a) IN GENERAL.—The Bank shall have a Board of Directors consisting of 5 members appointed by the President by and with the advice and consent of the Senate.

(b) QUALIFICATIONS.—The directors of the Board shall include individuals representing different regions of the United States and—

(1) 2 of the directors shall have public sector experience; and

(2) 3 of the directors shall have private sector experience.

(c) CHAIRPERSON AND VICE CHAIRPERSON.—As designated at the time of appointment, one of the directors of the Board shall be designated chairperson of the Board by the President and one shall be designated as vice chairperson of the Board by the President.

(d) TERMS.—

(1) IN GENERAL.—Except as provided in paragraph (2) and subsection (f), each director shall be appointed for a term of 6 years.

(2) INITIAL STAGGERED TERMS.—Of the initial members of the Board—

(A) the chairperson and vice chairperson shall be appointed for terms of 6 years;

(B) 1 shall be appointed for a term of 5 years;

(C) 1 shall be appointed for a term of 4 years; and

(D) 1 shall be appointed for a term of 3 years.

(e) DATE OF INITIAL NOMINATIONS.—The initial nominations by the President for appointment of directors to the Board shall be made not later than 60 days after the date of enactment of this Act.

(f) VACANCIES.—

(1) IN GENERAL.—A vacancy on the Board shall be filled in the manner in which the original appointment was made.

(2) APPOINTMENT TO REPLACE DURING TERM.—Any director appointed to fill a vacancy occurring before the expiration of the term for which the director's predecessor was appointed shall be appointed only for the remainder of the term.

(3) DURATION.—A director may serve after the expiration of that director's term until a successor has taken office.

(g) QUORUM.—Three directors shall constitute a quorum.

(h) REAPPOINTMENT.—A director of the Board appointed by the President may be reappointed by the President in accordance with this section.

(i) PER DIEM REIMBURSEMENT.—Directors of the Board shall serve on a part-time basis and shall receive a per diem when engaged in the actual performance of Bank business, plus reasonable reimbursement for travel, subsistence, and other necessary expenses incurred in the performance of their duties.

(j) LIMITATIONS.—A director of the Board may not participate in any review or decision affecting a project under consideration for assistance under this subtitle if the director has or is affiliated with a person who has an interest in such project.

(k) POWERS AND LIMITATIONS OF THE BOARD.—

(1) POWERS.—In order to carry out the purposes of the Bank as set forth in this subtitle, the Board shall be responsible for monitoring and overseeing infrastructure projects and have the following powers:

(A) To make senior and subordinated loans and purchase senior and subordinated debt securities and enter into a binding commitment to make any such loan or purchase any such security, on such terms as the Board may determine, in the Board's discretion, to be appropriate, the proceeds of which are to be used to finance or refinance the development of one or more infrastructure projects.

(B) To issue and sell debt securities of the Bank on such terms as the Board shall determine from time to time.

(C) To issue public benefit bonds and to provide direct subsidies to infrastructure projects from amounts made available from the issuance of such bonds.

(D) To make loan guarantees.

(E) To make agreements and contracts with any entity in furtherance of the business of the Bank.

(F) To borrow on the global capital market and lend to regional, State, and local entities, and commercial banks for the purpose of funding infrastructure projects.

(G) To purchase, pool, and sell infrastructure-related loans and securities on the global capital market.

(H) To purchase in the open market any of the Bank's outstanding obligations at any time and at any price.

(I) To monitor and oversee infrastructure projects financed, in whole or in part, by the Bank.

(J) To acquire, lease, pledge, exchange, and dispose of real and personal property and otherwise exercise all the usual incidents of ownership of property to the extent the exercise of such powers are appropriate to and consistent with the purposes of the Bank.

(K) To sue and be sued in the Bank's corporate capacity in any court of competent jurisdiction, except that no attachment, injunction, or similar process, may be issued against the property of the Bank or against the Bank with respect to such property.

(L) To indemnify the directors and officers of the Bank for liabilities arising out of the actions of the directors and officers in such capacity, in accordance with, and subject to the limitations contained in, this subtitle.

(M) To serve as the primary liaison between the Bank, Congress, the executive branch, and State and local governments and to represent the Bank's interests.

(N) To exercise all other lawful powers which are necessary or appropriate to carry out, and are consistent with, the purposes of the Bank.

(2) LIMITATIONS.—

(A) ISSUANCE OF DEBT SECURITY.—The Board may not issue any debt security without the prior consent of the Secretary.

(B) ISSUANCE OF VOTING SECURITY.—The Board may not issue any voting security in the Bank to any entity other than the Secretary.

(3) ACTIONS CONSISTENT WITH SELF-SUPPORTING ENTITY STATUS.—The Board shall conduct its business in a manner consistent with the requirements of this section.

(4) COORDINATION WITH STATE AND LOCAL REGULATORY AUTHORITY.—The provision of financial assistance by the Board pursuant to this subtitle shall not be construed as—

(A) limiting the right of any State or political subdivision or other instrumentality of a State to approve or regulate rates of return on private equity invested in a project; or

(B) otherwise superseding any State law or regulation applicable to a project.

(5) FEDERAL PERSONNEL REQUESTS.—The Board shall have the power to request the detail, on a reimbursable basis, of personnel from other Federal agencies with specific expertise not available from within the Bank or elsewhere. The head of any Federal agency may detail, on a reimbursable basis, any personnel of such agency requested by the Board and shall not withhold unreasonably the detail of any personnel requested by the Board.

(l) MEETINGS.—

(1) OPEN TO THE PUBLIC; NOTICE.—All meetings of the Board held to conduct the business of the Bank shall be open to the public and shall be preceded by reasonable notice.

(2) INITIAL MEETING.—The Board shall meet not later than 90 days after the date on which all directors of the Board are first appointed and otherwise at the call of the Chairperson.

(3) EXCEPTION FOR CLOSED MEETINGS.—Pursuant to such rules as the Board may establish through their bylaws, the directors may close a meeting of the Board if, at the meeting, there is likely to be disclosed information which could adversely affect or lead to speculation relating to an infrastructure project under consideration for assistance under this subtitle or in financial or securities or commodities markets or institutions, utilities, or real estate. The determination to close any meeting of the Board shall be made in a meeting of the Board, open to the public, and preceded by reasonable notice. The Board shall prepare minutes of any meeting which is closed to the public and make such minutes available as soon as the considerations necessitating closing such meeting no longer apply.

**SEC. 915. EXECUTIVE COMMITTEE.**

(a) IN GENERAL.—The Board shall have an executive committee consisting of 9 members, headed by the executive director of the Bank.

(b) EXECUTIVE DIRECTOR.—A majority of the Board shall have the authority to appoint and reappoint the executive director.

(c) CEO.—The executive director shall be the chief executive officer of the Bank, with such executive functions, powers, and duties as may be prescribed by this subtitle, the bylaws of the Bank, or the Board.

(d) OTHER EXECUTIVE OFFICERS.—The Board shall appoint, remove, fix the compensation, and define duties of 8 other executive officers to serve on the Executive Committee as the—

(1) chief compliance officer;

(2) chief financial officer;

(3) chief asset and liability management officer;

(4) chief loan origination officer;

(5) chief operations officer;

(6) chief risk officer;

(7) chief treasury officer; and

(8) general counsel.

(e) QUALIFICATIONS.—The executive director and other executive officers shall have demonstrated experience and expertise in one or more of the following:

(1) Transportation infrastructure.

(2) Environmental infrastructure.

(3) Energy infrastructure.

(4) Telecommunications infrastructure.

(5) Economic development.

(6) Workforce development.

(7) Public health.

(8) Private or public finance.

(f) DUTIES.—In order to carry out the purposes of the Bank as set forth in this subtitle, the executive committee shall—

(1) establish disclosure and application procedures for entities nominating projects for assistance under this subtitle;

(2) accept, for consideration, project proposals relating to the development of infrastructure projects, which meet the basic criteria established by the Board, and which are submitted by an entity;

(3) provide recommendations to the Board and place project proposals accepted by the executive committee on a list for consideration for financial assistance from the Board;

(4) provide technical assistance to entities receiving financing from the Bank and otherwise implement decisions of the Board.

(g) VACANCY.—A vacancy in the position of executive director shall be filled in the manner in which the original appointment was made.

(h) COMPENSATION.—The compensation of the executive director and other executive officers of the executive committee shall be determined by the Board.

(i) REMOVAL.—The executive director and other executive officers may be removed at the discretion of a majority of the Board.

(j) TERM.—The executive director and other executive officers shall serve a 6-year term and may be reappointed in accordance with this section.

(k) LIMITATIONS.—The executive director and other executive officers shall not—

(1) hold any other public office;

(2) have any interest in an infrastructure project considered by the Board;

(3) have any interest in an investment institution, commercial bank, or other entity seeking financial assistance for any infrastructure project from the Bank; and

(4) have any such interest during the 2-year period beginning on the date such officer ceases to serve in such capacity.

**SEC. 916. RISK MANAGEMENT COMMITTEE.**

(a) ESTABLISHMENT OF RISK MANAGEMENT COMMITTEE.—The Bank shall establish a risk management committee consisting of 5 members, headed by the chief risk officer.

(b) APPOINTMENTS.—A majority of the Board shall have the authority to appoint and reappoint the CRO of the Bank.

(c) FUNCTIONS; DUTIES.—

(1) IN GENERAL.—The CRO shall have such functions, powers, and duties as may be prescribed by one or more of the following: this subtitle, the bylaws of the Bank, and the Board. The CRO shall report directly to the Board.

(2) RISK MANAGEMENT DUTIES.—In order to carry out the purposes of this subtitle, the risk management committee shall—

(A) create financial, credit, and operational risk management guidelines and policies to be adhered to by the Bank;

(B) set guidelines to ensure diversification of lending activities by both region and infrastructure project type;

(C) create conforming standards for infrastructure finance securities;

(D) monitor financial, credit and operational exposure of the Bank; and

(E) provide financial recommendations to the Board.

(d) OTHER RISK MANAGEMENT OFFICERS.—The Board shall appoint, remove, fix the compensation, and define the duties of 4 other risk management officers to serve on the risk management committee.

(e) QUALIFICATIONS.—The CRO and other risk management officers shall have demonstrated experience and expertise in one or more of the following:

(1) Treasury and asset and liability management.

(2) Investment regulations.

(3) Insurance.

(4) Credit risk management and credit evaluations.

(5) Related disciplines.

(f) VACANCY.—A vacancy in the position of CRO or any other risk management officer shall be filled in the manner in which the original appointment was made.

(g) COMPENSATION.—The compensation of the CRO and other risk management officers shall be determined by the Board.

(h) REMOVAL.—The CRO and any other risk management officers may be removed at the discretion of a majority of the Board.

(i) TERM.—The CRO and other risk management officers shall serve a 6-year term and may be reappointed in accordance with this section.

(j) LIMITATIONS.—The CRO and other risk management officers shall not—

(1) hold any other public office;

(2) have any interest in an infrastructure project considered by the Board;

(3) have any interest in an investment institution, commercial bank, or other entity seeking financial assistance for any infrastructure project from the Bank; and

(4) have any such interest during the 2-year period beginning on the date such officer ceases to serve in such capacity.

**SEC. 917. AUDIT COMMITTEE.**

(a) IN GENERAL.—The Bank shall have an audit committee consisting of 5 members, headed by the chief compliance officer of the Bank.

(b) APPOINTMENTS.—A majority of the Board shall have the authority to appoint and reappoint the CCO of the Bank.

(c) FUNCTIONS; DUTIES.—The CCO shall have such functions, powers, and duties as may be prescribed by one or more of the following: this subtitle, the bylaws of the Bank, and the Board. The CCO shall report directly to the Board.

(d) AUDIT DUTIES.—In order to carry out the purposes of the Bank under this subtitle, the audit committee shall—

(1) provide internal controls and internal auditing activities for the Bank;

(2) maintain responsibility for the accounting activities of the Bank;

(3) issue financial reports of the Bank; and

(4) complete reports with outside auditors and public accountants appointed by the Board.

(e) OTHER AUDIT OFFICERS.—The Board shall appoint, remove, fix the compensation, and define the duties of 4 other audit officers to serve on the audit committee.

(f) QUALIFICATIONS.—The CCO and other audit officers shall have demonstrated experience and expertise in one or more of the following:

(1) Internal auditing.

(2) Internal investigations.

(3) Accounting practices.

(4) Financing practices.

(g) VACANCY.—A vacancy in the position of CCO or any other audit officer shall be filled in the manner in which the original appointment was made.

(h) COMPENSATION.—The compensation of the CCO and other audit officers shall be determined by the Board.

(i) REMOVAL.—The CCO and other audit officers may be removed at the discretion of a majority of the Board.

(j) TERM.—The CCO and other audit officers shall serve a 6-year term and may be reappointed in accordance with this section.

(k) LIMITATIONS.—The CCO and other audit officers shall not—

(1) hold any other public office;

(2) have any interest in an infrastructure project considered by the Board;

(3) have any interest in an investment institution, commercial bank, or other entity seeking financial assistance for any infrastructure project from the Bank; and

(4) have any such interest during the 2-year period beginning on the date such officer ceases to serve in such capacity.

**SEC. 918. PERSONNEL.**

The chairperson of the Board, executive director, chief risk officer, and chief compliance officer shall appoint, remove, fix the compensation of, and define the duties of such qualified personnel to serve under the Board, executive committee, risk management committee, or audit committee, as the case may be, as necessary and prescribed by one or more of the following: this subtitle, the bylaws of the Bank, and the Board.

**SEC. 919. ELIGIBILITY CRITERIA FOR ASSISTANCE FROM BANK.**

(a) IN GENERAL.—No financial assistance shall be available under this subtitle from the Bank unless the applicant for such assistance has demonstrated to the satisfaction of the Board that the project for which such assistance is being sought meets—

(1) the requirements of this subtitle; and

(2) any criteria established in accordance with this subtitle by the Board.

(b) ESTABLISHMENT OF PROJECT CRITERIA.—

(1) IN GENERAL.—Consistent with the requirements of subsections (c) and (d), the Board shall establish—

(A) criteria for determining eligibility for financial assistance under this subtitle;

(B) disclosure and application procedures to be followed by entities to nominate projects for assistance under this subtitle; and

(C) such other criteria as the Board may consider to be appropriate for purposes of carrying out this subtitle.

(2) FACTORS TO BE TAKEN INTO ACCOUNT.—

(A) IN GENERAL.—The Bank shall conduct an analysis that takes into account the economic, environmental, social benefits, and costs of each project under consideration for financial assistance under this subtitle, prioritizing projects that contribute to economic growth, lead to job creation, and are of regional or national significance.

(B) CRITERIA.—The criteria established pursuant to paragraph (1)(A) shall provide for the consideration of the following factors in considering eligibility for financial assistance under this subtitle:

(i) The means by which development of the infrastructure project under consideration is being financed, including—

(I) the terms and conditions and financial structure of the proposed financing; and

(II) the financial assumptions and projections on which the project is based.

(ii) The likelihood that the provision of assistance by the Bank will cause such development to proceed more promptly and with lower costs for financing than would be the case without such assistance.

(iii) The extent to which the provision of assistance by the Bank maximizes the level of private investment in the infrastructure project while providing a public benefit.

(c) FACTORS FOR SPECIFIC TYPES OF PROJECTS.—

(1) TRANSPORTATION INFRASTRUCTURE PROJECTS.—For any transportation infrastructure project, the Board shall consider the following:

(A) Job creation, including workforce development for women and minorities, responsible employment practices, and quality job training opportunities.

(B) Reduction in carbon emissions.

(C) Reduction in surface and air traffic congestion.

(D) Smart growth in urban areas.

(E) Poverty and inequality reduction through targeted training and employment opportunities for low-income workers.

(F) Use of smart tolling, such as vehicle miles traveled and congestion pricing, for highway, road, and bridge projects.

(G) Public health benefits.

(2) ENVIRONMENTAL INFRASTRUCTURE PROJECT.—For any environmental infrastructure project, the Board shall consider the following:

(A) Public health benefits.

(B) Pollution reductions.

(C) Job creation, including workforce development for women and minorities, responsible employment practices, and quality job training opportunities.

(D) Poverty and inequality reduction through targeted training and employment opportunities for low-income workers.

(3) ENERGY INFRASTRUCTURE PROJECT.—For any energy infrastructure project, the Board shall consider the following:

(A) Job creation, including workforce development for women and minorities, responsible employment practices, and quality job training opportunities.

(B) Poverty and inequality reduction through targeted training and employment opportunities for low-income workers.

(C) Reduction in carbon emissions.

(D) Smart growth in urban areas.

(E) Expanded use of renewable energy, including hydroelectric, solar, and wind.

(F) Development of a smart grid.

(G) Energy efficient building, housing, and school modernization.

(H) In any case in which the project is also a public housing project—

(i) improvement of the physical shape and layout;

(ii) environmental improvement; and

(iii) mobility improvements for residents.

(I) Public health benefits.

(4) TELECOMMUNICATIONS.—For any telecommunications project, the Board shall consider the following:

(A) The extent to which assistance expands or improves broadband and wireless services in rural and disadvantaged communities.

(B) Poverty and inequality reduction through targeted training and employment opportunities for low-income workers.

(C) Job creation, including work force development for women and minorities, responsible employment practices, and quality job training opportunities.

(d) CONSIDERATION OF PROJECT PROPOSALS.—

(1) PARTICIPATION BY OTHER AGENCY PERSONNEL.—Consideration of projects by the executive committee and the Board shall be conducted with personnel on detail to the Bank from relevant Federal agencies from among individuals who are familiar with and experienced in the selection criteria for competitive projects.

(2) FEES.—A fee may be charged for the review of any project proposal in such amount as maybe considered appropriate by the executive committee to cover the cost of such review.

(e) DISCRETION OF BOARD.—Consistent with other provisions of this subtitle, any determination of the Board to provide assistance to any project, and the manner in which such assistance is provided, including the terms, conditions, fees, and charges shall be at the sole discretion of the Board.

(f) STATE AND LOCAL PERMITS REQUIRED.—The provision of assistance by the Board in accordance with this subtitle shall not be deemed to relieve any recipient of assistance or the related project of any obligation to obtain required State and local permits and approvals.

(g) ANNUAL REPORT.—An entity receiving assistance from the Board shall make annual reports to the Board on the use of any such assistance, compliance with the criteria set forth in this section, and a disclosure of all entities with a development, ownership, or operational interest in a project assisted or proposed to be assisted under this subtitle.

**SEC. 920. EXEMPTION FROM LOCAL TAXATION.**

All notes, debentures, bonds or other such obligations issued by the Bank, and the interest on or credits with respect to such bonds or other obligations, shall not be subject to taxation by any State, county, municipality, or local taxing authority.

**SEC. 921. STATUS AND APPLICABILITY OF CERTAIN FEDERAL LAWS; FULL FAITH AND CREDIT.**

(a) BUDGETING AND AUDITORS PRACTICES.—The Bank shall comply with all Federal laws regulating the budgetary and auditing practices of a government corporation, except as otherwise provided in this subtitle.

(b) FULL FAITH AND CREDIT.—Any bond or other obligation issued by the Bank under this subtitle shall be an obligation supported by the full faith and credit of the United States.

(c) EFFECT OF AND EXEMPTIONS FROM OTHER LAWS.—

(1) EXEMPT SECURITIES.—All debt securities and other obligations issued by the Bank pursuant to this subtitle shall be deemed to be exempt securities within the meaning of laws administered by the Securities and Exchange Commission to the same extent as securities which are direct obligations of, or obligations fully guaranteed as to principal or interest by, the United States.

(2) OPEN MARKET OPERATIONS AND STATE TAX EXEMPT STATUS.—The obligations of the Bank shall be deemed to be obligations of the United States for the purposes of the provision designated as (b)(2) of the 2nd undesignated paragraph of section 14 of the Federal Reserve Act (12 U.S.C. 355) and section 3124 of title 31, United States Code.

(3) NO PRIORITY AS A FEDERAL CLAIM.—The priority established in favor of the United States by section 3713 of title 31, United States Code, shall not apply with respect to any indebtedness of the Bank.

(d) FEDERAL RESERVE BANKS AS DEPOSITORIES, CUSTODIANS, AND FISCAL AGENTS.—The Federal reserve banks may act as depositories for, or custodians or fiscal agents of, the Bank.

(e) ACCESS TO BOOK-ENTRY SYSTEM.—The Secretary may authorize the Bank to use the book-entry system of the Federal reserve system.

**SEC. 922. COMPLIANCE WITH DAVIS-BACON ACT.**

All laborers and mechanics employed by contractors and subcontractors on projects funded directly by or assisted in whole or in part by and through the Bank pursuant to this subtitle shall be paid wages at rates not less than those prevailing on projects of a character similar in the locality as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of part A of title 40, United States Code. With respect to the labor standards specified in this section, the Secretary of Labor shall have the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (64 Stat. 1267; 5 U.S.C. App.) and section 3145 of title 40, United States Code.

**SEC. 923. APPLICABILITY OF CERTAIN STATE LAWS.**

The receipt by any entity of any assistance under this subtitle, directly or indirectly, and any financial assistance provided by any governmental entity in connection with such assistance under this subtitle shall be valid and lawful notwithstanding any State or local restrictions regarding extensions of credit or other benefits to private persons or entities, or other similar restrictions.

**SEC. 924. AUDITS; REPORTS TO PRESIDENT AND CONGRESS.**

(a) ACCOUNTING.—The books of account of the Bank shall be maintained in accordance with generally accepted accounting principles and shall be subject to an annual audit by independent public accountants appointed by the Board and of nationally recognized standing.

(b) REPORTS.—

(1) BOARD.—The Board shall submit to the President and Congress, within 90 days after the last day of each fiscal year, a complete and detailed report with respect to the preceding fiscal year, setting forth—

(A) a summary of the Bank's operations, for such preceding fiscal year;

(B) a schedule of the Bank's obligations and capital securities outstanding at the end of such preceding fiscal year, with a statement of the amounts issued and redeemed or paid during such preceding fiscal year; and

(C) the status of projects receiving funding or other assistance pursuant to this subtitle, including disclosure of all entities with a development, ownership, or operational interest in such projects.

(2) GAO.—Not later than 5 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report evaluating activities of the Bank for the fiscal years covered by the report that includes an assessment of the impact and benefits of each funded project, including a review of how effectively each project accomplished the goals prioritized by the Bank's project criteria.

(c) BOOKS AND RECORDS.—

(1) IN GENERAL.—The Bank shall maintain adequate books and records to support the financial transactions of the Bank with a description of financial transactions and infrastructure projects receiving funding, and the amount of funding for each project maintained on a publically accessible database.

(2) AUDITS BY THE SECRETARY AND GAO.—The books and records of the Bank shall be maintained in accordance with recommended accounting practices and shall be open to inspection by the Secretary and the Comptroller General of the United States.

**SEC. 925. CAPITALIZATION OF BANK.**

(a) AUTHORIZATION OF APPROPRIATION.—Subject to subsection (b), there is authorized to be appropriated to the Secretary for purchase of the shares of the Bank $15,000,000,000 for each of fiscal years 2011 and 2012, with the aggregate representing 10 percent of the total subscribed capital of the Bank.

(b) RESERVATION FOR RURAL AREAS.—For each fiscal year, not less than 20 percent of any amounts appropriated to carry out this subtitle shall be used to finance projects in rural areas.

(c) CALLABLE CAPITAL.—Of the total subscribed capital of the Bank, 90 percent shall be callable capital subject to call from the Secretary only as and when required by the Bank to meet its obligations on borrowing of funds for inclusion in its ordinary capital resources or guarantees chargeable to such resources.

(d) OUTSTANDING LOANS.—At any time, the aggregate amount outstanding of bonds issued by the Bank shall not exceed 250 percent of its total subscribed capital.

**SEC. 926. SUNSET.**

The Bank shall cease to exist 15 years after the date of enactment of this Act.

**Subtitle C—Energy and Water Programs**

**SEC. 931. ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT PROGRAM.**

In addition to the amounts made available under section 548(a)(1) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17158(a)(1)), there is authorized to be appropriated to carry out the Energy Efficiency and Conservation Block Grant Program established under 542(a) of that Act (42 U.S.C. 17152(a)) $3,000,000,000 for each of fiscal years 2011 and 2012, to remain available until expended.

**SEC. 932. STATE WATER POLLUTION CONTROL REVOLVING FUNDS.**

(a) AUTHORIZATION OF APPROPRIATIONS.—Subject to subsections (b) through (j), there is authorized to be appropriated to carry out title VI of the Federal Water Pollution Control Act (33 U.S.C. 1381 et seq.) $2,500,000,000 for each of fiscal years 2011 and 2012, to remain available until expended.

(b) MANAGEMENT AND OVERSIGHT.—Of the amounts made available under subsection (a), the Administrator of the Environmental Protection Agency (referred to in this subtitle as the ''Administrator'') may reserve not more than 1 percent for management and oversight purposes.

(c) NON-FEDERAL SHARE.—A capitalization grant provided using the funds made available under subsection (a) shall not be subject to the non-Federal share requirements of section 202 of the Federal Water Pollution Control Act (33 U.S.C. 1282) or paragraph (2) or (3) of section 602(b) of that Act (33 U.S.C. 1382(b)).

(d) REALLOCATION.—The Administrator shall reallocate the funds made available under subsection (a) for eligible projects that are not under contract or construction during the 1-year period beginning on the date of enactment of this Act.

(e) PRIORITY.—Notwithstanding the priority rankings a project would otherwise receive under the program under title VI of the Federal Water Pollution Control Act (33 U.S.C. 1381 et seq.), priority for the funds made available under subsection (a) shall be given to projects that—

(1) are included on a State priority list; and

(2) are ready to proceed to construction during the 1-year period beginning on the date of enactment of this Act.

(f) FORMS OF ASSISTANCE.—Notwithstanding section 603(d) of the Federal Water Pollution Control Act (33 U.S.C. 1383(d)), of the amount of a capitalization grant provided using the funds made available under

subsection (a), a State shall use not less than 50 percent to provide additional subsidization to eligible recipients in the form of—

(1) forgiveness of principal;

(2) negative interest loans;

(3) grants; or

(4) any combination of those forms.

(g) GREEN ENERGY.—To the extent that sufficient eligible project applications exist, not less than 20 percent of the funds made available under subsection (a) shall be used for projects to address—

(1) green infrastructure;

(2) water or energy efficiency improvements; or

(3) other environmentally innovative activities.

(h) INDIAN TRIBES.—

(1) IN GENERAL.—Notwithstanding the limitation specified in subsection (c) of section 518 of the Federal Water Pollution Control Act (33 U.S.C. 1377), the Administrator may reserve not more than 1.5 percent of the funds made available under subsection (a) for grants to Indian tribes under that section.

(2) INDIAN HEALTH SERVICE.—Of the amount reserved under paragraph (1), the Administrator may transfer to the Indian Health Service not more than 4 percent to support management and oversight of tribal projects.

(i) PROHIBITION.—No funds made available under subsection (a) shall be available for the purchase of any land or easement pursuant to section 603(c) of the Federal Water Pollution Control Act (33 U.S.C. 1383(c)).

(j) DEBT OBLIGATIONS.—Notwithstanding section 603(d)(2) of the Federal Water Pollution Control Act (33 U.S.C. 1383(d)(2)), the funds made available under subsection (a) may be used to purchase, refinance, or restructure the debt obligation of an eligible recipient only in a case in which the debt obligation was incurred on or after October 1, 2008.

**SEC. 933. STATE DRINKING WATER REVOLVING LOAN FUNDS.**

(a) AUTHORIZATION OF APPROPRIATIONS.—Subject to subsections (b) through (j), there is authorized to be appropriated to carry out section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j–12) $2,500,000,000 for each of fiscal years 2011 and 2012, to remain available until expended.

(b) MANAGEMENT AND OVERSIGHT.—Of the amounts made available under subsection (a), the Administrator of the Environmental Protection Agency (referred to in this subtitle as the ''Administrator'') may reserve not more than 1 percent for management and oversight purposes.

(c) NON-FEDERAL SHARE.—A capitalization grant provided using the funds made available under subsection (a) shall not be subject to the non-Federal share requirements of section 1452(e) of the Safe Drinking Water Act (42 U.S.C. 300j–12(e)).

(d) REALLOCATION.—The Administrator shall reallocate the funds made available under subsection (a) for eligible projects that are not under contract or construction during the 1-year period beginning on the date of enactment of this Act.

(e) PRIORITY.—Notwithstanding the priority rankings a project would otherwise receive under the program under section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j–12), priority for the funds made available under subsection (a) shall be given to projects that—

(1) are included on a State priority list; and

(2) are ready to proceed to construction during the 1-year period beginning on the date of enactment of this Act.

(f) FORMS OF ASSISTANCE.—Notwithstanding section 1452(f) of the Safe Drinking Water Act (42 U.S.C. 300j–12(f)), of the amount of a capitalization grant provided using the funds made available under subsection (a), a State shall use not less than 50 percent to provide additional subsidization to eligible recipients in the form of—

(1) forgiveness of principal;

(2) negative interest loans;

(3) grants; or

(4) any combination of those forms.

(g) GREEN ENERGY.—To the extent that sufficient eligible project applications exist, not less than 20 percent of the funds made available under subsection (a) shall be used for projects to address—

(1) green infrastructure;

(2) water or energy efficiency improvements; or

(3) other environmentally innovative activities.

(h) INDIAN HEALTH SERVICE.—Of the amounts made available under subsection (a) that are reserved under for allocation to Indian tribes and Alaska Native villages under section 1452(i) of the Safe Drinking Water Act (42 U.S.C. 300j–12(i)), the Administrator may transfer to the Indian Health Service not more than 4 percent to support management and oversight of tribal projects.

(i) PROHIBITION.—No funds made available under subsection (a) shall be available for any activity authorized under section 1452(k) of the Safe Drinking Water Act (42 U.S.C. 300j–12(k)).

(j) DEBT OBLIGATIONS.—Notwithstanding section 1452(f)(2) of the Safe Drinking Water Act (42 U.S.C. 300j–12(f)(2)), the funds made available under subsection (a) may be used to purchase, refinance, or restructure the debt obligation of an eligible recipient only in a case in which the debt obligation was incurred on or after October 1, 2008.

**SEC. 934. STATE ENERGY CONSERVATION PLANS.**

There is authorized to be appropriated to the Secretary of Energy to provide grants for State renewable energy and efficiency projects under part D of title III of the Energy Policy and Conservation Act (42 U.S.C. 6321 et seq.) $2,000,000,000 for each of fiscal years 2011 and 2012, to remain available until expended.

**SEC. 935. TEMPORARY PROGRAM FOR RAPID DEPLOYMENT OF RENEWABLE ENERGY AND ELECTRIC POWER TRANSMISSION PROJECTS.**

There is authorized to be appropriated to the Secretary of Energy to make loan guarantees under section 1705 of the Energy Policy Act of 2005 (42 U.S.C. 16516) for renewable energy, biofuel, and electric grid projects $1,000,000,000 for each of fiscal years 2011 and 2012.

**SEC. 936. EXTENSION OF QUALIFYING ADVANCED ENERGY PROJECT CREDIT.**

(a) IN GENERAL.—Section 48C of the Internal Revenue Code of 1986 is amended—

(1) by striking ''shall not exceed $2,300,000,000.'' in subsection (d)(1)(B) and inserting ''shall not exceed—

''(i) $2,300,000,000 in the case of taxable years beginning during the 2-year period beginning on the date the Secretary establishes the program under this paragraph,

''(ii) $1,000,000,000 in the case of taxable years beginning during the 1-year period immediately following such 2-year period, and

''(iii) $1,000,000,000 in the case of taxable years beginning during the 1-year period immediately following the 1-year period described in clause (ii).'', and

(2) by striking ''2-year period'' in subsection (d)(2)(A) and inserting ''4-year period''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply as if included in the amendments made by section 1302 of the American Recovery and Reinvestment Tax Act of 2009.

**SEC. 937. LAND AND WATER CONSERVATION FUND.**

(a) PURPOSES.—The purposes of the amendments made by subsection (b) are—

(1) to provide consistent and reliable authority for, and for the funding of, the land and water conservation fund established under section 2 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–5); and

(2) to maximize the effectiveness of the fund for future generations.

(b) AMENDMENTS.—

(1) PERMANENT AUTHORIZATION.—Section 2 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–5) is amended—

(A) in the matter preceding subsection (a), by striking ''During the period ending September 30, 2015, there'' and inserting ''There''; and

(B) in subsection (c)(1), by striking ''through September 30, 2015''.

(2) FULL FUNDING.—Section 3 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–6) is amended to read as follows:

**''SEC. 3. AVAILABILITY OF FUNDS.**

''Monies covered into the fund under section 2 shall be available for expenditure to carry out the purposes of this Act, without further appropriation.''.

**SEC. 938. FLOOD CONTROL PROJECTS.**

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of the Army, acting through the Chief of Engineers, for the purposes described in subsection (b), $1,000,000,000 for each of fiscal years 2011 and 2012.

(b) USE OF AMOUNTS.—

(1) IN GENERAL.—Subject to paragraph (2), amounts appropriated under subsection (a) shall be used to carry out Corps of Engineer projects relating to navigable channels, including projects that—

(A) reduce flood and storm damage;

(B) restore aquatic ecosystems; or

(C) relate to municipal water or wastewater.

(2) ALLOCATION OF AMOUNTS.—For each project funded under this section—

(A) 50 percent of the amount allocated to carry out the project shall be used for construction; and

(B) 50 percent of the amount allocated to carry out the project shall be used for operations and maintenance.

## Subtitle D—Housing Programs

**SEC. 941. NATIONAL HOUSING TRUST FUND.**

There is appropriated, out of any money in the Treasury not otherwise appropriated, for the Housing Trust Fund established pursuant to section 1338 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4568), $1,500,000,000 to the Secretary of Housing and Urban Development to provide grants to States to build, preserve, and rehabilitate rental homes that are affordable for very low-income families: Provided, That notwithstanding the limitations set forth in subsection (c) of such section 1338, each State shall be entitled to receive a minimum allocation of amounts made available under this heading equal to the greater of $3,000,000 or 0.5 percent of the total amount of funds made available in that fiscal year.

**SEC. 942. GREEN RETROFIT PROGRAM.**

There is appropriated, out of any money in the Treasury not otherwise appropriated, for energy retrofit and green investments under the grant program established under the subheading ''Assisted Housing Stability And Energy And Green Retrofit Investments'' under the heading ''Housing Programs'' under title XII of division A of the American Recovery and Reinvestment Act of 2009, $500,000,000: Provided, That in addition to the assisted

housing deemed eligible to receive grants under such heading, that such grant amounts may be made available to housing that is receiving or has received assistance pursuant to the HOME Investment Partnerships program under title II of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12721 et seq.), the community development block grant program under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.), or the low-income housing tax credit allocated pursuant to section 42 of the Internal Revenue Code of 1986: Provided further, That grant amounts made available under this heading shall be awarded on a competitive basis nationwide: Provided further, That grant amounts made available under this heading shall be available for housing of not less than 20 units: Provided further, That in allocating grants under this heading, the Secretary of Housing and Urban Development shall (1) ensure that such grants are made in a manner that balances the needs of rural and urban communities, and (2) ensure an equitable geographic distribution of funds.

**TITLE X—BUDGETARY PROVISIONS**

**SEC. 1001. DETERMINATION OF BUDGETARY EFFECTS.**

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, jointly submitted for printing in the Congressional Record by the Chairmen of the House and Senate Budget Committees, provided that such statement has been submitted prior to the vote on passage in the House acting first on this conference report or amendment between the Houses.

**SEC. 1002. EMERGENCY DESIGNATIONS.**

(a) STATUTORY PAYGO.—This Act is designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (Public Law 111–139; 2 U.S.C. 933(g)) except to the extent that the budgetary effects of this Act are determined to be subject to the current policy adjustments under sections 4(c) and 7 of the Statutory Pay-As-You-Go Act.

(b) SENATE.—In the Senate, this Act is designated as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

(c) HOUSE OF REPRESENTATIVES.—In the House of Representatives, every provision of this Act is expressly designated as an emergency for purposes of pay-as-you-go principles except to the extent that any such provision is subject to the current policy adjustments under section 4(c) of the Statutory Pay-As-You-Go Act of 2010.

## NOTICE OF INTENT TO SUSPEND THE RULES

Mr. MCCAIN. Mr. President, in accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend rule XXII for the purpose of proposing and considering amendment No. 4758 to H.R. 4853.

Mr. SANDERS. Mr. President, in accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend rule XXII for the purposes of proposing and considering amendment No. 4793 to the House Message to accompany H.R. 4853.

Mr. DEMINT. Mr. President, I submit the following notice in writing. In accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend rule XXII for the purpose of proposing and considering amendment No. 4804 to H.R. 4853.

Mr. SANDERS. Mr. President, in accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend rule XXII for the purposes of proposing and considering amendment No. 4809 to the House Message to accompany H.R. 4853.

## AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. CONRAD. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on December 14, 2010, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. CONRAD. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on December 14, 2010, at 2:05 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. CONRAD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on December 14, 2010, at 2:15 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PRIVILEGES OF THE FLOOR

Mr. HARKIN. Mr. President, first I ask unanimous consent that Kia Hamadanchy and Awatif Chafie of my staff be granted the privilege of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

## MILITARY CONSTRUCTION AND VETERANS AFFAIRS AND RELATED AGENCIES APPROPRIATIONS

Mr. INOUYE. Mr. President, I ask unanimous consent to have printed in the RECORD the following statement in explanation of the Inouye amendment to the House amendment to the bill H.R. 3082, the Continuing Appropriations Act.

There being no objection, the material was ordered to be printed in the RECORD as follows:

### EXPLANATORY STATEMENT SUBMITTED BY SENATOR DANIEL K. INOUYE REGARDING THE PROPOSED AMENDMENT TO THE AMENDMENT OF THE HOUSE OF REPRESENTATIVES TO THE SENATE AMENDMENT TO H.R. 3082

Following is an explanation of the amendment proposed by Senator Daniel K. Inouye to the amendment of the House to the amendment of the Senate to H.R. 3082, the Military Construction and Veterans Affairs and Related Agencies Appropriations Act, 2010, including disclosure of congressionally directed spending items as defined in rule XLIV of the Standing Rules of the Senate. Section 4 of the amendment specifies that this explanatory statement shall have the same effect with respect to the allocation of funds and implementation of this Act as if it were a joint explanatory statement of a committee of conference.

Sections one through six provide the title, table of contents, references, clarification on the explanatory statement, emergency designation and statement of appropriations. Sections 7 through 12 provide direction across all divisions banning pay raises for Federal civilian employees, rescinding funding for administrative costs, and establshing other authorities and restrictions on government activities. Divisions A through L provide detailed explanation and guidance on governing the Appropriations contained in this Act as described in detail below.

Division M contains the text of the Food Safety Bill (S. 510) that previously passed the Senate, was added to the House amendment to the Senate amendment, and is included in this amendment. The bill was added in order to meet certain procedural requirements.

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

Following is an explanation of the effects of Division A, which makes appropriations for the Department of Agriculture and Food and Drug Administration for fiscal year 2011. As provided in Section 4 of the consolidated bill, this explanatory statement shall have the same effect with respect to the allocation of funds and the implementation of this division as if it were a joint explanatory statement of a committee of conference.

TITLE I

AGRICULTURAL PROGRAMS

PRODUCTION, PROCESSING, AND MARKETING

OFFICE OF THE SECRETARY

The bill provides $5,338,000 for the Office of the Secretary.

In carrying out the provisions of this Act, the Department shall follow the directives provided in Senate Report 111–221 unless otherwise modified by this Act or Explanatory Statement. Reports requested in Senate Report 111–221 or this Explanatory Statement are due 90 days after the enactment of this Act unless a specific due date is provided. The Department is directed, through the Office of Budget and Program Analysis, to provide all reports and studies to the Committees on Appropriations of the House of Representatives and the Senate (hereafter referred to as ''the Committees'') in both an electronic and hard copy format.

The Secretary is directed to provide quarterly reports to the Committees on the status of obligations and funds availability for the loan and grant programs provided in this bill. The Secretary is further directed that if an estimate of loan activity for any program funded in Titles I and III of this Act indicates that a limitation on authority to make

commitments for a fiscal year will be reached before the end of that fiscal year, or in any event whenever 75 per cent of the authority to make commitments has been utilized, the Secretary shall promptly so notify the Committees.

OFFICE OF TRIBAL RELATIONS

The bill provides $1,010,000 for the Office of Tribal Relations.

HEALTHY FOOD FINANCING INITIATIVE

The bill provides $35,000,000 for the Healthy Food Financing Initiative.

EXECUTIVE OPERATIONS

OFFICE OF THE CHIEF ECONOMIST

The bill provides $13,100,000 for the Office of the Chief Economist.

NATIONAL APPEALS DIVISION

The bill provides $15,417,000 for the National Appeals Division.

OFFICE OF BUDGET AND PROGRAM ANALYSIS

The bill provides $9,547,000 for the Office of Budget and Program Analysis.

OFFICE OF HOMELAND SECURITY

The bill provides $1,876,000 for the Office of Homeland Security (OHS).

The Committees are concerned that OHS is charging other offices for positions for which funding has not been provided previously and is not included in the budget request. The Department is directed to stop charging other offices for these positions and to request the funding through the normal budget process.

OFFICE OF ADVOCACY AND OUTREACH

The bill provides $6,209,000 for the Office of Advocacy and Outreach.

OFFICE OF THE CHIEF INFORMATION OFFICER

The bill provides $61,719,000 for the Office of the Chief Information Officer.

OFFICE OF THE CHIEF FINANCIAL OFFICER

The bill provides $6,632,000 for the Office of the Chief Financial Officer.

Assessments that USDA charges its agencies for government-wide and department-wide activities continue to escalate. The Chief Financial Officer is directed to scrutinize the need for each activity for which an assessment is proposed; to consider its benefit to the mission of each agency; and to limit spending wherever possible.

OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

The bill provides $907,000 for the Office of the Assistant Secretary for Civil Rights.

OFFICE OF CIVIL RIGHTS

The bill provides $24,133,000 for the Office of Civil Rights.

OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION

The bill provides $814,000 for the Office of the Assistant Secretary for Administration.

AGRICULTURE BUILDINGS AND FACILITIES AND RENTAL PAYMENTS

(INCLUDING TRANSFERS OF FUNDS)

The bill provides $261,608,000 for Agriculture Buildings and Facilities and Rental payments. The bill includes an increase of $1,417,000 for repair and maintenance needs and/or for South Building modernization.

HAZARDOUS MATERIALS MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

The bill provides $5,139,000 for Hazardous Materials Management.

DEPARTMENTAL ADMINISTRATION

(INCLUDING TRANSFERS OF FUNDS)

The bill provides $29,706,000 for Departmental Administration.

OFFICE OF THE ASSISTANT SECRETARY FOR CONGRESSIONAL RELATIONS

(INCLUDING TRANSFERS OF FUNDS)

The bill provides $4,008,000 for the Office of the Assistant Secretary for Congressional Relations.

The Department is directed to notify the Committees, within 30 days of enactment of this Act, of the allocation of these funds by USDA agency, along with an explanation of the agency-by-agency distribution of the funds as well as the staff years funded by these transfers.

OFFICE OF COMMUNICATIONS

The bill provides $9,839,000 for the Office of Communications.

OFFICE OF INSPECTOR GENERAL

The bill provides $94,300,000 for the Office of Inspector General.

OFFICE OF THE GENERAL COUNSEL

The bill provides $44,104,000 for the Office of the General Counsel.

OFFICE OF THE UNDER SECRETARY FOR RESEARCH, EDUCATION AND ECONOMICS

The bill provides $904,000 for the Office of the Under Secretary for Research, Education and Economics.

USDA is directed to engage with farmers, land grant universities, State departments of agriculture, and the private sector to identify issues and to develop solutions related to weed resistance that are practicable, cost-effective, and minimize environmental impacts. The Chief Scientist, in consultation with the Chief of the Natural Resources Conservation Service, shall provide the Committees with a report, which should include details on USDA's research on weed resistance to date, a future research agenda, and outreach efforts undertaken in carrying out this directive.

ECONOMIC RESEARCH SERVICE

The bill provides $83,671,000 for the Economic Research Service (ERS). This includes increases of $1,500,000 to improve user access to statistical data provided by ERS; $1,000,000 for economic research on the access to affordable and nutritious food by low-income communities; $990,000 for data integrity measures; and assumes all savings proposed in the budget request.

NATIONAL AGRICULTURAL STATISTICS SERVICE

The bill provides $161,371,000 for the National Agricultural Statistics Service. This includes increases of $2,500,000 to enhance the annual county estimates program; $250,000 to begin a comprehensive data series on organic production, handling and distribution; $200,000 to enhance remote sensing activities; and assumes all savings proposed in the budget request.

AGRICULTURAL RESEARCH SERVICE

SALARIES AND EXPENSES

The bill provides $1,199,986,000 for the Agricultural Research Service (ARS), Salaries and Expenses. This includes the following increases, as requested in the budget: $2,150,000 for increased food safety research; $290,000 for research aimed at reducing world hunger;µ $2,750,000 for increased research on human nutrition; $1,800,000 for Regional Biofuels Feedstocks Research and Demonstration Centers; $500,000 for research on colony collapse disorder; $250,000 for research regarding locally grown foods; $250,000 for crop breeding to enhance food production and security; $1,600,000 for enhancing plant breeding for insect and disease resistance; and $1,625,000 for research on global climate change.

The ARS budget proposal regarding laboratory closures is not accepted, and ARS is expected to continue research at those locations.

Additionally, the following funding increases are included: $2,750,000 to mitigate the constraints placed upon the National Program Initiative of Bioenergy/Biomass and Production Systems for Sustainable Agriculture, especially the availability and cost of energy, water, feed, fertilizer, and technology to control invasive pest species; $250,000 to study new production practices and systems that can maximize yield of high quality feedstock; $250,000 to develop management practices that improve the production efficiency of cattle grazing operations in temperate pastures; $500,000 for research regarding what nutrients and dietary factors are needed to optimize infant and child development, and what infants should be fed to reduce childhood diseases and diseases they will experience later as adults; $1,500,000 for expanded research on the emerging serotype of Bluetongue virus, zoonotic Rift Valley Fever virus, African Swine Fever, and Classical Swine Fever to develop countermeasures and control insect vectors; $750,000 for cranberry research; $250,000 to research and improve the properties of pulse crops as food ingredients; $500,000 to provide solutions and management practices for controlling invasive species and restoring ecosystem structure and function; and $2,500,000 to accelerate efforts to develop land use systems and new conservation tools to support the long-term future of rural and urban working farms and landscapes.

Of the funding provided to restore human nutrition research, $350,000 is for Boston, MA; $300,000 is for Houston, TX; and $1,000,000 is for Kannapolis, NC.

The ARS is encouraged to expand the work it is doing in collaboration with the Great Lakes Water Institute and the Milwaukee Water Council regarding the production of yellow perch, whose populations have decreased significantly in recent years.

In response to the recent discovery of citrus black spot, ARS is encouraged to provide scientific assistance to the Animal and Plant Health Inspection Service as needed.

The following is a list of Congressionally-designated projects:

**Agricultural Research Service**

**Salaries and Expenses**

**Congressionally Designated Projects**

| | Amount |
|---|---|
| Animal Vaccines, Greenport, NY | $1,518,000 |
| Aquaculture Fisheries Center, Stuttgart, AR | 519,000 |
| Aquaculture Initiatives, Stuttgart, AR | 1,597,000 |
| Biomass Crop Production, Brookings, SD | 1,250,000 |
| Biomedical Materials in Plants (Biotech Foundation), Beltsville, MD | 1,700,000 |
| Bioremediation Research, Beltsville, MD | 111,000 |
| Biotechnology Research and Development Center, Washington, DC | 3,500,000 |
| Computer Vision Engineer, Kearneysville, WV | 400,000 |
| Dairy Forage Research Center, Marshfield, WI | 2,500,000 |
| Dale Bumpers Small Farms Research Center, Booneville, AR | 1,805,000 |
| Diet Nutrition and Obesity Research, New Orleans, LA | 623,000 |
| Endophyte Research, Booneville, AR | 994,000 |
| Forage Crop Stress Tolerance and Virus Disease Management, Prosser, WA | 200,000 |
| Formosan Subterranean Termites Research, New Orleans, LA | 3,490,000 |
| Human Nutrition Research, Boston, MA; Houston, TX; Kannapolis, NC | 1,650,000 |
| Lyme Disease, 4 Poster Project, Washington, DC | 700,000 |
| Medicinal and Bioactive Crops, Washington, DC | 111,000 |
| Mosquito Trapping Research/West Nile Virus, Gainesville, FL | 1,454,000 |
| National Center for Agricultural Law, Beltsville, MD | 654,000 |
| Northern Great Plains Research Laboratory, Mandan, ND | 543,000 |
| Northwest Center for Small Fruits, Corvallis, OR | 275,000 |
| Peanut Research, Athens and Tifton, GA | 1,000,000 |
| Phytoestrogen Research, New Orleans, LA | 1,750,000 |
| Poultry and Potato Disease Research, Beltsville, MD | 469,000 |

| | |
|---|---|
| Soil Management Research, Morris, MN | 500,000 |
| Sorghum Research, Little Rock, AR | 135,000 |
| Technology Transfer, Washington, DC | 250,000 |
| Water Management Research Laboratory, Brawley, CA | 340,000 |
| Water Use Reduction, Dawson, GA | 1,200,000 |
| Wild Rice and Soybean Research, St. Paul, MN | 503,000 |
| Total | 31,741,000 |

BUILDINGS AND FACILITIES

The bill provides $67,966,000 for the Agricultural Research Service, Buildings and Facilities.

The following is a list of Congressionally-designated projects:

**Agricultural Research Service**
**Buildings and Facilities**
**Congressionally Designated Projects**

| | Amount |
|---|---|
| U.S. Agricultural Research Service facility, Auburn, AL | $6,000,000 |
| U.S. Agricultural Research Service facility, Beltsville, MD | 3,000,000 |
| U.S. Agricultural Research Service facility, Bowling Green, KY | 5,000,000 |
| U.S. Agricultural Research Service facility, Bozeman, MT | 3,000,000 |
| U.S. Agricultural Research Service facility, Canal Point, FL | 3,654,000 |
| U.S. Agricultural Research Service facility, Davis, CA | 3,000,000 |
| U.S. Agricultural Research Service facility, Geneva, NY | 3,654,000 |
| U.S. Agricultural Research Service facility, Hilo, HI | 5,000,000 |
| U.S. Agricultural Research Service facility, Houma, LA | 1,000,000 |
| U.S. Agricultural Research Service facility, Kearneysville, WV | 1,500,000 |
| U.S. Agricultural Research Service facility, Lincoln, NE | 4,000,000 |
| U.S. Agricultural Research Service facility, Logan, UT | 6,000,000 |
| U.S. Agricultural Research Service facility, Lorman, MS | 3,000,000 |
| U.S. Agricultural Research Service facility, Orono, ME | 1,500,000 |
| U.S. Agricultural Research Service facility, Prairie du Sac, WI | 1,000,000 |
| U.S. Agricultural Research Service facility, Pullman, WA | 5,000,000 |
| U.S. Agricultural Research Service facility, Salinas, CA | 5,350,000 |
| U.S. Agricultural Research Service facility, Storrs, CT | 3,654,000 |
| U.S. Agricultural Research Service facility, Toledo, OH | 3,654,000 |
| **Total** | **67,966,000** |

NATIONAL INSTITUTE OF FOOD AND AGRICULTURE

RESEARCH AND EDUCATION ACTIVITIES

The bill provides $806,495,000 for Research and Education Activities.

The following table reflects the bill:

**National Institute of Food and Agriculture**
**Research and Education Activities**

| | Amount |
|---|---|
| Hatch Act | $215,000,000 |
| McIntire-Stennis, Cooperative Forestry Research Program | 29,000,000 |
| Evans-Allen Program (1890 Colleges, Tuskegee University and West Virginia State University) | 49,750,000 |
| Agriculture and Food Research Initiative | 288,730,000 |
| Special Research Grants: | |
| Potato Research | 1,436,000 |
| Congressionally Designated Projects | 74,081,000 |
| Improved Pest Control: | |
| Expert IPM Decision Support System | 156,000 |
| Integrated Pest Management | 2,415,000 |
| Minor Crop Pest Management (IR-4) | 12,180,000 |
| Pest Management Alternatives | 1,434,000 |
| **Total, Improved Pest Control** | 16,185,000 |
| Animal Health and Disease Research (Sec. 1433) | 2,950,000 |
| 1994 Institutions Research Program | 1,805,000 |
| Rangeland Research | 983,000 |
| Graduate Fellowship Grants | 3,859,000 |
| Institution Challenge Grants | 5,654,000 |
| Multicultural Scholars Program | 1,241,000 |
| Hispanic Serving Institutions Education Grants | 9,619,000 |
| Secondary/2-year Post-Secondary | 983,000 |
| Capacity Building Grants (1890 Institutions) | 19,375,000 |
| Payments to the 1994 Institutions (Tribal Colleges) | 3,342,000 |
| Alaska Native-serving and Native Hawaiian-serving Education Grants | 3,200,000 |
| Resident Instruction Grants for Insular Areas | 900,000 |
| Distance Education Grants for Insular Areas | 750,000 |
| Grants to Upgrade Agriculture and Food Sciences Facilities and Equipment for Insular Areas | 750,000 |
| Farm Business Management and Benchmarking Program | 1,250,000 |
| Sun Grant Program | 2,250,000 |

| | |
|---|---|
| Foreign Agricultural Scholarships | 500,000 |
| New Era Rural Technology Program | 875,000 |
| Veterinary Medical Services Act | 5,000,000 |
| Federal Administration: | |
| Data Information System (REEIS) | 2,704,000 |
| Electronic Grants Administration System | 2,136,000 |
| Office of Extramural Programs | 440,000 |
| Pay Costs | 5,826,000 |
| Peer Panels | 397,000 |
| Other Federal Administration | 34,678,000 |
| **Total, Federal Administration** | 46,181,000 |
| Other: | |
| Supplemental and Alternative Crops | 835,000 |
| Aquaculture Centers (Sec. 1475) | 3,928,000 |
| Critical Agricultural Materials Act | 1,083,000 |
| Sustainable Agriculture | 15,000,000 |
| **Total, Research and Education** | 806,495,000 |

The following is a list of Congressionally-designated projects:

**National Institute of Food and Agriculture**
**Research and Education Activities**
**Congressionally Designated Projects**

| Special Research Grants: | Amount |
|---|---|
| Advanced Genetic Technologies, KY | $650,000 |
| Advancing Biofuel Production, TX | 300,000 |
| Aegilops Cylindrica, WA | 245,000 |
| Agricultural Diversification, HI | 153,000 |
| Agricultural Entrepreneurial Alternatives, PA | 233,000 |
| Agricultural Marketing, IL | 176,000 |
| Agriculture Science, OH | 450,000 |
| Agroecology/Chesapeake Bay Agro-ecology, MD | 439,000 |
| Air Quality, KS, TX | 300,000 |
| Animal Science Food Safety Consortium, AR, IA, KS | 1,000,000 |

| | |
|---|---|
| Aquaculture, CA, FL, TX | 416,000 |
| Aquaculture, ID, WA | 529,000 |
| Aquaculture, LA | 150,000 |
| Aquaculture, MS | 337,000 |
| Aquaculture, NC | 227,000 |
| Avian Bioscience, DE | 150,000 |
| Babcock Institute, WI | 416,000 |
| Barley for Rural Development, ID | 500,000 |
| Beef Improvement Research, MO, TX | 693,000 |
| Bioactive Foods Research for Health and Food Safety, MA | 525,000 |
| Biodesign and Processing Research Center, VA | 868,000 |
| Bioenergy Production and Carbon Sequestration, TN | 500,000 |
| Biomass-based Energy Research, MS, OK | 839,000 |
| Bioresource Land Use Planning Project, KY | 671,000 |
| Biotechnology, NC | 199,000 |
| Bovine Tuberculosis, MI, MN | 246,000 |
| Cataloging Genes Associated with Drought and Disease Resistance, NM | 168,000 |
| Center for Food, Nutrition, and Obesity, WV | 550,000 |
| Center for Multi-Functional Prairie Agriculture, SD | 700,000 |
| Center for One Medicine, IL | 500,000 |
| Center for Rural Studies, VT | 350,000 |
| Childhood Obesity and Nutrition, VT | 250,000 |
| Competitiveness of Agricultural Products, WA | 469,000 |
| Cool Season Legume Research, ID, ND, WA | 350,000 |
| Cotton Insect Management and Fiber Quality, GA | 346,000 |
| Cranberry/Blueberry Disease and Breeding, NJ | 522,000 |

| | |
|---|---|
| Cranberry/Blueberry, MA | 152,000 |
| Crop Adaptation, TN | 500,000 |
| Crop Diversification and Biofuel Research and Education , KY | 525,000 |
| Crop Pathogens, NC | 225,000 |
| Dairy and Meat Goat Research, TX | 200,000 |
| Dairy Farm Profitability, PA | 372,000 |
| Delta Revitalization Project, MS | 176,000 |
| Designing Foods for Health, TX | 885,000 |
| Detection and Food Safety, AL | 1,748,000 |
| Drought Mitigation, NE | 600,000 |
| Efficient Irrigation, NM, TX | 1,160,000 |
| Emerald Ash Borer, OH | 522,000 |
| Environmental Research, NY | 258,000 |
| Environmentally Safe Products, VT | 250,000 |
| Expanded Wheat Pasture, OK | 223,000 |
| Floriculture, HI | 300,000 |
| Food & Fuel Initiative, IA | 298,000 |
| Food and Agriculture Policy Research Institute | 1,213,000 |
| Food Marketing Policy Center, CT | 401,000 |
| Food Safety Research Consortium, NY | 693,000 |
| Food Security, WA | 276,000 |
| Forages for Advancing Livestock Production, KY | 473,000 |
| Forestry Research, AR | 319,000 |
| Fresh Produce Food Safety, CA | 750,000 |
| Genetically Enhanced Plants for Micro-nutrients and Genomics for Southern Crop Stress and Disease, MS | 797,000 |

| | |
|---|---|
| Geographic Information System | 1,248,000 |
| Global Change/UVB Radiation | 1,500,000 |
| Grain Sorghum, KS, TX | 1,250,000 |
| Grass Seed Cropping for Sustainable Agriculture, ID, OR, WA | 142,000 |
| Human Nutrition, LA | 526,000 |
| Human Nutrition, NY | 377,000 |
| Illinois Plant Breeding Center, IL | 617,000 |
| Improved Dairy Management Practices, PA | 243,000 |
| Infectious Disease Research, CO | 617,000 |
| Inland Marine Aquaculture, VA | 400,000 |
| Institute for Food Science and Engineering, AR | 500,000 |
| Integrated Economic, Environmental and Technical Analysis of Sustainable Biomass Energy Systems, IN | 188,000 |
| Integrated Production Systems, OK | 177,000 |
| International Arid Lands Consortium, AZ | 401,000 |
| Leopold Center Hypoxia Project, IA | 100,000 |
| Livestock and Dairy Policy, NY, TX | 693,000 |
| Maple Research, VT | 165,000 |
| Midwest Center for Bioenergy Grasses, IN | 188,000 |
| Midwest Poultry Consortium, IA | 250,000 |
| Milk Safety, PA | 780,000 |
| Minor Use Animal Drugs | 429,000 |
| Molluscan Shellfish, OR | 253,000 |
| Multi-commodity Research, OR | 244,000 |
| National Beef Cattle Genetic Evaluation Consortium, CO, GA, NY | 655,000 |
| National Biological Impact Assessment Program | 184,000 |

| | |
|---|---|
| National Center for Agricultural and Rural Sustainability, AR | 175,000 |
| National Center for Soybean Technology, MO | 690,000 |
| Native Grassland and Sustainability, KS | 1,000,000 |
| Nematode Resistance Genetic Engineering, NM | 199,000 |
| Nevada Arid Rangelands Initiative, NV | 500,000 |
| New Century Farm, IA | 350,000 |
| New Satellite and Computer-Based Technology for Agriculture, MS | 654,000 |
| Organic Cropping, OR | 142,000 |
| Organic Cropping, WA | 264,000 |
| Oyster Safety, FL | 500,000 |
| Phytophthora Research, MI | 346,000 |
| Pierce's Disease, CA | 2,000,000 |
| Policy Analyses for National Secure and Sustainable Food, Fiber, Forestry and Energy Program, TX | 200,000 |
| Preharvest Food Safety, KS | 500,000 |
| Protein Production for Research to Combat Viruses and Microbes, CT | 500,000 |
| Protein Utilization, IA | 500,000 |
| Rangeland Ecosystems Dynamics, ID | 300,000 |
| Regionalized Implications of Farm Programs, MO, TX | 595,000 |
| Renewable Energy and Products, ND | 1,000,000 |
| Rural Policies Research Institute | 755,000 |
| Russian Wheat Aphid, CO | 237,000 |
| Small Fruit Research, ID, OR, WA | 307,000 |
| Soil-borne Disease Prevention in Irrigated Agriculture, NM | 178,000 |
| Southern Great Plains Dairy Consortium, NM | 350,000 |
| Southwest Consortium for Plant Genetics and Water Resources, NM | 271,000 |

| | |
|---|---|
| Soybean Cyst Nematode, MO | 556,000 |
| Soybean Research, IL | 745,000 |
| Specialty Crops, IN | 220,000 |
| STEEP IV -- Water Quality in Northwest | 444,000 |
| Sustainable Agriculture and Natural Resources, PA | 133,000 |
| Sustainable Agriculture, CA | 357,000 |
| Sustainable Engineered Materials from Renewable Sources, VA | 485,000 |
| Sustainable Food and Bio-Energy Systems, MT | 305,000 |
| Sustainable Production and Processing Research for Lowbush Specialty Crops, ME | 200,000 |
| Sustainable Wheat Production and Food Security, SD | 600,000 |
| Swine and Other Animal Waste Management, NC | 349,000 |
| Texas Obesity Research Project | 500,000 |
| Tick Borne Disease Prevention, RI | 280,000 |
| Tillage, Silviculture, Waste Management, LA | 180,000 |
| Tri-state Joint Peanut Research, AL | 413,000 |
| Tropical and Subtropical Research/T-Star | 5,000,000 |
| Virtual Plant Database Enhancement Project, MO | 588,000 |
| Virus-free Wine Grape Cultivars, WA | 247,000 |
| Viticulture Consortium, CA, NY, PA | 1,454,000 |
| Water Conservation, KS | 600,000 |
| Wetland Plants, LA | 200,000 |
| Wheat Genetic Research, KS | 1,250,000 |
| Wildlife/Livestock Disease Research Partnership, WY | 300,000 |
| Wood Utilization, AK, ID, LA, ME, MI, MN, MS, NC, OR, TN, WV | 4,841,000 |
| World Food and Health Initiative, IL | 461,000 |

| | |
|---|---|
| Subtotal | 74,081,000 |
| Other Federal Administration: | |
| Ag-Based Industrial Lubricants, IA | 405,000 |
| Agbioworks Initiative, TN | 500,000 |
| Agricultural Research Training, IL | 495,000 |
| Agriculture Development in the American Pacific | 400,000 |
| Agriculture Technology Innovation, MD | 150,000 |
| Agriculture Waste Utilization, WV | 500,000 |
| Applied Agriculture and Environmental Research, CA | 693,000 |
| Aquaculture Research and Education Center, PA | 300,000 |
| Biofuel and Feedstock Research, OH | 500,000 |
| Biofuels Research, VT | 100,000 |
| Biotechnology Research, MS | 480,000 |
| Cellulosic Biomass, SC | 469,000 |
| Center for Dairy and Beef Excellence, PA | 340,000 |
| Center for Innovative Food Technology, OH | 793,000 |
| Center for North American Studies, TX | 693,000 |
| Clemson University Veterinary Institute, SC | 1,000,000 |
| Climate Forecasting, FL | 2,494,000 |
| Converting Agricultural Waste to Energy, KS | 2,000,000 |
| Cotton Research, TX | 200,000 |
| Council for Agriculture Science and Technology, IA | 110,000 |
| Development of Biobased Chemicals and Materials from Agriculture Raw Materials, MI | 125,000 |
| Dietary Intervention, OH | 866,000 |
| Ethnobotanicals, MD | 500,000 |

| | |
|---|---|
| Farmland Preservation, OH | 152,000 |
| Florida Biomass to Biofuels Conversion Program, FL | 285,000 |
| Greenhouse Nurseries, OH | 1,504,000 |
| High Value Horticultural Crops, VA | 502,000 |
| International Center for Food Technology Development to Expand Markets, IN | 450,000 |
| Kansas Advanced Biofuel Development | 2,000,000 |
| Kansas Center for Advanced Plant Design | 2,000,000 |
| Mariculture, NC | 220,000 |
| Midwest Agribusiness Trade and Information Center MATRIC, IA | 95,000 |
| Mississippi Valley State University | 1,002,000 |
| New England Center for Invasive Plants, CT, ME, VT | 295,000 |
| Nutrition and Diet Research, CA | 925,000 |
| Nutrition Research, NY | 188,000 |
| Pasteurization of Shell Eggs, MI | 935,000 |
| PM-10 Study, WA | 268,000 |
| Polymer Research, KS | 2,350,000 |
| Rural Systems, MS | 215,000 |
| Shrimp Aquaculture, AZ, HI, LA, MA, MS, SC, TX | 2,908,000 |
| Sustainable Agricultural Freshwater Conservation, TX | 1,434,000 |
| Sustainable Agriculture and Rural Development Law Center, VT | 437,000 |
| University of Wisconsin- Stevens Point- Institute for Sustainable Technologies | 1,400,000 |
| Viral Hemorrhagic Septicemia, OH | 500,000 |
| Water Pollutants, WV | 500,000 |
| Subtotal | 34,678,000 |
| Total | 108,759,000 |

Of the funding provided for the Food and Agriculture Policy Institute, $340,000 shall be used to conduct analysis of rangeland, cattle, and hay with the University of Nevada-Reno.

HISPANIC-SERVING AGRICULTURAL COLLEGES AND UNIVERSITIES ENDOWMENT FUND

The bill provides $10,000,000 for the Hispanic-Serving Agricultural Colleges and Universities Endowment Fund.

NATIVE AMERICAN INSTITUTIONS ENDOWMENT FUND

The bill provides $11,880,000 for the Native American Institutions Endowment Fund.

EXTENSION ACTIVITIES

The bill provides $499,376,000 for Extension Activities.

The following table reflects the bill:

**National Institute of Food and Agriculture**
**Extension Activities**

| | Amount |
|---|---|
| Smith-Lever Sections 3(b) and (c) | $297,500,000 |
| 1890 Colleges, Tuskegee University and West Virginia State University | 44,700,000 |
| Smith-Lever Section 3(d): | |
| Food and Nutrition Education (EFNEP) | 68,070,000 |
| Farm Safety | 4,863,000 |
| New Technologies for Ag Extension | 1,750,000 |
| Federally Recognized Tribes Extension Program | 3,750,000 |
| Pest Management | 9,938,000 |
| Sustainable Agriculture Federal-State Matching Grant Program | 5,000,000 |
| Children, Youth, and Families at Risk | 8,412,000 |
| Youth Farm Safety Education and Certification | 486,000 |
| **Total, Section 3(d) Programs** | 102,269,000 |
| 1890 Facilities Grants (Sec. 1447) | 22,000,000 |
| Renewable Resources Extension Act (RREA) | 4,068,000 |
| Rural Health and Safety Education | 1,738,000 |
| Extension Services at the 1994 Institutions | 5,321,000 |
| Food Animal Residue Avoidance Database | 1,000,000 |
| Women and Minorities in STEM Fields | 400,000 |
| **Subtotal** | 478,996,000 |
| Federal Administration and Special Grants: | |
| Ag in the Classroom | 553,000 |
| General Administration | 8,252,000 |
| Other Federal Administration and Special Grants | 11,575,000 |
| **Subtotal** | 20,380,000 |
| **Total, Extension Activities** | 499,376,000 |

The following is a list of Congressionally-designated projects:

**National Institute of Food and Agriculture**
**Extension Activities**
**Congressionally Designated Projects**

| | Amount |
|---|---|
| Childhood Farm Safety, Urbandale, IA | $75,000 |
| Conservation Technology Transfer, WI | 376,000 |
| Dairy Education, IA | 175,000 |
| Dairy Management, NY | 200,000 |
| Diabetes Detection and Prevention, WA, PA | 1,033,000 |
| E-commerce, MS | 231,000 |
| Efficient Irrigation, NM, TX | 1,610,000 |
| Extension Specialist, MS | 173,000 |
| Food Production Education, VT | 116,000 |
| Health Education Leadership, KY | 300,000 |
| Income Enhancement Demonstration, OH | 864,000 |
| Institute for Sustainable Agriculture, WI | 400,000 |
| Invasive Phragmites Control and Outreach, MI | 147,000 |
| Iowa Vitality Center, IA | 250,000 |
| Maine Cattle Health Assurance Program, ME | 700,000 |
| National Center for Farm Safety, IA | 150,000 |
| Northeast Energy and Environmental Dairy System, PA | 305,000 |
| Nutrition Enhancement, WI | 950,000 |
| Ohio-Israel Agriculture Initiative, OH | 700,000 |
| Pilot Technology Transfer, MS, OK | 209,000 |
| Pilot Technology Transfer, WI | 174,000 |
| Potato Integrated Pest Management, ME | 450,000 |
| Potato Pest Management, WI | 277,000 |
| Range Improvement, NM | 209,000 |
| Sustainable Agriculture Center, TN | 500,000 |
| University of Wisconsin-Extension Northern Aquaculture Demonstration Facility | 450,000 |
| Urban Horticulture and Marketing, IL | 175,000 |
| Urban Horticulture, WI | 376,000 |
| Total | 11,575,000 |

INTEGRATED ACTIVITIES

The bill provides $60,173,000 for Integrated Activities.

The following table reflects the bill:

**National Institute of Food and Agriculture**
**Integrated Activities**

| | Amount |
|---|---|
| Section 406 Legislative Authority: | |
| Water Quality | $12,649,000 |
| Food Safety | 14,596,000 |
| Methyl Bromide Transition Program | 3,054,000 |
| Organic Transition Program | 5,000,000 |
| **Total, Section 406** | 35,299,000 |
| International Science and Education Grants Program | 3,000,000 |
| Sustainable Agriculture Federal-State Matching Grant Program | 10,000,000 |
| Critical Issues Program | 732,000 |
| Regional Rural Development Centers Program | 1,312,000 |
| Food and Agriculture Defense Initiative (Homeland Security) | 9,830,000 |
| **Total, Integrated Activities** | 60,173,000 |

OFFICE OF THE UNDER SECRETARY FOR MARKETING AND REGULATORY PROGRAMS

The bill provides $904,000 for the Office of the Under Secretary for Marketing and Regulatory Programs.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

The bill provides $903,794,000 for the Animal and Plant Health Inspection Service (APHIS), Salaries and Expenses.

The bill provides $3,850,000 for animal disease traceability. It includes a minimum of $360,000 for blackbird management and an increase of $1,500,000 for the Center for Veterinary Biologics.

There was a recent discovery of citrus black spot. APHIS is encouraged to continue to determine the extent of the infestation and implement the necessary measures to prevent the spread of the disease and to collaborate with, and utilize the scientific expertise of universities and ARS, as necessary, to develop methods to control and eradicate the disease.

APHIS is encouraged to support research and assist states and localities in controlling the spread of emerald ash borer.

There are difficulties in effectively addressing the cattle fever tick problem on the southern border of the United States. APHIS is urged to work with the livestock industry, including local businesses, nonprofits, and universities, to incorporate and implement new methods and strategies developed independently and cooperatively as part of the Cattle Fever Tick Eradication Program.

APHIS is encouraged to use an appropriate portion of the funding provided for sudden oak death (Phytophthora ramorum) to determine the actual level of infection in nurseries in all regions of the country through rigorous and expanded survey and to promote the development and testing of new systems of nursery pest and disease management.

Infectious disease outbreaks within the equine community thereaten the biological and commercial health of the U.S. horse industry and have occurred with increased frequency over the last several years. APHIS is encouraged to develop a comprehensive plan to respond to equine infectious diseases, including their prevention, diagnosis, and containment.

APHIS shall provide the Committees with a report on the current availability and use of electronic animal health certificates. The report should solicit input from State Veterinarians, animal health practitioners, and livestock producers. In particular, the report should focus on user experiences with the currently available systems and compatibility issues among systems.

The following table reflects the bill:

**Animal and Plant Health Inspection Service**

**(In Thousands of Dollars)**

| Program | Amount |
|---|---|
| **Pest and Disease Exclusion:** | |
| Agricultural Quarantine Inspection | $29,526 |
| Cattle Ticks | 16,250 |
| Foreign Animal Diseases/FMD | 4,007 |
| Fruit Fly Exclusion and Detection | 63,568 |
| Import-Export Inspection | 13,564 |
| Overseas Technical and Trade Operations | 16,595 |
| Screwworm | 20,243 |
| Tropical Bont Tick | 432 |
| Total, Pest and Disease Exclusion | **164,185** |

**Plant and Animal Health Monitoring:**

| | |
|---|---|
| Animal Health Monitoring & Surveillance | 120,620 |
| Animal and Plant Health Regulatory Enforcement | 15,913 |
| Avian Influenza | 45,219 |
| Emergency Management Systems | 15,933 |
| National Veterinary Stockpile | 3,771 |
| Pest Detection | 27,576 |
| Select Agents | 5,214 |
| Total, Plant & Animal Health Monitoring | **234,246** |

**Pest and Disease Management:**

| | |
|---|---|
| Aquaculture | 6,366 |
| Biological Control | 11,399 |
| Brucellosis | 9,804 |
| Chronic Wasting Disease | 15,232 |
| Contingency Fund | 1,585 |
| Cotton Pests | 22,254 |

Emerging plant pests:

| | |
|---|---|
| Asian Long-horned Beetle | 49,911 |
| Citrus Canker/Citrus Health Program | 48,000 |
| Emerald Ash Borer | 24,000 |
| Glassy-winged Sharpshooter | 22,527 |
| Sudden Oak Death | 5,700 |
| Potato Cyst Nematode | 7,286 |
| Karnal Bunt | 2,160 |
| Light Brown Apple Moth | 6,000 |
| Sirex Woodwasp | 1,505 |
| Varroa Mite | 469 |
| Other Emerging Plant Pests | 1,605 |

| | |
|---|---|
| Total, Emerging Plant Pests | 169,163 |
| Golden Nematode | 843 |
| Grasshopper and Mormon cricket | 5,637 |
| Gypsy Moth | 4,981 |
| Imported Fire Ant | 1,909 |
| Johne's Disease | 5,647 |
| Noxious Weeds | 2,293 |
| Plum pox | 2,129 |
| Pseudorabies | 2,560 |
| Scrapie | 18,043 |
| Tuberculosis | 15,849 |
| Wildlife Services Operations | 77,675 |
| Witchweed | 1,522 |
| Total, Pest and Disease Management | **374,891** |
| **Animal Care:** | |
| Animal Welfare | 25,933 |
| Horse Protection | 900 |
| Total, Animal Care | **26,833** |
| **Scientific and Technical Services:** | |
| Biotechnology Regulatory Services | 14,687 |
| Environmental Compliance | 2,750 |
| Plant Methods Development Labs | 10,637 |
| Veterinary Biologics | 19,145 |
| Veterinary Diagnostics | 28,290 |
| Wildlife Services Methods Development | 17,931 |
| Total, Scientific and Technical Services | **93,440** |
| **Management:** | |
| Information Technology Infrastructure | 4,474 |

| | |
|---|---|
| Physical Security | 5,725 |
| Total, Management | **10,199** |
| **TOTAL, SALARIES AND EXPENSES** | **903,794** |

The following is a list of Congressionally-designated projects:

**Animal and Plant Health Inspection Service**
**Salaries and Expenses**
**Congressionally Designated Projects**

| | Amount |
|---|---|
| Adirondack Park Management, NY | $500,000 |
| Agriculture Compliance Laboratory Equipment, DE | 69,000 |
| Arthropod Damage Control, NV | 1,000,000 |
| Beaver Management, NC | 208,000 |
| Berryman Institute, MS, UT | 1,500,000 |
| Bio-safety and Antibiotic Resistance, VT | 240,000 |
| Blackbird Management, LA | 94,000 |
| Bovine Tuberculosis Eradication, MI | 248,000 |
| Brucellosis Eradication in the Greater Yellowstone Area States, ID, MT, WY | 650,000 |
| California County Pest Detection Augmentation Program | 619,000 |
| Chronic Wasting Disease Surveillance, WI | 1,024,000 |
| Cogongrass Control, MS | 208,000 |
| Cooperative Livestock Protection Program, PA | 223,000 |
| Cormorant Control, MI | 139,000 |
| Cormorant Control, MS | 223,000 |
| Cormorant Control, VT | 103,000 |
| Database of North Carolina's Agricultural Industry for Rapid Response | 208,000 |
| Disease Prevention, LA | 69,000 |

| | |
|---|---|
| Genetically Modified Products, IA | 259,000 |
| Giant Salvinia Control, LA | 500,000 |
| Hawaii Interline, HI | 3,000,000 |
| Hawaii Wildlife Services Activities | 2,230,000 |
| Hemlock Woolly Adelgid, TN | 1,250,000 |
| Integrated Predation Management Activities, WV | 280,000 |
| Johne's Disease Activities, WI | 939,000 |
| National Agriculture Biosecurity Center, KS | 750,000 |
| National Wildlife Research Station, TX | 290,000 |
| New Mexico Rapid Syndrome Validation Program, NM | 404,000 |
| Nez Perce Bio-control Center, Nez Perce Tribe | 176,000 |
| Noxious Weed Management, NV | 235,000 |
| Technology to Combat Asian Long-Horned Beetles in New York Forests | 500,000 |
| Tri-State Predator Control, ID, MT, WY | 926,000 |
| Varroa Mite Suppression, HI | 469,000 |
| Viral Hemorrhagic Septicemia Monitoring and Management, WI | 550,000 |
| Wildlife Management and Control, MS | 496,000 |
| Wildlife Services, SD | 519,000 |
| Wisconsin Livestock Identification Consortium | 1,500,000 |
| Wolf Predation Management, MI, MN, WI | 727,000 |
| Total | 23,325,000 |

BUILDINGS AND FACILITIES

The bill provides $4,536,000 for the Animal and Plant Health Inspection Service, Buildings and Facilities.

AGRICULTURAL MARKETING SERVICE

MARKETING SERVICES

The bill provides $96,645,000 for marketing services of the Agricultural Marketing Service. The bill provides the following increases: $150,000 for the Market News Program to expand coverage of organic production and distribution markets; $891,000 for the Pesticide Data Program; $250,000 for the Microbiological Data Program to enter into a sampling agreement with the State of Arizona; $3,111,000 for the National Organic Program for regulatory review and enforcement; and $460,000 for Wholesale, Farmers, and Alternative Markets.

LIMITATION ON ADMINISTRATIVE EXPENSES

The bill includes a limitation of $60,947,000 for the Agricultural Marketing Service, Limitation on Administrative Expenses.

FUNDS FOR STRENGTHENING MARKETS, INCOME, AND SUPPLY (SECTION 32)

(INCLUDING TRANSFERS OF FUNDS)

The bill provides $20,283,000 for the Agricultural Marketing Service, Funds for Strengthening Markets, Income, and Supply.

The Secretary is directed to provide notification to the Committees in advance of any public announcement or release of section 32 funds under the authority described in clause 3 of 7 U.S.C. 612c.

PAYMENTS TO STATES AND POSSESSIONS

The bill provides $2,484,000 for the Agricultural Marketing Service, Payments to States and Possessions.

GRAIN INSPECTION, PACKERS AND STOCKYARDS ADMINISTRATION

SALARIES AND EXPENSES

The bill provides $43,742,000 for the Grain Inspection, Packers and Stockyards Administration, Salaries and Expenses.

The agency is expected to strongly consider the submitted comments regarding the practical and economic impact that aspects of the proposed rule on the marketing of meat products may have on the smooth operation of commerce within the livestock industry. For example, consideration should be given to the impact the packer-to-packer prohibition may have on the marketplace or how the proposed rule may impact producers' abilities to enter into marketing agreements that provide premiums for their products.

LIMITATION ON INSPECTION AND WEIGHING SERVICES EXPENSES

The bill includes a limitation of $50,000,000 for the Grain Inspection, Packers and Stockyards Administration, Limitation on Inspection and Weighing Services Expenses.

OFFICE OF THE UNDER SECRETARY FOR FOOD SAFETY

The bill provides $821,000 for the Office of the Under Secretary for Food Safety.

FOOD SAFETY AND INSPECTION SERVICE

The bill provides $1,047,200,000 for the Food Safety and Inspection Service.

FSIS is directed to use its appropriated funds for activities directly in support of the public health to the maximum available extent before using them for bonus awards for senior officials and report on bonuses awarded to senior officials for fiscal year 2010.

FOOD SAFETY AND INSPECTION SERVICE FUNDING BY ACTIVITY

| | |
|---|---|
| Food Safety and Inspection: | |
| Federal | $919,248,000 |
| State | 65,118,000 |
| International | 19,461,000 |
| CODEX | 3,903,000 |
| Public Health Data Communication Infrastructure System | 39,470,000 |
| Total | $1,047,200,000 |

OFFICE OF THE UNDER SECRETARY FOR FARM AND FOREIGN AGRICULTURAL SERVICES

The bill provides $904,000 for the Office of the Under Secretary for Farm and Foreign Agricultural Services.

The Secretary is encouraged further to develop adequate standardization of quality control mechanisms for commodities used for food aid and to use funds from the CCC to supplement inspections of such commodities in order to avoid breaks in food pipelines and to maintain an orderly conveyance of food to affected populations.

FARM SERVICE AGENCY

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

The bill provides $1,325,650,000 for the Farm Service Agency, Salaries and Expenses, which includes $18,000,000 for the Common Computing Environment and $38,300,000 for MIDAS.

Of this, the bill provides $24,000,000, the same as last year's level, for the National Agricultural Imagery Program (NAIP). This amount is in addition to any provided by cooperating funds from any other federal, state, or local government for NAIP.

STATE MEDIATION GRANTS

The bill provides $4,185,000 for State Mediation Grants.

GRASSROOTS SOURCE WATER PROTECTION PROGRAM

The bill provides $5,500,000 for the Grassroots Source Water Protection Program.

DAIRY INDEMNITY PROGRAM

(INCLUDING TRANSFER OF FUNDS)

The bill provides an appropriation of such sums as may be necessary for the Dairy Indemnity Program.

AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

The bill provides $471,815,000 for the Agricultural Credit Insurance Fund Program Account.

The following table reflects the amounts provided in the bill:

| | |
|---|---|
| Farm Ownership Loans: | |
| Direct | ($475,000,000) |
| Subsidy | 32,870,000 |
| Guaranteed | (1,500,000,000) |
| Subsidy | 5,700,000 |
| Farm Operating Loans: | |
| Direct | ($900,000,000) |
| Subsidy | 54,540,000 |
| Unsubsidized Guaranteed | (1,500,000,000) |
| Subsidy | 34,950,000 |
| Subsidized Guaranteed | (144,035,000) |
| Subsidy | 19,920,000 |
| Indian Tribe Land Acquisition Conservation: | (10,000,000) |
| Direct | (75,000,000) |
| Subsidy | 2,243,000 |
| Guaranteed | (75,000,000) |
| Subsidy | 285,000 |
| Indian Highly Fractionated Land | (10,000,000) |
| Subsidy | 214,000 |
| Boll Weevil Eradication | (100,000,000) |
| ACIF Expenses: | |
| Salaries and Expenses | $313,173,000 |
| Administrative Expenses | 7,920,000 |

RISK MANAGEMENT AGENCY

The bill provides $83,064,000 for the Risk Management Agency.

Corporations

FEDERAL CROP INSURANCE CORPORATION FUND

The bill provides an appropriation of such sums as may be necessary for the Federal Crop Insurance Corporation Fund.

COMMODITY CREDIT CORPORATION FUND

REIMBURSEMENT FOR NET REALIZED LOSSES

(INCLUDING TRANSFERS OF FUNDS)

The bill provides an appropriation of such sums as may be necessary for Reimbursement for Net Realized Losses of the Commodity Credit Corporation.

HAZARDOUS WASTE MANAGEMENT

(LIMITATION ON EXPENSES)

The bill provides a limitation of $5,000,000 for Hazardous Waste Management.

TITLE II

CONSERVATION PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR NATURAL RESOURCES AND ENVIRONMENT

The bill provides $904,000 for the Office of the Under Secretary for Natural Resources and Environment.

NATURAL RESOURCES CONSERVATION SERVICE

CONSERVATION OPERATIONS

The bill provides $922,433,000 for Conservation Operations, which includes $5,000,000 for streamlining and integrating business model tools; $7,500,000 for strategic watershed action teams; $15,500,000 for modernization and upgrades of the Common Computing Environment; $250,000 for the soil climate analysis network; and an additional $500,000 above the budget request for snow surveys.

The following is a list of Congressionally-designated projects:

**Natural Resources Conservation Service**
**Conservation Operations**
**Congressionally Designated Projects**

| | Amount |
|---|---|
| Accelerated Soil Mapping Survey, WY | $200,000 |
| Agricultural Development and Resource Conservation, HI | 1,400,000 |
| Agricultural Wildlife Conservation Center, MS | 939,000 |
| Audubon Conservation Curriculum, NY, VA | 800,000 |
| Borderlands Conservation, TX | 500,000 |
| CEMSA with Iowa Soybean Association | 288,000 |
| Center for Invasive Species Eradication, TX | 1,000,000 |
| Chesapeake Bay Activities | 3,998,000 |
| Connecting for Conservation, MA | 450,000 |
| Conservation Enhancements, PA | 200,000 |

| | |
|---|---|
| Conservation Internships, WI | 120,000 |
| Conservation Planning, MA, WI | 423,000 |
| Conservation Technical Assistance, KY | 500,000 |
| Conservation Technical Assistance, NJ | 236,000 |
| Conservation Technical Assistance, TN | 1,000,000 |
| Conservation Technology Transfer, WI | 516,000 |
| Cooperative Agreement with Tufts University, CT | 333,000 |
| Cover Crop Program, MD | 1,000,000 |
| Delta Conservation Demonstration, MS | 376,000 |
| Delta Water Study, MS | 235,000 |
| Farm Viability Program, VT | 300,000 |
| Fountain Creek Watershed Project, CO | 500,000 |
| Georgia Soil and Water Conservation Commission Cooperative Agreement | 2,423,000 |
| Gilbert M. Grosvenor Center for Geographic Education Watershed Project, TX | 282,000 |
| Grazing Lands Conservation Initiative, WI | 835,000 |
| Great Basin Plant Materials Center, NV | 269,000 |
| Great Lakes Basin Program for Soil Erosion and Sediment Control, Great Lakes Commission | 404,000 |
| Hungry Canyons Alliance, IA | 282,000 |
| Illinois Conservation Initiative | 1,126,000 |
| Kentucky Soil Erosion Control | 724,000 |
| Long Island Sound Watershed, NY | 133,000 |
| Massaro Community Farm, CT | 300,000 |
| Maumee Watershed Hydrological and Flood Mitigation, OH | 667,000 |
| Mississippi Conservation Initiative | 4,000,000 |
| Municipal Water District of Orange County for Efficient Irrigation, CA | 134,000 |
| Native Plant Initiative, LA | 500,000 |

| | |
|---|---|
| Nutrient Management, MD | 500,000 |
| Operation Oak Program | 100,000 |
| Pace University Land Use Law Center, White Plains, NY | 133,000 |
| Pastureland Management/Rotational Grazing, NY | 400,000 |
| Phosophorous Loading in Lake Champlain, VT | 179,000 |
| Prairie Biomass, IA | 100,000 |
| Quabbin to Cardigan Conservation Initiative, NH | 282,000 |
| Range Revegetation for Fort Hood, TX | 333,000 |
| Riparian Restoration, NM | 200,000 |
| Sand County Foundation, WI | 892,000 |
| Soil Surveys, RI | 134,000 |
| Technical Assistance Grants to Kentucky Soil Conservation Districts, KY | 545,000 |
| Technical Assistance to Livestock/Poultry Producers, NC | 300,000 |
| Town of Cary Swift Creek Stream Bank Restoration, NC | 199,000 |
| Upper Cedar River Watershed Coalition, IA | 150,000 |
| Washington State Conservation Program | 500,000 |
| Water Quality Protection Program for the Monterey Bay Sanctuary, CA | 400,000 |
| Watershed Agricultural Council, NY | 480,000 |
| Watershed Demonstration Project, IA | 134,000 |
| Watershed Planning Staff, Pacific Island Area | 500,000 |
| Watershed Protection Plan for Hood County, TX | 100,000 |
| West Virginia Conservation Initiative | 1,000,000 |
| Total | 34,954,000 |

WATERSHED AND FLOOD PREVENTION OPERATIONS

The bill provides $18,485,000 for Watershed and Flood Prevention Operations.

The following is a list of Congressionally-designated projects:

**Natural Resources Conservation Service**
**Watershed and Flood Prevention Operations**
**Congressionally Designated Projects**

| | Amount |
|---|---|
| Alameda Creek Watershed Project, CA | 1,337,000 |
| Big Slough Watershed Project, AR | 100,000 |
| Copper Mine Brook Watershed, CT | 330,000 |
| Dunloup Creek Watershed Project, WV | 1,500,000 |
| Gin Bayou Bank Stabilization, MS | 500,000 |
| Lahaina Watershed, HI | 4,000,000 |
| Lake County Watershed, IL | 350,000 |
| Lower Hamakua Ditch Watershed Project, HI | 1,800,000 |
| Missouri Watershed Projects | 2,000,000 |
| North Drainage Project, MS | 500,000 |
| North Fork of the Elkhorn Creek, WV | 300,000 |
| Pidcock-Mill Creeks Watershed Project, PA | 573,000 |
| Pocasset River, RI | 2,000,000 |
| Soap Creek Watershed Project, IA | 595,000 |
| Southeast Quadrant Drainage and Flood Prevention Project, AL | 350,000 |
| Upcountry Maui Watershed Project, HI | 2,000,000 |
| Wailuku-Alenaio Watershed Project, HI | 250,000 |
| Total | 18,485,000 |

WATERSHED REHABILITATION PROGRAM

The bill provides $20,497,000 for the Watershed Rehabilitation Program.

Funding under this program is to be provided for rehabilitation of structures determined to be of high priority need in order to protect property and ensure public safety.

RESOURCE CONSERVATION AND DEVELOPMENT

The bill provides $50,730,000 for Resource Conservation and Development.

TITLE III

RURAL DEVELOPMENT PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR RURAL DEVELOPMENT

The bill provides $904,000 for the Office of the Under Secretary for Rural Development. The Secretary is directed to provide a report, by September 30, 2011, to the Committees detailing performance results of the Regional Innovation Initiative.

The Secretary is encouraged to consider the statutory requirements authorized in the 2008 Farm Bill when issuing the final rule for the Rural Energy for America Program. The 2008 Farm Bill did not restrict the application of this program to agricultural producers in rural areas. The Secretary is directed to provide a report within 30 days of enactment, to the Committees on the status of issuing the final rule and to provide them quarterly thereafter.

RURAL DEVELOPMENT SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

The bill provides $226,551,000 for Rural Development Salaries and Expenses, which includes $6,000,000 for the Common Computing Environment.

The bill provides the same level of funding as fiscal year 2010 to maintain ''portfolio compliance, safety and soundness.'' The Secretary is directed to ensure that proper lender monitoring and underwriting standards are sustained.

RURAL HOUSING SERVICE

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

The bill provides $617,047,000 for the Rural Housing Insurance Fund Program Account.

The following table reflects the amounts provided in the bill:

| | |
|---|---|
| Loan authorizations: | |
| Single family direct (sec. 502) | ($1,840,256,000) |
| Single family unsubsidized guaranteed | (24,000,000,000) |
| Rental housing (sec. 515) | (69,512,000) |
| Multi-family housing guaranteed (sec. 538) | (129,133,000) |
| Housing repair (sec. 504) | (34,004,000) |
| Credit sales of acquired property | (11,449,000) |
| Site loans (sec. 524) | (5,052,000) |
| Self-help housing land development | (4,966,000) |
| Total, loan authorizations | ($26,094,372,000) |
| Loan subsidies: | |
| Single family direct (sec. 502) | $115,200,000 |
| Rental housing (sec. 515) | 23,446,000 |
| Multi-family housing guaranteed (sec. 538) | 12,513,000 |
| Housing repair (sec. 504) | 6,437,000 |
| Credit sales of acquired property | 556,000 |
| Site loans (sec. 524) | 294,000 |
| Self-help housing land development | 288,000 |
| Total, loan subsidies | $158,734,000 |
| RHIF administrative expenses (paid to RD) | $458,313,000 |

RENTAL ASSISTANCE PROGRAM

The bill provides $965,635,000 for the Rental Assistance Program.

MULTI-FAMILY HOUSING REVITALIZATION PROGRAM ACCOUNT

The bill provides $40,791,000 for the Multi-Family Housing Revitalization Program Account.

MUTUAL AND SELF-HELP HOUSING GRANTS

The bill provides $41,864,000 for Mutual and Self-Help Housing Grants.

RURAL HOUSING ASSISTANCE GRANTS

The bill provides $40,400,000 for Rural Housing Assistance Grants.

FARM LABOR PROGRAM ACCOUNT

The bill provides $20,346,000 for the Farm Labor Program Account.

RURAL COMMUNITY FACILITIES PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

The bill provides $52,678,000 for the Rural Community Facilities Program Account.

The following table reflects the agreement:

| | |
|---|---|
| Community Facilities: | |
| Direct loans | ($295,038,000) |
| Direct subsidy | 3,924,000 |
| Guaranteed loans | (206,405,000) |
| Guaranteed subsidy | 8,153,000 |
| Grants | 20,373,000 |
| Rural community development initiative | 6,256,000 |
| Economic impact initiative grants | 10,000,000 |
| Tribal college grants | 3,972,000 |
| Total, loan subsidies and grants | $52,678,000 |

RURAL BUSINESS-COOPERATIVE SERVICE

RURAL BUSINESS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

The bill provides $86,689,000 for the Rural Business Program Account.

The following table reflects the agreement:

| | |
|---|---|
| Business and Industry: | |
| Guaranteed loans | ($993,000,000) |
| Guaranteed subsidy | 42,500,000 |
| Rural business enterprise grants | 38,727,000 |
| Rural business opportunity grants | 2,483,000 |
| Delta regional authority | 2,979,000 |
| Total, loan subsidy and grants | $86,689,000 |

RURAL DEVELOPMENT LOAN FUND PROGRAM ACCOUNT

The bill provides $18,024,000 for the Rural Development Loan Fund Program Account.

RURAL ECONOMIC DEVELOPMENT LOANS PROGRAM ACCOUNT

(INCLUDING RESCISSION OF FUNDS)

The bill provides an estimated loan program level of $33,077,000 for the Rural Economic Development Loan Program Account.

RURAL COOPERATIVE DEVELOPMENT GRANTS

The bill provides $35,554,000 for Rural Cooperative Development Grants.

The bill provides $8,924,000 for cooperative development grants; $2,800,000 for a cooperative agreement for the Appropriate Technology Transfer for Rural Areas program; $3,463,000 for cooperative development centers, individual cooperatives, or groups of cooperatives that serve socially disadvantaged groups; and $20,367,000 for the value-added agricultural product market development grant program.

RURAL ENERGY FOR AMERICA PROGRAM

The bill does not include additional funding for the Rural Energy for America Program. The 2008 Farm Bill provided $70,000,000 in mandatory funding for this program in fiscal year 2011, which is an increase of $10,000,000 above fiscal year 2010. In addition, this account has carryover from prior years to support a higher program level in fiscal year 2011.

RURAL UTILITIES SERVICE

RURAL WATER AND WASTE DISPOSAL PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

The bill provides $582,851,000 for the Rural Water and Waste Disposal Program Account.

The following table reflects the agreement:

| | |
|---|---|
| Water and Waste: | |
| Direct loans | ($1,022,156,000) |
| Direct subsidy | 87,701,000 |
| Loans authorized by P.L. 83–566 | (40,000,000) |
| Loans authorized by P.L. 83–566 subsidy | 3,432,000 |
| Guaranteed loans | (75,000,000) |
| Grants | 469,228,000 |
| Solid waste management grants | 3,500,000 |
| Water well system grants | 497,000 |
| Water and waste water revolving funds | 993,000 |
| High energy cost grants | 17,500,000 |
| Total, loan subsidy and grants | $582,851,000 |

RURAL ELECTRIFICATION AND TELECOMMUNICATIONS LOANS PROGRAM ACCOUNT

The bill provides $39,409,000 for the Rural Electrification and Telecommunications Loans Program Account.

The bill includes a general provision to improve the capacity for electrical generation in rural areas and the Secretary shall ensure that emissions control standards will be employed suitable for the level of power such facilities will generate.

The following table reflects the amounts provided in the bill:

| | |
|---|---|
| Loan authorizations: | |
| Electric: | |
| Direct, 5 percent | ($100,000,000) |
| Direct, FFB | (6,500,000,000) |
| Guaranteed Underwriting | (500,000,000) |
| Subtotal | (7,100,000,000) |
| Telecommunications: | |
| Direct, 5 percent | ($145,000,000) |
| Direct, Treasury rate | (250,000,000) |
| Direct, FFB | (295,000,000) |
| Subtotal | (690,000,000) |
| Total, loan authorizations | ($7,790,000,000) |
| Guaranteed Underwriting subsidy | $700,000 |
| Administrative expenses (paid to RD) | $38,709,000 |

DISTANCE LEARNING, TELEMEDICINE, AND BROADBAND PROGRAM

The bill provides $78,051,000 for the Distance Learning, Telemedicine, and Broadband Program Account.

The following table reflects the amounts provided in the bill:

| | |
|---|---|
| Broadband: | |
| Direct loans | ($400,000,000) |
| Direct subsidy | 22,320,000 |
| Grants | 17,976,000 |
| Distance learning and telemedicine grants | 37,755,000 |
| Total, loan subsidy and grants | $78,051,000 |

TITLE IV

DOMESTIC FOOD PROGRAMS

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

The bill provides $821,000 for the Office of the Under Secretary for Food, Nutrition and Consumer Services.

The Secretary is encouraged to continue collaboration between the Agricultural Marketing Service (AMS) and the Food and Nutrition Service (FNS) to connect local farmers to local school districts. The Secretary is also encouraged to have AMS and FNS expand collaboration with the Department of Defense FRESH program to increase the quantity of fresh produce purchased locally or regionally. The Secretary is directed to submit a report to the Committees within 180 days of enactment of this Act describing the economic and other barriers to farmer participation in sales of local food to schools.

FOOD AND NUTRITION SERVICE

CHILD NUTRITION PROGRAMS

The bill provides $17,319,981,000 for Child Nutrition Programs. Included in this amount is $7,500,000 for Hunger-Free Community grants; $3,517,000 for food safety education; $11,553,000 for computer support and processing, including information technology modernization and support; $2,000,000 for farm-to-school tactical teams; and $1,750,000 for program payment systems and reimbursement monitoring.

The bill also provides $21,711,000 for studies and other activities. Included in this amount is $10,000,000 for the school lunch and breakfast cost study III which will incorporate additional information on nutritional quality. Additionally, this study should review the linkages between wages and benefits of food service workers with student satisfaction with school meals and the nutritional quality of meals.

The Secretary is urged to assist program providers in reducing and eventually eliminating trans fats in child nutrition programs. The Secretary is directed to submit a report to the Committees within 180 days of enactment describing the Department's efforts to provide assistance.

The following table reflects the agreement:

| Child Nutrition Programs: | |
|---|---|
| School lunch program | $9,831,095,000 |
| School breakfast program | 3,093,970,000 |
| Child and adult care food program | 2,686,344,000 |
| Summer food service program | 392,680,000 |
| Special milk program | 12,512,000 |
| State administrative expenses | 208,651,000 |
| Commodity procurement | 1,019,914,000 |
| Computer support and processing | 11,553,000 |
| Program payment systems and reimbursement monitoring | 1,750,000 |
| Team nutrition | 15,046,000 |
| Food safety education | 3,517,000 |
| Coordinated review | 5,833,000 |
| CACFP training and technical assistance | 3,567,000 |
| Studies and other activities | 21,711,000 |
| Hunger free community grants | 7,500,000 |
| Farm to school tactical team | 2,000,000 |
| CN payment accuracy | 2,338,000 |
| Child nutrition reauthorization | 0 |
| Total, Child Nutrition Programs | $17,319,981,000 |

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

The bill provides $6,852,522,000 for the Special Supplemental Nutrition Program for Women, Infants and Children (WIC). The bill fully funds estimated WIC participation in fiscal year 2011. The bill includes $80,000,000 for breastfeeding support initiatives, $35,000,000 for State management information systems, $14,000,000 for infrastructure improvements, and $15,000,000 for evaluating program performance. In addition, the bill maintains funding for fruit and vegetable vouchers for women and implements fruit and vegetable vouchers for children up to the Institute of Medicine recommendation.

The authority for the WIC program requires the Secretary to make available supplemental foods that reflect current nutrition science, public health concerns, and cultural eating patterns. The Department has made improvements to the WIC program to improve access to fruits, vegetables and whole grains to program participants as recommended by the National Academies' Institute of Medicine study. The Department should continue to recognize that calcium remains a priority nutrient of concern and that adequate calcium consumption can be attained through a diet with a variety of dairy products.

SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM

The bill provides $70,907,818,000 for the Supplemental Nutrition Assistance Program. Included in this amount is $5,000,000,000 for a contingency reserve; $3,500,000 for improving program access and application timeliness; $1,750,000 for financial management systems modernization; and $1,000,000 for information technology modernization and support.

The following table reflects the agreement:

| Supplemental Nutrition Assistance Program: | |
|---|---|
| Benefits | $59,652,032,000 |
| State Administrative Cost | 3,618,000,000 |
| Employment & Training | 387,946,000 |
| Other Program Costs | 131,623,000 |
| Food Distribution Program on Indian Reservations (FDPIR) | 96,958,000 |
| Associated Activities | 10,000,000 |
| Commonwealth of the Northern Mariana Islands | 12,148,000 |
| Contingency Reserve | 5,000,000,000 |
| Nutrition Assistance for Puerto Rico | 1,744,605,000 |
| Nutrition Assistance for American Samoa | 7,006,000 |
| Emergency Food Assistance Program (TEFAP) | 247,500,000 |
| Total | $70,907,818,000 |

COMMODITY ASSISTANCE PROGRAM

The bill provides $262,619,000 for the Commodity Assistance Program.

Of that amount, the bill provides $181,788,000 for the Commodity Supplemental Food Program, which includes $5,000,000 to begin service in six additional States that have plans approved by the Department; $53,000,000 for administrative funding for The Emergency Food Assistance Program (TEFAP); $6,000,000 for TEFAP infrastructure grants; and $20,000,000 for the Farmers' Market Nutrition Program.

NUTRITION PROGRAMS ADMINISTRATION

The bill provides $162,587,000 for Nutrition Programs Administration. Included in this amount is $5,170,000 for improved program administration and $5,000,000 to develop and promote dietary guidelines.

TITLE V

FOREIGN ASSISTANCE AND RELATED PROGRAMS

FOREIGN AGRICULTURAL SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

The bill provides $219,280,000 for the Foreign Agricultural Service, Salaries and Expenses, which includes increases of $3,430,000 for international cooperative administrative support services; $4,004,000 for overseas IT support; $5,000,000 for the development and growth of sustainable food systems in developing countries; and $4,500,000 for technical assistance for specialty crops. The bill also provides a total of $14,600,000 for reconstruction and stabilization activities, $4,500,000 for the Cochran Fellowship Program, $2,500,000 for the Borlaug Fellowship Program, and $4,500,000 for the National Export Initiative.

FOOD FOR PEACE TITLE I DIRECT CREDIT AND FOOD FOR PROGRESS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

The bill provides $2,846,000 for administrative expenses for the Food for Peace Title I Direct Credit and Food for Progress Program Account, to be paid to the appropriation for Farm Service Agency, Salaries and Expenses.

FOOD FOR PEACE TITLE II GRANTS

The bill provides $1,690,000,000 for Food For Peace Title II Grants.

The Committees direct the Secretary, through the Office of Budget and Program Analysis, in consultation with the Administrator of the U.S. Agency for International Development, to submit quarterly reports to the Committees on the status of the Bill Emerson Humanitarian Trust, as well as immediately to notify the Committees when the trust has been drawn down.

COMMODITY CREDIT CORPORATION EXPORT LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

The bill provides $6,884,000 for the Commodity Credit Corporation Export Loans Program Account.

MCGOVERN-DOLE INTERNATIONAL FOOD FOR EDUCATION AND CHILD NUTRITION PROGRAM GRANTS

The bill provides $219,500,000 for the McGovern-Dole International Food for Education and Child Nutrition Program.

TITLE VI

FOOD AND DRUG ADMINISTRATION AND FARM CREDIT ADMINISTRATON

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

The bill provides a direct appropriation of $2,541,282,000 for Food and Drug Administration, Salaries and Expenses. The bill also provides $667,057,000 for prescription drug user fees; $61,860,000 for medical device user fees; $19,448,000 for animal drug user fees; $5,397,000 for animal generic drug user fees; $450,000,000 for tobacco product user fees; and authorized collections for mammography fees, export and color certification fees, and priority review fees, as requested. It is expected that FDA will continue all projects, activities, and programs as included in the fiscal year 2011 budget request unless otherwise specified.

The following table reflects funding provided for direct appropriations:

*Food and Drug Administration, Salaries and Expenses*

*(thousands of dollars)*

| *Program* | *Budget Authority* |
|---|---|
| Foods | |
| Center for Food Safety and Applied Nutrition | 267,986 |

*(thousands of dollars)—Continued*

| *Program* | *Budget Authority* |
|---|---|
| Field Activities | 601,401 |
| Human Drugs | |
| Center for Drug Evaluation and Research | 371,632 |
| Field Activities | 132,037 |
| Biologics | |
| Center for Biologics Evaluation and Research | 173,875 |
| Field Activities | 41,151 |
| Animal Drugs & Feeds | |
| Center for Veterinary Medicine | 91,467 |
| Field Activities | 54,135 |
| Device & Radiological Products | |
| Center for Devices and Radiological Health | 243,255 |
| Field Activities | 82,471 |
| National Center for Toxicological Research | 60,975 |
| Other Activities | 161,659 |
| White Oak Consolidation | 38,536 |
| Other Rent & Rent Related | 66,703 |
| GSA Rent | 153,999 |
| Total Salaries & Expenses | 2,541,282 |

In carrying out the provisions of this Act, FDA shall follow the directives provided in Senate Report 111–221 unless otherwise modified by this Act or Explanatory Statement. Reports requested in Senate Report 111–221 or this Explanatory Statement are due 90 days after the enactment of this Act unless a specific due date is provided. FDA is directed to provide all reports and studies to the Committees on Appropriations of the House of Representatives and the Senate (hereafter referred to as ''the Committees'') in both an electronic and hard copy format.

The bill provides the following increases in budget authority for FDA salaries and expenses activities, as requested in the budget: $10,896,000 for cost of living adjustments; $83,000,000 for food safety investments; $43,323,000 for investments relating to safer drugs, biologics, and medical devices; and $25,000,000 for regulatory science.

The bill provides the following increases above the request: $14,083,000 for food safety activities; $2,000,000 for orphan product development grants; $1,000,000 for the Office of the Associate Director for Rare Diseases; $7,500,000 for generic drug review activities; $3,000,000 for the review of direct-to-consumer advertising in the Division of Drug Marketing and Communication (DDMAC); $2,000,000 for the review of communications to medical professionals in DDMAC; $4,000,000 for the Office of Surveillance and Epidemiology for post-market activities; $1,850,000 for the review of adverse drug experience reports in the Center for Veterinary Medicine; and $2,000,000 for the National Antimicrobial Resistance Monitoring System.

Funds provided in addition to the budget request for food safety will allow FDA to access additional information on foreign food exports and take other actions to ensure that foods imported into the United States are safe. Increased funding is provided for food safety inspections to increase the number of inspectors and enhance the ability of inspectors to review imports at the border. It will also allow FDA to perform additional work to ensure that animal feed and feed ingredients imported into the United States meet FDA safety standards.

In Senate Report 109–266, concerns were raised about FDA's inability to provide Congressional reports in a timely manner. After implementing changes that temporarily remedied this situation, recent Congressional directives have either been responded to late, or not responded to at all. This is unacceptable. In the fiscal year 2010 bill, FDA was asked to report on eight issues. The due date for all of these reports has long since passed, and more than one year after the enactment of the fiscal year 2010 bill, FDA has provided only four of the requested reports. FDA is again reminded that reports to Congress play an important role in the decision making process. Not more than 15 days after the enactment of this Act, FDA is directed to report on the status of all reports requested in Appropriations Acts for fiscal years 2009, 2010, and 2011. The report shall include the following information: report topic; the House, Senate, or conference report from which the report is requested; the due date for the report; the date the report was submitted to the Congress; and for those reports that have not been submitted to Congress, the expected submission date and an update on where the report is in the drafting and clearance process. Following the initial report, FDA is directed to provide updated reports on the first of each month.

The Secretary of Health and Human Services (HHS) should continue to work with the Secretary of Commerce in support of the current Memorandum of Understanding between the National Oceanic and Atmospheric Administration (NOAA) and FDA to strengthen cooperation on seafood safety, labeling and fraud. Agreements should focus on coordination of testing seafood imports, inspection of imported seafood at both domestic and international facilities, data standardization and collection, joint training and outreach for testing facilities, and information sharing. An increase is encouraged in the use of NOAA laboratory testing and the commissioning of NOAA officers by the Secretary of HHS, as needed, in order to increase capacity for seafood inspection and testing. Sharing of information with the Federal Trade Commission is also encouraged as appropriate on consumer protection issues with respect to fraud in seafood marketing and labeling.

While there is strong leadership in place at FDA, concerns have been raised about the existing structure at the agency, especially as it pertains to the safety of prescription drugs, and the perceived imbalance that exists within FDA between the Office of New Drugs and the Office of Surveillance and Epidemiology. There is significant concern that this structure is biased because those who initially approve drugs also have a large role in determining how they are regulated for safety in post-marketing. This could create a conflict of interest.

Therefore, FDA is directed to issue a report by March 31, 2011 that would outline the process necessary to create an independent office within FDA focused on post-market evaluation that would work collaboratively with the office that reviews and approves drugs for marketing. FDA is also strongly urged to study legislative proposals that have been introduced to create a new Center for Postmarket Drug Evaluation and Research at FDA as part of the report.

FDA is directed to issue a sunscreen final rule that addresses both ultraviolet B (UVB) and ultraviolet A (UVA) radiation protection no later than 60 days after enactment.

FDA is urged to more proactively engage public health and consumer nonprofit organizations that are not funded by regulated industries, to encourage their greater input and written evaluations on PDUFA, MDUFMA, Sentinel Projects, Critical Path, the public availability of post-market research findings, and other key issues regarding medical products.

BUILDINGS AND FACILITIES

The bill provides $10,000,000 for FDA Buildings and Facilities.

INDEPENDENT AGENCY

FARM CREDIT ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

The bill includes a limitation of $59,400,000 on administrative expenses of the Farm Credit Administration.

TITLE VII—GENERAL PROVISIONS

(INCLUDING RESCISSIONS AND TRANSFERS OF FUNDS)

Section 701.—The bill includes language making funds available for the purchase, replacement, and hire of passenger motor vehicles.

Section 702.—The bill includes language allowing for unobligated balances to be transferred to the Working Capital Fund.

Section 703.—The bill includes language limiting the funding provided in the bill to one year, unless otherwise specified.

Section 704.—The bill includes language limiting indirect costs on cooperative agreements between the Department of Agriculture and nonprofit organizations to 10 percent.

Section 705.—The bill includes language making appropriations to the Department of Agriculture for the cost of direct and guaranteed loans available until expended to disburse obligations for certain Rural Development programs.

Section 706.—The bill includes language for funds to cover necessary expenses related to advisory committees.

Section 707.—The bill includes language prohibiting the use of funds to establish an inspection panel at the Department of Agriculture.

Section 708.—The bill includes language regarding detailed employees.

Section 709.—The bill includes language regarding the appropriations hearing process.

Section 710.—The bill includes language regarding the transfer of funds to the Office of the Chief Information Officer and information technology funding obligations.

Section 711.—The bill includes language regarding the reprogramming of funds.

Section 712.—The bill includes language regarding user fee proposals.

Section 713.—The bill includes language regarding the closure or relocation of Rural Development offices.

Section 714.—The bill includes language allowing for reimbursement of the Bill Emerson Humanitarian Trust.

Section 715.—The bill includes language regarding the closure or relocation of a Food and Drug Administration office.

Section 716.—The bill includes language regarding the availability of funds for certain conservation programs.

Section 717.—The bill includes language regarding government-sponsored news stories.

Section 718.—The bill provides funding for the National Center for Natural Products Research.

Section 719.—The bill includes language limiting certain programs.

Section 720.—The bill includes language regarding eligibility for certain rural development programs.

Section 721.—The bill includes language regarding meat inspection.

Section 722.—The bill includes language providing that certain locations shall be considered eligible for certain rural development programs.

Section 723.—The bill provides funding for an agriculture pest facility in Hawaii.

Section 724.—The bill includes language authorizing certain watershed projects.

Section 725.—The bill includes language modifying matching requirements for certain research grants.

Section 726.—The bill provides funding for certain projects.

Section 727.—The bill includes language relating to infant formula.

Section 728.—The bill rescinds certain funds.

Section 729.—The bill includes language relating to the export of poultry products to the United States.

Section 730.—The bill includes language regarding the Federal Meat Inspection and other acts.

Section 731.—The bill includes funding for two farm bill programs.

Section 732.—The bill includes language establishing a forestry pilot program for lands affected by Hurricane Katrina.

Section 733.—The bill includes language regarding administrative funds for certain farm bill programs.

Section 734.—The bill includes language regarding guaranteed business and industry loan fees.

Section 735.—The bill includes language regarding strategic regional development planning.

Section 736.—The bill includes language regarding the broadband program.

Section 737.—The bill provides for the rescission of certain facilities funds.

Section 738.—The bill provides for the rescission of certain rural development funds.

Section 739.—The bill provides for the rescission of certain facilities funds.

Section 740.—The bill includes funding for workforce acquisition capacity and capabilities.

Section 741.—The bill includes language regarding school food authorities.

Section 742.—The bill includes language regarding properties of the Agricultural Research Service.

Section 743.—The bill includes language regarding rare and neglected diseases.

Section 744.—The bill includes language regarding a food safety stakeholder panel.

Section 745.—The bill rescinds certain funds.

Section 746.—The bill includes language regarding baseload electric generation.

Section 747.—The bill rescinds certain funds.

Section 748.—The bill rescinds certain funds.

Section 749.—The bill limits certain funds.

DISCLOSURE OF EARMARKS AND CONGRESSIONALLY DIRECTED SPENDING ITEMS

Following is a list of congressional earmarks and congressionally directed spending items (as defined in clause 9 of rule XXI of the Rules of the House of Representatives and rule XLIV of the Standing Rules of the Senate, respectively) included in the bill or this explanatory statement, along with the name of each Senator, House Member, Delegate, or Resident Commissioner who submitted a request to the House or Senate Committee of jurisdiction for each item so identified. Neither the bill nor the explanatory statement contains any limited tax benefits or limited tariff benefits as defined in the applicable House and Senate rules.

| H AGENCY | H ACCOUNT | C PROJECT | C AMOUNT | HOUSE | SENATE | ADMINISTRATION |
|---|---|---|---|---|---|---|
| Agricultural Research Service | Salaries and expenses | Animal Vaccines, Greenport, NY | 1,518,000 | DeLauro | | |
| Agricultural Research Service | Salaries and expenses | Aquaculture Fisheries Center, Stuttgart, AR | 519,000 | Berry; Ross | Lincoln; Pryor | |
| Agricultural Research Service | Salaries and expenses | Aquaculture Initiatives, Stuttgart, AR | 1,597,000 | Wasserman Schultz | | |
| Agricultural Research Service | Salaries and expenses | Biomass Crop Production, Brookings, SD | 1,250,000 | Herseth Sandlin | Johnson; Thune | |
| Agricultural Research Service | Salaries and expenses | Biomedical Materials in Plants (Biotech Foundation), Beltsville, MD | 1,700,000 | Hoyer | | |
| Agricultural Research Service | Salaries and expenses | Bioremediation Research, Beltsville, MD | 111,000 | Blumenauer; Hoyer; Schrader | Merkley; Wyden | |
| Agricultural Research Service | Salaries and expenses | Biotechnology Research and Development Center, Washington, DC | 3,500,000 | | Durbin | |
| Agricultural Research Service | Salaries and expenses | Computer Vision Engineer, Kearneysville, WV | 400,000 | | Rockefeller | |
| Agricultural Research Service | Salaries and expenses | Dairy Forage Research Center, Marshfield, WI | 2,500,000 | | Kohl | |
| Agricultural Research Service | Salaries and expenses | Dale Bumpers Small Farms Research Center, Booneville, AR | 1,805,000 | Berry; Ross | Lincoln; Pryor | |
| Agricultural Research Service | Salaries and expenses | Diet Nutrition and Obesity Research, New Orleans, LA | 623,000 | | Landrieu | |
| Agricultural Research Service | Salaries and expenses | Endophyte Research, Booneville, AR | 994,000 | Blumenauer; Ross; Schrader | Lincoln; Merkley; Pryor; Wyden | |
| Agricultural Research Service | Salaries and expenses | Forage Crop Stress Tolerance and Virus Disease Management, Prosser, WA | 200,000 | | Cantwell | |
| Agricultural Research Service | Salaries and expenses | Formosan Subterranean Termites Research, New Orleans, LA | 3,490,000 | Melancon | Landrieu | |
| Agricultural Research Service | Salaries and expenses | Human Nutrition Research, Boston, MA; Houston, TX; Kannapolis, NC | 1,650,000 | Bishop (GA); Capuano; Kissell; Markey (MA); Price (NC); Watt | Burr; Hagan; Hutchison; Kerry | |
| Agricultural Research Service | Salaries and expenses | Lyme Disease, 4 Poster Project, Washington, DC | 700,000 | DeLauro | | |
| Agricultural Research Service | Salaries and expenses | Medicinal and Bioactive Crops, Washington, DC | 111,000 | Hoyer | | |
| Agricultural Research Service | Salaries and expenses | Mosquito Trapping Research/West Nile Virus, Gainesville, FL | 1,454,000 | DeLauro | | |
| Agricultural Research Service | Salaries and expenses | National Center for Agricultural Law, Beltsville, MD | 654,000 | | Harkin; Lincoln; Pryor | |
| Agricultural Research Service | Salaries and expenses | Northern Great Plains Research Laboratory, Mandan, ND | 543,000 | Pomeroy | Conrad; Dorgan | |
| Agricultural Research Service | Salaries and expenses | Northwest Center for Small Fruits, Corvallis, OR | 275,000 | Blumenauer; Inslee; Larsen (WA); Schrader; Wu | Crapo; Merkley; Risch; Wyden | |
| Agricultural Research Service | Salaries and expenses | Peanut Research, Athens and Tifton, GA | 1,000,000 | Bishop (GA); Marshall; Scott (GA) | Chambliss | |
| Agricultural Research Service | Salaries and expenses | Phytoestrogen Research, New Orleans, LA | 1,750,000 | Cao; Kaptur | Landrieu | |
| Agricultural Research Service | Salaries and expenses | Poultry and Potato Disease Research, Beltsville, MD | 469,000 | Hoyer | Mikulski | |
| Agricultural Research Service | Salaries and expenses | Soil Management Research, Morris, MN | 500,000 | Peterson | Franken; Klobuchar | |
| Agricultural Research Service | Salaries and expenses | Sorghum Research, Little Rock, AR | 135,000 | Berry; Snyder | Lincoln; Pryor | |
| Agricultural Research Service | Salaries and expenses | Technology Transfer, Washington, DC | 250,000 | | Cochran | |
| Agricultural Research Service | Salaries and expenses | Water Management Research Laboratory, Brawley, CA | 340,000 | Filner | Boxer; Feinstein | |
| Agricultural Research Service | Salaries and expenses | Water Use Reduction, Dawson, GA | 1,200,000 | Bishop (GA); Johnson (GA); Marshall; Scott (GA) | Chambliss; Isakson | |
| Agricultural Research Service | Salaries and expenses | Wild Rice and Soybean Research, St. Paul, MN | 503,000 | Peterson; Walz | | |
| Agricultural Research Service | Buildings and facilities | U.S. Agricultural Research Service facility, Auburn, AL | 6,000,000 | | Shelby | |
| Agricultural Research Service | Buildings and facilities | U.S. Agricultural Research Service facility, Beltsville, MD | 3,000,000 | Hoyer | Mikulski | |
| Agricultural Research Service | Buildings and facilities | U.S. Agricultural Research Service facility, Bowling Green, KY | 5,000,000 | | McConnell | |
| Agricultural Research Service | Buildings and facilities | U.S. Agricultural Research Service facility, Bozeman, MT | 3,000,000 | | Baucus; Tester | |
| Agricultural Research Service | Buildings and facilities | U.S. Agricultural Research Service facility, Canal Point, FL | 3,654,000 | Boyd; Grayson; Hastings (FL); Klein (FL); Meek (FL); Melancon; Wasserman Schultz | | |
| Agricultural Research Service | Buildings and facilities | U.S. Agricultural Research Service facility, Davis, CA | 3,000,000 | Thompson (CA) | | |
| Agricultural Research Service | Buildings and facilities | U.S. Agricultural Research Service facility, Geneva, NY | 3,654,000 | Arcuri; Hinchey | | |
| Agricultural Research Service | Buildings and facilities | U.S. Agricultural Research Service facility, Hilo, HI | 5,000,000 | Hirono | Akaka; Inouye | |
| Agricultural Research Service | Buildings and facilities | U.S. Agricultural Research Service facility, Houma, LA | 1,000,000 | Melancon | Landrieu; Vitter | |
| Agricultural Research Service | Buildings and facilities | U.S. Agricultural Research Service facility, Kearneysville, WV | 1,500,000 | | Rockefeller | |
| Agricultural Research Service | Buildings and facilities | U.S. Agricultural Research Service facility, Lincoln, NE | 4,000,000 | | Nelson, Ben | |
| Agricultural Research Service | Buildings and facilities | U.S. Agricultural Research Service facility, Logan, UT | 6,000,000 | | Bennett | |
| Agricultural Research Service | Buildings and facilities | U.S. Agricultural Research Service facility, Lorman, MS | 3,000,000 | | Cochran | |
| Agricultural Research Service | Buildings and facilities | U.S. Agricultural Research Service facility, Orono, ME | 1,500,000 | Michaud; Pingree (ME) | Collins; Snowe | |
| Agricultural Research Service | Buildings and facilities | U.S. Agricultural Research Service facility, Prairie du Sac, WI | 1,000,000 | | Kohl | |
| Agricultural Research Service | Buildings and facilities | U.S. Agricultural Research Service facility, Pullman, WA | 5,000,000 | Dicks | Cantwell; Murray | |
| Agricultural Research Service | Buildings and facilities | U.S. Agricultural Research Service facility, Salinas, CA | 5,350,000 | Farr | | |
| Agricultural Research Service | Buildings and facilities | U.S. Agricultural Research Service facility, Storrs, CT | 3,654,000 | DeLauro | | |
| Agricultural Research Service | Buildings and facilities | U.S. Agricultural Research Service facility, Toledo, OH | 3,654,000 | Kaptur | | |
| National Institute of Food and Agriculture | Extension | Childhood Farm Safety, Urbandale, IA | 75,000 | | Grassley; Harkin | |
| National Institute of Food and Agriculture | Extension | Conservation Technology Transfer, WI | 376,000 | | Kohl | |
| National Institute of Food and Agriculture | Extension | Dairy Education, IA | 175,000 | | Grassley; Harkin | |
| National Institute of Food and Agriculture | Extension | Dairy Management, NY | 200,000 | Murphy (NY) | | |

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|---|---|---|---|---|---|---|
| National Institute of Food and Agriculture | Extension | Diabetes Detection and Prevention, WA, PA | 1,033,000 | Fattah | Murray | |
| National Institute of Food and Agriculture | Extension | E-commerce, MS | 231,000 | Childers | Cochran; Wicker | |
| National Institute of Food and Agriculture | Extension | Efficient Irrigation, NM, TX | 1,610,000 | Edwards (TX); Reyes; Rodriguez; Teague | Bingaman; Cornyn; Hutchison | |
| National Institute of Food and Agriculture | Extension | Extension Specialist, MS | 173,000 | | Cochran; Wicker | |
| National Institute of Food and Agriculture | Extension | Food Production Education, VT | 116,000 | | Sanders | |
| National Institute of Food and Agriculture | Extension | Health Education Leadership, KY | 300,000 | | McConnell | |
| National Institute of Food and Agriculture | Extension | Income Enhancement Demonstration, OH | 864,000 | Kaptur | | |
| National Institute of Food and Agriculture | Extension | Institute for Sustainable Agriculture, WI | 400,000 | Baldwin | Kohl | |
| National Institute of Food and Agriculture | Extension | Invasive Phragmites Control and Outreach, MI | 147,000 | | Levin; Stabenow | |
| National Institute of Food and Agriculture | Extension | Iowa Vitality Center, IA | 250,000 | | Harkin | |
| National Institute of Food and Agriculture | Extension | Maine Cattle Health Assurance Program, ME | 700,000 | | Collins | |
| National Institute of Food and Agriculture | Extension | National Center for Farm Safety, IA | 150,000 | | Harkin | |
| National Institute of Food and Agriculture | Extension | Northeast Energy and Environmental Dairy System, PA | 305,000 | Hinchey; Holden | Specter | |
| National Institute of Food and Agriculture | Extension | Nutrition Enhancement, WI | 950,000 | | Kohl | |
| National Institute of Food and Agriculture | Extension | Ohio-Israel Agriculture Initiative, OH | 700,000 | | Brown, Sherrod; Voinovich | |
| National Institute of Food and Agriculture | Extension | Pilot Technology Transfer, MS, OK | 209,000 | Boren | Cochran; Inhofe; Wicker | |
| National Institute of Food and Agriculture | Extension | Pilot Technology Transfer, WI | 174,000 | Obey | | |
| National Institute of Food and Agriculture | Extension | Potato Integrated Pest Management, ME | 450,000 | Michaud; Pingree (ME) | Collins; Snowe | |
| National Institute of Food and Agriculture | Extension | Potato Pest Management, WI | 277,000 | Obey | | |
| National Institute of Food and Agriculture | Extension | Range Improvement, NM | 209,000 | Lujan; Teague | Bingaman; Udall, Tom | |
| National Institute of Food and Agriculture | Extension | Sustainable Agriculture Center, TN | 500,000 | Davis (TN) | | |
| National Institute of Food and Agriculture | Extension | University of Wisconsin-Extension Northern Aquaculture Demonstation Facility | 450,000 | Obey | | |
| National Institute of Food and Agriculture | Extension | Urban Horticulture and Marketing, IL | 175,000 | Davis (IL); Gutierrez; Jackson (IL) | Durbin | |
| National Institute of Food and Agriculture | Extension | Urban Horticulture, WI | 376,000 | | Kohl | |
| National Institute of Food and Agriculture | RE/FA | Ag-Based Industrial Lubricants, IA | 405,000 | Braley (IA) | Grassley; Harkin | |
| National Institute of Food and Agriculture | RE/FA | Agbioworks Initiative, TN | 500,000 | Cohen | | |
| National Institute of Food and Agriculture | RE/FA | Agricultural Research Training, IL | 495,000 | Costello | | |
| National Institute of Food and Agriculture | RE/FA | Agriculture Development in the American Pacific | 400,000 | Bordallo; Hirono | Akaka; Inouye | |
| National Institute of Food and Agriculture | RE/FA | Agriculture Technology Innovation, MD | 150,000 | | Cardin | |
| National Institute of Food and Agriculture | RE/FA | Agriculture Waste Utilization, WV | 500,000 | | Rockefeller | |
| National Institute of Food and Agriculture | RE/FA | Applied Agriculture and Environmental Research, CA | 693,000 | Capps; Costa; Farr; McNerney; Napolitano; Schiff; Thompson (CA) | Boxer; Feinstein | |
| National Institute of Food and Agriculture | RE/FA | Aquaculture Research and Education Center, PA | 300,000 | Sestak | | |
| National Institute of Food and Agriculture | RE/FA | Biofuel and Feedstock Research, OH | 500,000 | Kaptur | | |

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|---|---|---|---|---|---|---|
| National Institute of Food and Agriculture | RE/FA | Biofuels Research, VT | 100,000 | | Sanders | |
| National Institute of Food and Agriculture | RE/FA | Biotechnology Research, MS | 480,000 | Thompson (MS) | Cochran; Wicker | |
| National Institute of Food and Agriculture | RE/FA | Cellulosic Biomass, SC | 469,000 | Clyburn | | |
| National Institute of Food and Agriculture | RE/FA | Center for Dairy and Beef Excellence, PA | 340,000 | Holden | Specter | |
| National Institute of Food and Agriculture | RE/FA | Center for Innovative Food Technology, OH | 793,000 | Kaptur | | |
| National Institute of Food and Agriculture | RE/FA | Center for North American Studies, TX | 693,000 | Edwards (TX) | Bingaman; Udall, Tom | |
| National Institute of Food and Agriculture | RE/FA | Clemson University Veterinary Institute, SC | 1,000,000 | Clyburn; Spratt | Graham | |
| National Institute of Food and Agriculture | RE/FA | Climate Forecasting, FL | 2,494,000 | Boyd; Miller (NC) | | |
| National Institute of Food and Agriculture | RE/FA | Converting Agricultural Waste to Energy, KS | 2,000,000 | | Brownback | |
| National Institute of Food and Agriculture | RE/FA | Cotton Research, TX | 200,000 | Edwards (TX) | Cornyn; Hutchison | |
| National Institute of Food and Agriculture | RE/FA | Council for Agriculture Science and Technology, IA | 110,000 | | Harkin | |
| National Institute of Food and Agriculture | RE/FA | Development of Biobased Chemicals and Materials from Agriculture Raw Materials, MI | 125,000 | | Levin; Stabenow | |
| National Institute of Food and Agriculture | RE/FA | Dietary Intervention, OH | 866,000 | Kaptur | Brown, Sherrod; Voinovich | |
| National Institute of Food and Agriculture | RE/FA | Ethnobotanicals, MD | 500,000 | | Cardin | |
| National Institute of Food and Agriculture | RE/FA | Farmland Preservation, OH | 152,000 | Boccieri; Ryan (OH) | Brown, Sherrod | |
| National Institute of Food and Agriculture | RE/FA | Florida Biomass to Biofuels Conversion Program, FL | 285,000 | Brown, Corrine; Grayson; Kosmas | Nelson, Bill | |
| National Institute of Food and Agriculture | RE/FA | Greenhouse Nurseries, OH | 1,504,000 | Kaptur | Brown, Sherrod | |
| National Institute of Food and Agriculture | RE/FA | High Value Horticultural Crops, VA | 502,000 | Perriello | Warner; Webb | |
| National Institute of Food and Agriculture | RE/FA | International Center for Food Technology Development to Expand Markets, IN | 450,000 | | Lugar | |
| National Institute of Food and Agriculture | RE/FA | Kansas Advanced Biofuel Development | 2,000,000 | | Brownback | |
| National Institute of Food and Agriculture | RE/FA | Kansas Center for Advanced Plant Design | 2,000,000 | | Brownback | |
| National Institute of Food and Agriculture | RE/FA | Mariculture, NC | 220,000 | McIntyre | Burr; Hagan | |
| National Institute of Food and Agriculture | RE/FA | Midwest Agribusiness Trade and Information Center MATRIC, IA | 95,000 | | Harkin | |
| National Institute of Food and Agriculture | RE/FA | Mississippi Valley State University | 1,002,000 | Thompson (MS) | Cochran | |
| National Institute of Food and Agriculture | RE/FA | New England Center for Invasive Plants, CT, ME, VT | 295,000 | DeLauro; Michaud; Pingree (ME) | Collins; Snowe | |
| National Institute of Food and Agriculture | RE/FA | Nutrition and Diet Research, CA | 925,000 | Baca | | |
| National Institute of Food and Agriculture | RE/FA | Nutrition Research, NY | 188,000 | Serrano | | |
| National Institute of Food and Agriculture | RE/FA | Pasteurization of Shell Eggs, MI | 935,000 | Dingell | | |
| National Institute of Food and Agriculture | RE/FA | PM-10 Study, WA | 268,000 | Dicks | Cantwell; Murray | |
| National Institute of Food and Agriculture | RE/FA | Polymer Research, KS | 2,350,000 | | Brownback | |
| National Institute of Food and Agriculture | RE/FA | Rural Systems, MS | 215,000 | Thompson (MS) | Cochran; Wicker | |
| National Institute of Food and Agriculture | RE/FA | Shrimp Aquaculture, AZ, HI, LA, MA, MS, SC, TX | 2,908,000 | Abercrombie; Grijalva; Hirono; Neal; Ortiz; Pastor (AZ) | Cochran; Wicker | |
| National Institute of Food and Agriculture | RE/FA | Sustainable Agricultural Freshwater Conservation, TX | 1,434,000 | Reyes; Rodriguez | | |

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| National Institute of Food and Agriculture | RE/FA | Sustainable Agriculture and Rural Development Law Center, VT | 437,000 | | Leahy | |
| National Institute of Food and Agriculture | RE/FA | University of Wisconsin- Stevens Point- Institute for Sustainable Technologies | 1,400,000 | Obey | | |
| National Institute of Food and Agriculture | RE/FA | Viral Hemorrhagic Septicemia, OH | 500,000 | Kaptur | Brown, Sherrod; Voinovich | |
| National Institute of Food and Agriculture | RE/FA | Water Pollutants, WV | 500,000 | | Rockefeller | |
| National Institute of Food and Agriculture | SRG | Advanced Genetic Technologies, KY | 650,000 | | McConnell | |
| National Institute of Food and Agriculture | SRG | Advancing Biofuel Production, TX | 300,000 | Edwards (TX) | Hutchison | |
| National Institute of Food and Agriculture | SRG | Aegilops Cylindrica, WA | 245,000 | Dicks; Inslee | Cantwell; Murray | |
| National Institute of Food and Agriculture | SRG | Agricultural Diversification, HI | 153,000 | Hirono | Akaka; Inouye | |
| National Institute of Food and Agriculture | SRG | Agricultural Entrepreneurial Alternatives, PA | 233,000 | Carney; Dahlkemper; Holden | Specter | |
| National Institute of Food and Agriculture | SRG | Agricultural Marketing, IL | 176,000 | Jackson (IL) | | |
| National Institute of Food and Agriculture | SRG | Agriculture Science, OH | 450,000 | Boccieri; Kaptur | Brown, Sherrod; Voinovich | |
| National Institute of Food and Agriculture | SRG | Agroecology/Chesapeake Bay Agro-ecology, MD | 439,000 | Cummings; Ruppersberger; Sarbanes | | |
| National Institute of Food and Agriculture | SRG | Air Quality, KS, TX | 300,000 | Edwards (TX) | Cornyn; Roberts | |
| National Institute of Food and Agriculture | SRG | Animal Science Food Safety Consortium, AR, IA, KS | 1,000,000 | | Grassley; Harkin; Lincoln; Pryor; Roberts | |
| National Institute of Food and Agriculture | SRG | Aquaculture, CA, FL, TX | 416,000 | Davis (CA) | | |
| National Institute of Food and Agriculture | SRG | Aquaculture, ID, WA | 529,000 | Baird; Dicks | Cantwell; Crapo; Murray; Risch | |
| National Institute of Food and Agriculture | SRG | Aquaculture, LA | 150,000 | | Landrieu; Vitter | |
| National Institute of Food and Agriculture | SRG | Aquaculture, MS | 337,000 | | Cochran; Wicker | |
| National Institute of Food and Agriculture | SRG | Aquaculture, NC | 227,000 | Butterfield; Etheridge; Price (NC) | Burr; Hagan | |
| National Institute of Food and Agriculture | SRG | Avian Bioscience, DE | 150,000 | | Carper; Kaufman | |
| National Institute of Food and Agriculture | SRG | Babcock Institute, WI | 416,000 | Baldwin | | |
| National Institute of Food and Agriculture | SRG | Barley for Rural Development, ID | 500,000 | | Baucus; Crapo; Risch; Tester | |
| National Institute of Food and Agriculture | SRG | Beef Improvement Research, MO, TX | 693,000 | Rodriguez | | |
| National Institute of Food and Agriculture | SRG | Bioactive Foods Research for Health and Food Safety, MA | 525,000 | Olver | Kerry | |
| National Institute of Food and Agriculture | SRG | Biodesign and Processing Research Center, VA | 868,000 | Boucher | Warner; Webb | |
| National Institute of Food and Agriculture | SRG | Bioenergy Production and Carbon Sequestration, TN | 500,000 | Davis (TN) | Alexander | |
| National Institute of Food and Agriculture | SRG | Biomass-based Energy Research, MS, OK | 839,000 | Boren | Cochran; Inhofe; Wicker | |
| National Institute of Food and Agriculture | SRG | Bioresource Land Use Planning Project, KY | 671,000 | | McConnell | |
| National Institute of Food and Agriculture | SRG | Biotechnology, NC | 199,000 | Etheridge; Miller (NC); Price (NC) | Burr; Hagan | |
| National Institute of Food and Agriculture | SRG | Bovine Tuberculosis, MI, MN | 246,000 | McCollum; Peterson | Franken; Klobuchar; Levin; Stabenow | |
| National Institute of Food and Agriculture | SRG | Cataloging Genes Associated with Drought and Disease Resistance, NM | 168,000 | Teague | Bingaman; Udall, Tom | |
| National Institute of Food and Agriculture | SRG | Center for Food, Nutrition, and Obesity, WV | 550,000 | | Rockefeller | |
| National Institute of Food and Agriculture | SRG | Center for Multi-Functional Prairie Agriculture, SD | 700,000 | Herseth Sandlin | Johnson; Thune | |

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| National Institute of Food and Agriculture | SRG | Center for One Medicine, IL | 500,000 | | Burris; Durbin | |
| National Institute of Food and Agriculture | SRG | Center for Rural Studies, VT | 350,000 | | Leahy | |
| National Institute of Food and Agriculture | SRG | Childhood Obesity and Nutrition, VT | 250,000 | | Leahy | |
| National Institute of Food and Agriculture | SRG | Competitiveness of Agricultural Products, WA | 469,000 | Dicks; Larsen (WA) | Cantwell; Murray | |
| National Institute of Food and Agriculture | SRG | Cool Season Legume Research, ID, ND, WA | 350,000 | Dicks; Pomeroy | Cantwell; Conrad; Dorgan; Murray | |
| National Institute of Food and Agriculture | SRG | Cotton Insect Management and Fiber Quality, GA | 346,000 | Barrow; Bishop (GA); Johnson (GA); Marshall; Scott (GA) | Chambliss; Isakson | |
| National Institute of Food and Agriculture | SRG | Cranberry/Blueberry Disease and Breeding, NJ | 522,000 | Holt; Pallone; Rothman (NJ) | Lautenberg; Menendez | |
| National Institute of Food and Agriculture | SRG | Cranberry/Blueberry, MA | 152,000 | Frank (MA) | Kerry | |
| National Institute of Food and Agriculture | SRG | Crop Adaptation, TN | 500,000 | Davis (TN) | | |
| National Institute of Food and Agriculture | SRG | Crop Diversification and Biofuel Research and Education , KY | 525,000 | | McConnell | |
| National Institute of Food and Agriculture | SRG | Crop Pathogens, NC | 225,000 | Butterfield; Etheridge; Miller (NC); Price (NC) | Burr; Hagan | |
| National Institute of Food and Agriculture | SRG | Dairy and Meat Goat Research, TX | 200,000 | | Hutchison | |
| National Institute of Food and Agriculture | SRG | Dairy Farm Profitability, PA | 372,000 | Altmire; Carney; Dahlkemper; Holden | Casey; Specter | |
| National Institute of Food and Agriculture | SRG | Delta Revitalization Project, MS | 176,000 | | Cochran; Wicker | |
| National Institute of Food and Agriculture | SRG | Designing Foods for Health, TX | 885,000 | Edwards (TX); Rodriguez | | |
| National Institute of Food and Agriculture | SRG | Detection and Food Safety, AL | 1,748,000 | Bright | Sessions | |
| National Institute of Food and Agriculture | SRG | Drought Mitigation, NE | 600,000 | | Nelson, Ben | |
| National Institute of Food and Agriculture | SRG | Efficient Irrigation, NM, TX | 1,160,000 | Edwards (TX); Heinrich; Reyes; Rodriguez | Bingaman; Cornyn; Hutchison; Udall, Tom | |
| National Institute of Food and Agriculture | SRG | Emerald Ash Borer, OH | 522,000 | | Brown, Sherrod | |
| National Institute of Food and Agriculture | SRG | Environmental Research, NY | 258,000 | Hinchey | | |
| National Institute of Food and Agriculture | SRG | Environmentally Safe Products, VT | 250,000 | | Leahy | |
| National Institute of Food and Agriculture | SRG | Expanded Wheat Pasture, OK | 223,000 | Boren | Inhofe | |
| National Institute of Food and Agriculture | SRG | Floriculture, HI | 300,000 | Abercrombie; Hirono | Akaka; Inouye | |
| National Institute of Food and Agriculture | SRG | Food & Fuel Initiative, IA | 298,000 | | Harkin | |
| National Institute of Food and Agriculture | SRG | Food and Agriculture Policy Research Institute | 1,213,000 | | Bond; Harkin; Reid | |
| National Institute of Food and Agriculture | SRG | Food Marketing Policy Center, CT | 401,000 | DeLauro | | |
| National Institute of Food and Agriculture | SRG | Food Safety Research Consortium, NY | 693,000 | Hinchey | Gillibrand | |
| National Institute of Food and Agriculture | SRG | Food Security, WA | 276,000 | Dicks | Murray | |
| National Institute of Food and Agriculture | SRG | Forages for Advancing Livestock Production, KY | 473,000 | | McConnell | |
| National Institute of Food and Agriculture | SRG | Forestry Research, AR | 319,000 | Ross | Lincoln; Pryor | |
| National Institute of Food and Agriculture | SRG | Fresh Produce Food Safety, CA | 750,000 | Thompson (CA) | Boxer; Feinstein | |
| National Institute of Food and Agriculture | SRG | Genetically Enhanced Plants for Micro-nutrients and Genomics for Southern Crop Stress and Disease, MS | 797,000 | | Cochran; Wicker | |
| National Institute of Food and Agriculture | SRG | Geographic Information System | 1,248,000 | Carney; Kanjorski | Casey | |

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| National Institute of Food and Agriculture | SRG | Global Change/UVB Radiation | 1,500,000 | | | The President |
| National Institute of Food and Agriculture | SRG | Grain Sorghum, KS, TX | 1,250,000 | Edwards (TX) | Brownback; Roberts | |
| National Institute of Food and Agriculture | SRG | Grass Seed Cropping for Sustainable Agriculture, ID, OR, WA | 142,000 | Dicks; Schrader; Wu | Cantwell; Merkley; Murray; Wyden | |
| National Institute of Food and Agriculture | SRG | Human Nutrition, LA | 526,000 | | Landrieu | |
| National Institute of Food and Agriculture | SRG | Human Nutrition, NY | 377,000 | Hinchey | | |
| National Institute of Food and Agriculture | SRG | Illinois Plant Breeding Center, IL | 617,000 | Jackson (IL) | Durbin | |
| National Institute of Food and Agriculture | SRG | Improved Dairy Management Practices, PA | 243,000 | Carney; Holden | Casey; Specter | |
| National Institute of Food and Agriculture | SRG | Infectious Disease Research, CO | 617,000 | Markey (CO) | Bennet; Udall, Mark | |
| National Institute of Food and Agriculture | SRG | Inland Marine Aquaculture, VA | 400,000 | Boucher; Perriello | Warner; Webb | |
| National Institute of Food and Agriculture | SRG | Institute for Food Science and Engineering, AR | 500,000 | | Lincoln; Pryor | |
| National Institute of Food and Agriculture | SRG | Integrated Economic, Environmental and Technical Analysis of Sustainable Biomass Energy Systems, IN | 188,000 | | Lugar | |
| National Institute of Food and Agriculture | SRG | Integrated Production Systems, OK | 177,000 | Boren | Inhofe | |
| National Institute of Food and Agriculture | SRG | International Arid Lands Consortium, AZ | 401,000 | Grijalva; Herseth Sandlin; Hinojosa; Ortiz; Pastor (AZ) | Bingaman; Johnson; Udall, Tom | |
| National Institute of Food and Agriculture | SRG | Leopold Center Hypoxia Project, IA | 100,000 | | Harkin | |
| National Institute of Food and Agriculture | SRG | Livestock and Dairy Policy, NY, TX | 693,000 | Edwards (TX); Hinchey | Gillibrand; Schumer | |
| National Institute of Food and Agriculture | SRG | Maple Research, VT | 165,000 | | Leahy | |
| National Institute of Food and Agriculture | SRG | Midwest Center for Bioenergy Grasses, IN | 188,000 | | Lugar | |
| National Institute of Food and Agriculture | SRG | Midwest Poultry Consortium, IA | 250,000 | | Franken; Harkin; Klobuchar | |
| National Institute of Food and Agriculture | SRG | Milk Safety, PA | 780,000 | Carney; Holden | Casey; Specter | |
| National Institute of Food and Agriculture | SRG | Minor Use Animal Drugs | 429,000 | Hinchey | Stabenow | The President |
| National Institute of Food and Agriculture | SRG | Molluscan Shellfish, OR | 253,000 | Schrader; Wu | Merkley; Wyden | |
| National Institute of Food and Agriculture | SRG | Multi-commodity Research, OR | 244,000 | Blumenauer; DeFazio; Schrader; Wu | Merkley; Wyden | |
| National Institute of Food and Agriculture | SRG | National Beef Cattle Genetic Evaluation Consortium, CO, GA, NY | 655,000 | Boswell; Hinchey, Markey (CO); Marshall; Scott (GA) | Bennet; Chambliss | |
| National Institute of Food and Agriculture | SRG | National Biological Impact Assessment Program | 184,000 | Boucher | | The President |
| National Institute of Food and Agriculture | SRG | National Center for Agricultural and Rural Sustainability, AR | 175,000 | | Lincoln; Pryor | |
| National Institute of Food and Agriculture | SRG | National Center for Soybean Technology, MO | 690,000 | | Bond | |
| National Institute of Food and Agriculture | SRG | Native Grassland and Sustainability, KS | 1,000,000 | | Brownback | |
| National Institute of Food and Agriculture | SRG | Nematode Resistance Genetic Engineering, NM | 199,000 | Teague | Bingaman; Udall, Tom | |
| National Institute of Food and Agriculture | SRG | Nevada Arid Rangelands Initiative, NV | 500,000 | | Reid | |
| National Institute of Food and Agriculture | SRG | New Century Farm, IA | 350,000 | Boswell | Grassley; Harkin | |
| National Institute of Food and Agriculture | SRG | New Satellite and Computer-Based Technology for Agriculture, MS | 654,000 | | Cochran; Wicker | |
| National Institute of Food and Agriculture | SRG | Organic Cropping, OR | 142,000 | Blumenauer; DeFazio; Schrader; Wu | Merkley; Wyden | |
| National Institute of Food and Agriculture | SRG | Organic Cropping, WA | 264,000 | Dicks; Larsen (WA); Smith (WA) | Cantwell; Murray | |

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| National Institute of Food and Agriculture | SRG | Oyster Safety, FL | 500,000 | Boyd | | |
| National Institute of Food and Agriculture | SRG | Phytophthora Research, MI | 346,000 | Conyers; Dingell; Kildee | Levin; Stabenow | |
| National Institute of Food and Agriculture | SRG | Pierce's Disease, CA | 2,000,000 | Capps; Thompson (CA) | Boxer; Feinstein | |
| National Institute of Food and Agriculture | SRG | Policy Analyses for National Secure and Sustainable Food, Fiber, Forestry and Energy Program, TX | 200,000 | Edwards (TX) | Hutchison | |
| National Institute of Food and Agriculture | SRG | Preharvest Food Safety, KS | 500,000 | Moore (KS) | Brownback; Roberts | |
| National Institute of Food and Agriculture | SRG | Protein Production for Research to Combat Viruses and Microbes, CT | 500,000 | DeLauro | | |
| National Institute of Food and Agriculture | SRG | Protein Utilization, IA | 500,000 | | Grassley; Harkin | |
| National Institute of Food and Agriculture | SRG | Rangeland Ecosystems Dynamics, ID | 300,000 | | Crapo; Risch | |
| National Institute of Food and Agriculture | SRG | Regionalized Implications of Farm Programs, MO, TX | 595,000 | Edwards (TX) | | |
| National Institute of Food and Agriculture | SRG | Renewable Energy and Products, ND | 1,000,000 | Pomeroy | Conrad; Dorgan | |
| National Institute of Food and Agriculture | SRG | Rural Policies Research Institute | 755,000 | | Harkin | |
| National Institute of Food and Agriculture | SRG | Russian Wheat Aphid, CO | 237,000 | Markey (CO) | Bennet; Udall, Mark | |
| National Institute of Food and Agriculture | SRG | Small Fruit Research, ID, OR, WA | 307,000 | Blumenauer; Dicks; Larsen (WA); Schrader; Wu | Cantwell; Crapo; Merkley; Murray; Risch; Wyden | |
| National Institute of Food and Agriculture | SRG | Soil-borne Disease Prevention in Irrigated Agriculture, NM | 178,000 | Teague | Bingaman; Udall, Tom | |
| National Institute of Food and Agriculture | SRG | Southern Great Plains Dairy Consortium, NM | 350,000 | Heinrich; Lujan; Pastor (AZ); Teague | Bingaman; Udall, Tom | |
| National Institute of Food and Agriculture | SRG | Southwest Consortium for Plant Genetics and Water Resources, NM | 271,000 | Grijalva; Pastor (AZ); Teague | Bingaman; Udall, Tom | |
| National Institute of Food and Agriculture | SRG | Soybean Cyst Nematode, MO | 556,000 | Clay | Bond | |
| National Institute of Food and Agriculture | SRG | Soybean Research, IL | 745,000 | Jackson (IL) | Burris | |
| National Institute of Food and Agriculture | SRG | Specialty Crops, IN | 220,000 | Ellsworth | | |
| National Institute of Food and Agriculture | SRG | STEEP IV -- Water Quality in Northwest | 444,000 | Dicks; McDermott; Schrader; Wu | Cantwell; Crapo; Merkley; Murray; Risch; Wyden | |
| National Institute of Food and Agriculture | SRG | Sustainable Agriculture and Natural Resources, PA | 133,000 | Holden | Specter | |
| National Institute of Food and Agriculture | SRG | Sustainable Agriculture, CA | 357,000 | Farr | | |
| National Institute of Food and Agriculture | SRG | Sustainable Engineered Materials from Renewable Sources, VA | 485,000 | Boucher | Warner; Webb | |
| National Institute of Food and Agriculture | SRG | Sustainable Food and Bio-Energy Systems, MT | 305,000 | | Tester | |
| National Institute of Food and Agriculture | SRG | Sustainable Production and Processing Research for Lowbush Specialty Crops, ME | 200,000 | Michaud; Pingree (ME) | Collins; Snowe | |
| National Institute of Food and Agriculture | SRG | Sustainable Wheat Production and Food Security, SD | 600,000 | Herseth Sandlin | Johnson; Thune | |
| National Institute of Food and Agriculture | SRG | Swine and Other Animal Waste Management, NC | 349,000 | Butterfield; Etheridge; Miller (NC); Price (NC) | | |
| National Institute of Food and Agriculture | SRG | Texas Obesity Research Project | 500,000 | Johnson, Eddie Bernice | | |
| National Institute of Food and Agriculture | SRG | Tick Borne Disease Prevention, RI | 280,000 | Kennedy; Langevin | Reed; Whitehouse | |
| National Institute of Food and Agriculture | SRG | Tillage, Silviculture, Waste Management, LA | 180,000 | Melancon | Landrieu | |
| National Institute of Food and Agriculture | SRG | Tri-state Joint Peanut Research, AL | 413,000 | Bright | Chambliss | |
| National Institute of Food and Agriculture | SRG | Tropical and Subtropical Research/T-Star | 5,000,000 | Abercrombie; Bordallo; Hirono; Wasserman Schultz | Akaka; Inouye | |
| National Institute of Food and Agriculture | SRG | Virtual Plant Database Enhancement Project, MO | 588,000 | Carnahan | Bond | |

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| National Institute of Food and Agriculture | SRG | Virus-free Wine Grape Cultivars, WA | 247,000 | Dicks; Inslee; Larsen (WA) | Cantwell; Murray | |
| National Institute of Food and Agriculture | SRG | Viticulture Consortium, CA, NY, PA | 1,454,000 | Farr; Hinchey; Thompson (CA) | Boxer | |
| National Institute of Food and Agriculture | SRG | Water Conservation, KS | 600,000 | | Brownback; Roberts | |
| National Institute of Food and Agriculture | SRG | Wetland Plants, LA | 200,000 | Melancon | Landrieu; Vitter | |
| National Institute of Food and Agriculture | SRG | Wheat Genetic Research, KS | 1,250,000 | | Brownback; Roberts | |
| National Institute of Food and Agriculture | SRG | Wildlife/Livestock Disease Research Partnership, WY | 300,000 | | Barrasso | |
| National Institute of Food and Agriculture | SRG | Wood Utilization, AK, ID, LA, ME, MI, MN, MS, NC, OR, TN, WV | 4,841,000 | Butterfield; Childers; DeFazio; Michaud; Miller (NC); Oberstar; Pingree (ME); Price (NC); Schrader; Wu; Young (AK) | Burr; Cochran; Collins; Crapo; Franken; Klobuchar; Landrieu; Levin; Merkley; Murkowski; Risch; Rockefeller; Snowe; Stabenow; Wicker; Wyden | |
| National Institute of Food and Agriculture | SRG | World Food and Health Initiative, IL | 461,000 | Jackson (IL) | Burris | |
| Animal and Plant Health Inspection Service | Salaries and expenses | Adirondack Park Management, NY | 500,000 | Owens | | |
| Animal and Plant Health Inspection Service | Salaries and expenses | Agriculture Compliance Laboratory Equipment, DE | 69,000 | | Carper; Kaufman | |
| Animal and Plant Health Inspection Service | Salaries and expenses | Arthropod Damage Control, NV | 1,000,000 | | Reid | |
| Animal and Plant Health Inspection Service | Salaries and expenses | Beaver Management, NC | 208,000 | McIntyre; Price (NC) | Hagan | |
| Animal and Plant Health Inspection Service | Salaries and expenses | Berryman Institute, MS, UT | 1,500,000 | | Bennett; Cochran; Wicker | |
| Animal and Plant Health Inspection Service | Salaries and expenses | Bio-safety and Antibiotic Resistance, VT | 240,000 | | Leahy | |
| Animal and Plant Health Inspection Service | Salaries and expenses | Blackbird Management, LA | 94,000 | | Landrieu | |
| Animal and Plant Health Inspection Service | Salaries and expenses | Bovine Tuberculosis Eradication, MI | 248,000 | Stupak | Levin; Stabenow | |
| Animal and Plant Health Inspection Service | Salaries and expenses | Brucellosis Eradication in the Greater Yellowstone Area States, ID, MT, WY | 650,000 | | Barrasso; Baucus; Crapo; Enzi; Risch; Tester | |
| Animal and Plant Health Inspection Service | Salaries and expenses | California County Pest Detection Augmentation Program | 619,000 | Capps; Costa; Farr | Boxer; Feinstein | |
| Animal and Plant Health Inspection Service | Salaries and expenses | Chronic Wasting Disease Surveillance, WI | 1,024,000 | Kagen; Obey | | |
| Animal and Plant Health Inspection Service | Salaries and expenses | Cogongrass Control, MS | 208,000 | | Cochran | |
| Animal and Plant Health Inspection Service | Salaries and expenses | Cooperative Livestock Protection Program, PA | 223,000 | | Specter | |
| Animal and Plant Health Inspection Service | Salaries and expenses | Cormorant Control, MI | 139,000 | Stupak | Levin; Stabenow | |
| Animal and Plant Health Inspection Service | Salaries and expenses | Cormorant Control, MS | 223,000 | | Cochran | |
| Animal and Plant Health Inspection Service | Salaries and expenses | Cormorant Control, VT | 103,000 | | Leahy | |
| Animal and Plant Health Inspection Service | Salaries and expenses | Database of North Carolina's Agricultural Industry for Rapid Response | 208,000 | Etheridge; Kissell; McIntyre; Miller (NC); Price (NC) | Burr; Hagan | |
| Animal and Plant Health Inspection Service | Salaries and expenses | Disease Prevention, LA | 69,000 | Melancon | Landrieu | |
| Animal and Plant Health Inspection Service | Salaries and expenses | Genetically Modified Products, IA | 259,000 | | Grassley; Harkin | |
| Animal and Plant Health Inspection Service | Salaries and expenses | Giant Salvinia Control, LA | 500,000 | | Landrieu | |
| Animal and Plant Health Inspection Service | Salaries and expenses | Hawaii Interline, HI | 3,000,000 | Abercrombie; Hirono | Akaka; Inouye | |
| Animal and Plant Health Inspection Service | Salaries and expenses | Hawaii Wildlife Services Activities | 2,230,000 | Abercrombie; Hirono | Akaka; Inouye | |
| Animal and Plant Health Inspection Service | Salaries and expenses | Hemlock Woolly Adelgid, TN | 1,250,000 | | Alexander | |
| Animal and Plant Health Inspection Service | Salaries and expenses | Integrated Predation Management Activities, WV | 280,000 | | Rockefeller | |

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| Animal and Plant Health Inspection Service | Salaries and expenses | Johne's Disease Activities, WI | 939,000 | Kagen; Obey | | |
| Animal and Plant Health Inspection Service | Salaries and expenses | National Agriculture Biosecurity Center, KS | 750,000 | Moore (KS) | Brownback; Roberts | |
| Animal and Plant Health Inspection Service | Salaries and expenses | National Wildlife Research Station, TX | 290,000 | Ortiz | | |
| Animal and Plant Health Inspection Service | Salaries and expenses | New Mexico Rapid Syndrome Validation Program, NM | 404,000 | Teague | Bingaman; Udall, Tom | |
| Animal and Plant Health Inspection Service | Salaries and expenses | Nez Perce Bio-control Center, Nez Perce Tribe | 176,000 | | Crapo; Risch | |
| Animal and Plant Health Inspection Service | Salaries and expenses | Noxious Weed Management, NV | 235,000 | | Reid | |
| Animal and Plant Health Inspection Service | Salaries and expenses | Technology to Combat Asian Long-Horned Beetles in New York Forests | 500,000 | Arcuri; Bishop (NY); Clarke; Crowley; Engel; Hinchey; Maffei; Maloney; Meeks (NY); Murphy (NY); Owens; Tonko; | Gillibrand; Schumer | |
| Animal and Plant Health Inspection Service | Salaries and expenses | Tri-State Predator Control, ID, MT, WY | 926,000 | | Barrasso; Baucus; Crapo; Enzi; Risch | |
| Animal and Plant Health Inspection Service | Salaries and expenses | Varroa Mite Suppression, HI | 469,000 | Abercrombie; Hirono | Akaka; Inouye | |
| Animal and Plant Health Inspection Service | Salaries and expenses | Viral Hemorrhagic Septicemia Monitoring and Management, WI | 550,000 | Kagen; Obey | | |
| Animal and Plant Health Inspection Service | Salaries and expenses | Wildlife Management and Control, MS | 496,000 | | Cochran | |
| Animal and Plant Health Inspection Service | Salaries and expenses | Wildlife Services, SD | 519,000 | | Johnson | |
| Animal and Plant Health Inspection Service | Salaries and expenses | Wisconsin Livestock Identification Consortium | 1,500,000 | Kagen; Obey | | |
| Animal and Plant Health Inspection Service | Salaries and expenses | Wolf Predation Management, MI, MN, WI | 727,000 | Oberstar | | |
| Agricultural Marketing Service | Marketing Services | Microbiological Data Program, AZ | 250,000 | | | The President |
| Natural Resources Conservation Service | Conservation Operations | Accelerated Soil Mapping Survey, WY | 200,000 | | Barrasso | |
| Natural Resources Conservation Service | Conservation Operations | Agricultural Development and Resource Conservation, HI | 1,400,000 | Hirono | Akaka; Inouye | |
| Natural Resources Conservation Service | Conservation Operations | Agricultural Wildlife Conservation Center, MS | 939,000 | | Cochran | |
| Natural Resources Conservation Service | Conservation Operations | Audubon Conservation Curriculum, NY, VA | 800,000 | Israel; Moran (VA) | | |
| Natural Resources Conservation Service | Conservation Operations | Borderlands Conservation, TX | 500,000 | Rodriguez | | |
| Natural Resources Conservation Service | Conservation Operations | CEMSA with Iowa Soybean Association | 288,000 | Boswell; Braley (IA); Loebsack | Grassley; Harkin | |
| Natural Resources Conservation Service | Conservation Operations | Center for Invasive Species Eradication, TX | 1,000,000 | | Hutchison | |
| Natural Resources Conservation Service | Conservation Operations | Chesapeake Bay Activities | 3,998,000 | Connolly (VA); Kratovil; Moran (VA); Sarbanes; Scott (VA); Van Hollen | | |
| Natural Resources Conservation Service | Conservation Operations | Connecting for Conservation, MA | 450,000 | Olver | | |
| Natural Resources Conservation Service | Conservation Operations | Conservation Enhancements, PA | 200,000 | | Specter | |
| Natural Resources Conservation Service | Conservation Operations | Conservation Internships, WI | 120,000 | | Kohl | |
| Natural Resources Conservation Service | Conservation Operations | Conservation Planning, MA, WI | 423,000 | Frank (MA) | Kerry | |
| Natural Resources Conservation Service | Conservation Operations | Conservation Technical Assistance, KY | 500,000 | Chandler | | |
| Natural Resources Conservation Service | Conservation Operations | Conservation Technical Assistance, NJ | 236,000 | Holt; Pallone; Sires | Lautenberg; Menendez | |
| Natural Resources Conservation Service | Conservation Operations | Conservation Technical Assistance, TN | 1,000,000 | | Alexander | |
| Natural Resources Conservation Service | Conservation Operations | Conservation Technology Transfer, WI | 516,000 | | Kohl | |
| Natural Resources Conservation Service | Conservation Operations | Cooperative Agreement with Tufts University, CT | 333,000 | Courtney; DeLauro | Dodd; Lieberman | |
| Natural Resources Conservation Service | Conservation Operations | Cover Crop Program, MD | 1,000,000 | Edwards (MD); Kratovil; Sarbanes | Cardin; Mikulski | |

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| Natural Resources Conservation Service | Conservation Operations | Delta Conservation Demonstration, MS | 376,000 | | Cochran | |
| Natural Resources Conservation Service | Conservation Operations | Delta Water Study, MS | 235,000 | | Cochran | |
| Natural Resources Conservation Service | Conservation Operations | Farm Viability Program, VT | 300,000 | | Leahy | |
| Natural Resources Conservation Service | Conservation Operations | Fountain Creek Watershed Project, CO | 500,000 | Salazar | | |
| Natural Resources Conservation Service | Conservation Operations | Georgia Soil and Water Conservation Commission Cooperative Agreement | 2,423,000 | Bishop (GA); Marshall; Scott (GA) | Chambliss; Isakson | |
| Natural Resources Conservation Service | Conservation Operations | Gilbert M. Grosvenor Center for Geographic Education Watershed Project, TX | 282,000 | Doggett | | |
| Natural Resources Conservation Service | Conservation Operations | Grazing Lands Conservation Initiative, WI | 835,000 | Obey | Kohl | |
| Natural Resources Conservation Service | Conservation Operations | Great Basin Plant Materials Center, NV | 269,000 | | Reid | |
| Natural Resources Conservation Service | Conservation Operations | Great Lakes Basin Program for Soil Erosion and Sediment Control, Great Lakes Commission | 404,000 | | Brown, Sherrod; Durbin; Levin; Schumer; Stabenow; Voinovich | |
| Natural Resources Conservation Service | Conservation Operations | Hungry Canyons Alliance, IA | 282,000 | | Grassley; Harkin | |
| Natural Resources Conservation Service | Conservation Operations | Illinois Conservation Initiative | 1,126,000 | | Durbin | |
| Natural Resources Conservation Service | Conservation Operations | Kentucky Soil Erosion Control | 724,000 | | Bunning; McConnell | |
| Natural Resources Conservation Service | Conservation Operations | Long Island Sound Watershed, NY | 133,000 | Lowey | | |
| Natural Resources Conservation Service | Conservation Operations | Massaro Community Farm, CT | 300,000 | DeLauro | | |
| Natural Resources Conservation Service | Conservation Operations | Maumee Watershed Hydrological and Flood Mitigation, OH | 667,000 | Kaptur | | |
| Natural Resources Conservation Service | Conservation Operations | Mississippi Conservation Initiative | 4,000,000 | | Cochran | |
| Natural Resources Conservation Service | Conservation Operations | Municipal Water District of Orange County for Efficient Irrigation, CA | 134,000 | Sanchez, Loretta | | |
| Natural Resources Conservation Service | Conservation Operations | Native Plant Initiative, LA | 500,000 | | Landrieu | |
| Natural Resources Conservation Service | Conservation Operations | Nutrient Management, MD | 500,000 | Kratovil | | |
| Natural Resources Conservation Service | Conservation Operations | Operation Oak Program | 100,000 | Berry; Bishop (GA) | Chambliss; Cochran; Graham | |
| Natural Resources Conservation Service | Conservation Operations | Pace University Land Use Law Center, White Plains, NY | 133,000 | Lowey | | |
| Natural Resources Conservation Service | Conservation Operations | Pastureland Management/Rotational Grazing, NY | 400,000 | Arcuri | | |
| Natural Resources Conservation Service | Conservation Operations | Phosphorus Loading in Lake Champlain, VT | 179,000 | | Leahy | |
| Natural Resources Conservation Service | Conservation Operations | Prairie Biomass, IA | 100,000 | Boswell | Grassley; Harkin | |
| Natural Resources Conservation Service | Conservation Operations | Quabbin to Cardigan Conservation Initiative, NH | 282,000 | | Shaheen | |
| Natural Resources Conservation Service | Conservation Operations | Range Revegetation for Fort Hood, TX | 333,000 | Edwards (TX) | | |
| Natural Resources Conservation Service | Conservation Operations | Riparian Restoration, NM | 200,000 | | Bingaman | |
| Natural Resources Conservation Service | Conservation Operations | Sand County Foundation, WI | 892,000 | Baldwin | | |
| Natural Resources Conservation Service | Conservation Operations | Soil Surveys, RI | 134,000 | | Reed | |
| Natural Resources Conservation Service | Conservation Operations | Technical Assistance Grants to Kentucky Soil Conservation Districts, KY | 545,000 | | Bunning; McConnell | |
| Natural Resources Conservation Service | Conservation Operations | Technical Assistance to Livestock/Poultry Producers, NC | 300,000 | McIntyre; Price (NC) | | |
| Natural Resources Conservation Service | Conservation Operations | Town of Cary Swift Creek Stream Bank Restoration, NC | 199,000 | Miller (NC) | Burr; Hagan | |
| Natural Resources Conservation Service | Conservation Operations | Upper Cedar River Watershed Coalition, IA | 150,000 | Loebsack | Grassley; Harkin | |

| | | | | | | |
|---|---|---|---|---|---|---|
| Natural Resources Conservation Service | Conservation Operations | Washington State Conservation Program | 500,000 | Dicks | | |
| Natural Resources Conservation Service | Conservation Operations | Water Quality Protection Program for the Monterey Bay Sanctuary, CA | 400,000 | Farr | | |
| Natural Resources Conservation Service | Conservation Operations | Watershed Agricultural Council, NY | 480,000 | Hinchey | | |
| Natural Resources Conservation Service | Conservation Operations | Watershed Demonstration Project, IA | 134,000 | Boswell; Braley (IA); Loebsack | Harkin | |
| Natural Resources Conservation Service | Conservation Operations | Watershed Planning Staff, Pacific Island Area | 500,000 | Hirono | Akaka; Inouye | |
| Natural Resources Conservation Service | Conservation Operations | Watershed Protection Plan for Hood County, TX | 100,000 | Edwards (TX) | | |
| Natural Resources Conservation Service | Conservation Operations | West Virginia Conservation Initiative | 1,000,000 | | Rockefeller | |
| Natural Resources Conservation Service | Watershed/Flood Prevention Operations | Alameda Creek Watershed Project, CA | 1,337,000 | Garamendi | | |
| Natural Resources Conservation Service | Watershed/Flood Prevention Operations | Big Slough Watershed Project, AR | 100,000 | Berry | Lincoln; Pryor | |
| Natural Resources Conservation Service | Watershed/Flood Prevention Operations | Copper Mine Brook Watershed, CT | 330,000 | Larson (CT) | Dodd; Lieberman | |
| Natural Resources Conservation Service | Watershed/Flood Prevention Operations | Dunloup Creek Watershed Project, WV | 1,500,000 | Rahall | Rockefeller | |
| Natural Resources Conservation Service | Watershed/Flood Prevention Operations | Gin Bayou Bank Stabilization, MS | 500,000 | Thompson (MS) | | |
| Natural Resources Conservation Service | Watershed/Flood Prevention Operations | Lahaina Watershed, HI | 4,000,000 | Hirono | Akaka; Inouye | |
| Natural Resources Conservation Service | Watershed/Flood Prevention Operations | Lake County Watershed, IL | 350,000 | | Durbin | |
| Natural Resources Conservation Service | Watershed/Flood Prevention Operations | Lower Hamakua Ditch Watershed Project, HI | 1,800,000 | Abercrombie; Hirono | Akaka; Inouye | |
| Natural Resources Conservation Service | Watershed/Flood Prevention Operations | Missouri Watershed Projects | 2,000,000 | | Bond | |
| Natural Resources Conservation Service | Watershed/Flood Prevention Operations | North Drainage Project, MS | 500,000 | Childers | Wicker | |
| Natural Resources Conservation Service | Watershed/Flood Prevention Operations | North Fork of the Elkhorn Creek, WV | 300,000 | Rahall | Rockefeller | |
| Natural Resources Conservation Service | Watershed/Flood Prevention Operations | Pidcock-Mill Creeks Watershed Project, PA | 573,000 | Murphy, Patrick | | |
| Natural Resources Conservation Service | Watershed/Flood Prevention Operations | Pocasset River, RI | 2,000,000 | | Reed; Whitehouse | |
| Natural Resources Conservation Service | Watershed/Flood Prevention Operations | Soap Creek Watershed Project, IA | 595,000 | Loebsack | Harkin | |
| Natural Resources Conservation Service | Watershed/Flood Prevention Operations | Southeast Quadrant Drainage and Flood Prevention Project, AL | 350,000 | | Sessions | |
| Natural Resources Conservation Service | Watershed/Flood Prevention Operations | Upcountry Maui Watershed Project, HI | 2,000,000 | Hirono | Akaka; Inouye | |
| Natural Resources Conservation Service | Watershed/Flood Prevention Operations | Wailuku-Alenalo Watershed Project, HI | 250,000 | Abercrombie; Hirono | Akaka; Inouye | |
| Rural Development | Rural coop grants | Appropriate Technology Transfer for Rural Areas | 2,800,000 | Boswell; Carney; Farr; Hinchey | Baucus; Feinstein; Harkin; Johnson; Lincoln; Pryor; Specter; Tester | The President |
| Food and Nutrition Service | Nutrition programs administration | Bill Emerson National Hunger Fellowship Program and the Mickey Leland International Hunger Fellowship Program | 3,000,000 | Kaptur; McGovern | | The President |
| General Provision | General Provision | Agricultural Pest Facility, HI | 2,600,000 | Hirono | Akaka; Inouye | |
| General Provision | General Provision | Market Development, VT | 1,000,000 | | Leahy | |
| General Provision | General Provision | Market Development, WI | 2,000,000 | Kagen | Kohl | |
| General Provision | General Provision | Phase II construction, National Center for Natural Products Research, Oxford, MS | 5,000,000 | Childers | Cochran; Wicker | |
| General Provision | General Provision | Speciality Markets, WI | 350,000 | Kagen | Kohl | |
| General Provision | General Provision | Tioga County REAP | 250,000 | Hinchey | | |

COMPARATIVE STATEMENT OF NEW BUDGET AUTHORITY FISCAL YEAR 2011

[Amounts in thousands]

| | Fiscal year 2010 enacted | Fiscal year 2011 request | Fiscal year 2011 this bill | This bill vs enacted | This bill vs request |
|---|---|---|---|---|---|
| TITLE I—AGRICULTURAL PROGRAMS | | | | | |
| Production, Processing, and Marketing | | | | | |
| Office of the Secretary | 5,285 | 5,936 | 5,338 | +53 | −598 |
| Office of Tribal Relations | 1,000 | 1,025 | 1,010 | +10 | −15 |
| Healthy Food Financing Initiative | | 35,000 | 35,000 | +35,000 | |
| Executive Operations: | | | | | |
| Office of Chief Economist | 13,032 | 13,175 | 13,100 | +68 | −75 |
| National Appeals Division | 15,254 | 15,424 | 15,417 | +163 | −7 |
| Office of Budget and Program Analysis | 9,436 | 9,547 | 9,547 | +111 | |
| Office of Homeland Security | 1,859 | 1,876 | 1,876 | +17 | |
| Office of Advocacy and Outreach | 1,700 | 7,009 | 6,209 | +4,509 | −800 |
| Office of the Chief Information Officer | 61,579 | 63,719 | 61,719 | +140 | −2,000 |
| Office of the Chief Financial Officer | 6,566 | 6,632 | 6,632 | +66 | |
| Total, Executive Operations | 109,426 | 117,382 | 114,500 | +5,074 | −2,882 |
| Office of the Assistant Secretary for Civil Rights | 895 | 907 | 907 | +12 | |
| Office of Civil Rights | 23,922 | 24,133 | 24,133 | +211 | |
| Office of the Assistant Secretary for Administration | 806 | 828 | 814 | +8 | −14 |
| Agriculture buildings and facilities and rental payments | (293,093) | (277,937) | (261,608) | (−31,485) | (−16,329) |
| Payments to GSA | 184,812 | 178,470 | 178,470 | −6,342 | |
| Department of Homeland Security | 13,500 | 13,800 | 13,800 | +300 | |
| Building operations and maintenance | 94,781 | 85,667 | 69,338 | −25,443 | −16,329 |
| Hazardous materials management | 5,125 | 5,139 | 5,139 | +14 | |
| Departmental Administration | 41,319 | 30,706 | 29,706 | −11,613 | −1,000 |
| Office of the Assistant Secretary for Congressional Relations | 3,968 | 4,081 | 4,008 | +40 | −73 |
| Office of Communications | 9,722 | 9,839 | 9,839 | +117 | |
| Office of the Inspector General | 88,725 | 90,300 | 94,300 | +5,575 | +4,000 |
| Office of the General Counsel | 43,551 | 45,654 | 44,104 | +553 | −1,550 |
| Office of the Under Secretary for Research, Education, and Economics | 895 | 920 | 904 | +9 | −16 |
| Economic Research Service | 82,478 | 87,171 | 83,671 | +1,193 | −3,500 |
| National Agricultural Statistics Service | 161,830 | 164,721 | 161,371 | −459 | −3,350 |
| Census of Agriculture | (37,908) | (33,494) | (33,494) | (−4,414) | |
| Agricultural Research Service: | | | | | |
| Salaries and expenses | 1,179,639 | 1,199,669 | 1,199,986 | +20,347 | +317 |
| Buildings and facilities | 70,873 | | 67,966 | −2,907 | +67,966 |
| Total, Agricultural Research Service | 1,250,512 | 1,199,669 | 1,267,952 | +17,440 | +68,283 |
| National Institute of Food and Agriculture: | | | | | |
| *Research and education activities* | 788,243 | 838,729 | 806,495 | +18,252 | −32,234 |
| Native American Institutions Endowment Fund | (11,880) | (11,880) | (11,880) | | |
| Extension activities | 494,923 | 479,203 | 499,376 | +4,453 | +20,173 |
| Integrated activities | 60,022 | 24,874 | 60,173 | +151 | +35,299 |
| Hispanic-Serving Agricultural Colleges and Universities Endowment Fund | | (10,000) | (10,000) | (+10,000) | |
| Total, National Institute of Food and Agriculture | 1,343,188 | 1,342,806 | 1,366,044 | +22,856 | +23,238 |
| Office of the Under Secretary for Marketing and Regulatory Programs | 895 | 920 | 904 | +9 | −16 |
| Animal and Plant Health Inspection Service: | | | | | |
| Salaries and expenses | 904,953 | 870,576 | 903,794 | −1,159 | +33,218 |
| Buildings and facilities | 4,712 | 4,712 | 4,536 | −176 | −176 |
| Total, Animal and Plant Health Inspection Service | 909,665 | 875,288 | 908,330 | −1,335 | +33,042 |
| Agricultural Marketing Service: | | | | | |
| Marketing Services | 91,148 | 97,255 | 96,645 | +5,497 | −610 |
| (Limitation on administrative expenses, from fees collected) | (64,583) | (60,947) | (60,947) | (−3,636) | |
| Funds for strengthening markets, income, and supply (Section 32): | | | | | |
| Permanent, Section 32 | 1,300,000 | 1,200,000 | 1,200,000 | −100,000 | |
| Marketing agreements and orders (transfer from section 32) | 20,056 | 20,283 | 20,283 | +227 | |
| Commodity purchases support system | (10,000) | | | (−10,000) | |
| Payments to States and Possessions | 1,334 | 2,634 | 2,484 | +1,150 | −150 |
| Total, Agricultural Marketing Service program | 1,487,121 | 1,381,119 | 1,380,359 | −106,762 | −760 |
| Grain Inspection, Packers and Stockyards Administration: | | | | | |
| Salaries and expenses | 41,964 | 44,192 | 43,742 | +1,778 | −450 |
| Limitation on inspection and weighing services | (42,463) | (45,041) | (50,000) | (+7,537) | (+4,959) |
| Office of the Under Secretary for Food Safety | 813 | 836 | 821 | +8 | −15 |
| Food Safety and Inspection Service | 1,018,520 | 1,036,900 | 1,047,200 | +28,680 | +10,300 |
| Lab accreditation fees | (1,000) | (1,000) | (1,000) | | |
| Total, Production, Processing, and Marketing | 6,850,135 | 6,722,462 | 6,830,757 | −19,378 | +108,295 |
| Farm Assistance Programs | | | | | |
| Office of the Under Secretary for Farm and Foreign Agricultural Services | 895 | 920 | 904 | +9 | −16 |
| Farm Service Agency: | | | | | |
| Salaries and expenses | 1,253,777 | 1,364,673 | 1,325,650 | +71,873 | −39,023 |
| (Transfer from Food for Peace (Public Law 480)) | (2,812) | (2,846) | (2,846) | (+34) | |
| (Transfer from export loans) | (355) | (359) | (359) | (+4) | |
| (Transfer from ACIF) | (313,173) | (318,200) | (313,173) | | (−5,027) |
| Subtotal, transfers from program accounts | (316,340) | (321,405) | (316,378) | (+38) | (−5,027) |
| Total, Salaries and expenses | (1,570,117) | (1,686,078) | (1,642,028) | (+71,911) | (−44,050) |
| State mediation grants | 4,369 | 4,369 | 4,185 | −184 | −184 |
| Grassroot source water protection program | 5,000 | | 5,500 | +500 | +5,500 |
| Dairy indemnity program | 930 | 876 | 876 | −54 | |
| Subtotal, Farm Service Agency | 1,264,076 | 1,369,918 | 1,336,211 | +72,135 | −33,707 |
| Agricultural Credit Insurance Fund (ACIF) Program Account: | | | | | |
| *Loan authorizations:* | | | | | |
| Farm ownership loans: | | | | | |
| Direct | (650,000) | (475,000) | (475,000) | (−175,000) | |
| Guaranteed | (1,500,000) | (1,500,000) | (1,500,000) | | |
| Subtotal | (2,150,000) | (1,975,000) | (1,975,000) | (−175,000) | |
| Farm operating loans: | | | | | |
| Direct | (1,000,000) | (900,000) | (900,000) | (−100,000) | |
| Unsubsidized guaranteed | (1,500,000) | (1,500,000) | (1,500,000) | | |
| Subsidized guaranteed | (170,000) | (144,035) | (144,035) | (−25,965) | |

COMPARATIVE STATEMENT OF NEW BUDGET AUTHORITY FISCAL YEAR 2011—Continued

[Amounts in thousands]

| | Fiscal year 2010 enacted | Fiscal year 2011 request | Fiscal year 2011 this bill | This bill vs enacted | This bill vs request |
|---|---|---|---|---|---|
| Subtotal | (2,670,000) | (2,544,035) | (2,544,035) | (−125,965) | |
| Indian tribe land acquisition loans | (3,940) | (2,000) | (10,000) | (+6,060) | (+8,000) |
| Conservation loans: | | | | | |
| Direct | (75,000) | (75,000) | (75,000) | | |
| Guaranteed | (75,000) | (75,000) | (75,000) | | |
| Subtotal | (150,000) | (150,000) | (150,000) | | |
| Indian Highly Fractionated Land Loans | (10,000) | (10,000) | (10,000) | | |
| Boll weevil eradication loans | (100,000) | (60,000) | (100,000) | | (+40,000) |
| Total, Loan authorizations | (5,083,940) | (4,741,035) | (4,789,035) | (−294,905) | (+48,000) |
| Loan subsidies: | | | | | |
| Farm ownership loans: | | | | | |
| Direct | 26,520 | 32,870 | 32,870 | +6,350 | |
| Guaranteed | 5,550 | 5,700 | 5,700 | +150 | |
| Subtotal | 32,070 | 38,570 | 38,570 | +6,500 | |
| Farm operating loans: | | | | | |
| Direct | 47,400 | 54,540 | 54,540 | +7,140 | |
| Unsubsidized guaranteed | 35,100 | 34,950 | 34,950 | −150 | |
| Subsidized guaranteed | 23,902 | 19,920 | 19,920 | −3,982 | |
| Subtotal | 106,402 | 109,410 | 109,410 | +3,008 | |
| Direct | 1,065 | 2,243 | 2,243 | +1,178 | |
| Guaranteed | 278 | 285 | 285 | +7 | |
| Subtotal | 1,343 | 2,528 | 2,528 | +1,185 | |
| Indian Highly Fractionated Land Loans | 793 | 214 | 214 | −579 | |
| Total, Loan subsidies | 140,608 | 150,722 | 150,722 | +10,114 | |
| ACIF administrative expenses: | | | | | |
| Salaries and expense (transfer to FSA) | 313,173 | 318,200 | 313,173 | | −5,027 |
| Administrative expenses | 7,920 | 7,920 | 7,920 | | |
| Total, ACIF expenses | 321,093 | 326,120 | 321,093 | | −5,027 |
| Total, Agricultural Credit Insurance Fund | 461,701 | 476,842 | 471,815 | +10,114 | −5,027 |
| (Loan authorization) | (5,083,940) | (4,741,035) | (4,789,035) | (−294,905) | (+48,000) |
| Total, Farm Service Agency | 1,725,777 | 1,846,760 | 1,808,026 | +82,249 | −38,734 |
| Risk Management Agency, Administrative and operating expenses | 80,325 | 83,064 | 83,064 | +2,739 | |
| Total, Farm Assistance Programs | 1,806,997 | 1,930,744 | 1,891,994 | +84,997 | −38,750 |
| Corporations | | | | | |
| Federal Crop Insurance Corporation: | | | | | |
| Federal crop insurance corporation fund | 6,455,278 | 7,613,232 | 7,613,232 | +1,157,954 | |
| Commodity Credit Corporation Fund: | | | | | |
| Reimbursement for net realized losses | 15,079,163 | 13,925,575 | 13,925,575 | −1,153,588 | |
| Hazardous waste management (limitation on expenses) | (5,000) | (5,000) | (5,000) | | |
| Total, Corporations | 21,534,441 | 21,538,807 | 21,538,807 | +4,366 | |
| Total, Title I, Agricultural Programs | 30,191,573 | 30,192,013 | 30,261,558 | +69,985 | +69,545 |
| (By transfer) | (316,340) | (321,405) | (316,378) | (+38) | (−5,027) |
| (Loan authorization) | (5,083,940) | (4,741,035) | (4,789,035) | (−294,905) | (+48,000) |
| (Limitation on administrative expenses) | (112,046) | (110,988) | (115,947) | (+3,901) | (+4,959) |
| TITLE II—CONSERVATION PROGRAMS | | | | | |
| Office of the Under Secretary for Natural Resources and Environment | 895 | 920 | 904 | +9 | −16 |
| Office of Ecosystem Services Management | | 2,021 | | | −2,021 |
| Natural Resources Conservation Service: | | | | | |
| Conservation operations | 887,629 | 923,729 | 922,433 | +34,804 | −1,296 |
| Watershed and flood prevention operations | 30,000 | | 18,485 | −11,515 | +18,485 |
| Watershed rehabilitation program | 40,161 | 40,497 | 20,497 | −19,664 | −20,000 |
| Resource conservation and development | 50,730 | | 50,730 | | +50,730 |
| Total, Natural Resources Conservation Service | 1,008,520 | 964,226 | 1,012,145 | +3,625 | +47,919 |
| Total, Title II, Conservation Programs | 1,009,415 | 967,167 | 1,013,049 | +3,634 | +45,882 |
| TITLE III—RURAL DEVELOPMENT PROGRAMS | | | | | |
| Office of the Under Secretary for Rural Development | 895 | 920 | 904 | +9 | −16 |
| Rural Development: | | | | | |
| Rural development expenses: | | | | | |
| Salaries and expenses | 201,987 | 232,257 | 226,551 | +24,564 | −5,706 |
| (Transfer from RHIF) | (468,593) | (454,383) | (458,313) | (−10,280) | (+3,930) |
| (Transfer from RDLFP) | (4,941) | (5,046) | (5,087) | (+146) | (+41) |
| (Transfer from RETLP) | (39,959) | (38,374) | (38,709) | (−1,250) | (+335) |
| Subtotal, Transfers from program accounts | (513,493) | (497,803) | (502,109) | (−11,384) | (+4,306) |
| *Total, Rural development expenses* | (715,480) | (730,060) | (728,660) | (+13,180) | (−1,400) |
| Rural Housing Service: | | | | | |
| Rural Housing Insurance Func Program Account: | | | | | |
| Loan authorizations: | | | | | |
| *Single family direct* (Sec. 502) | (1,121,488) | (1,200,000) | (1,840,256) | (+718,768) | (+640,256) |
| Unsubsidized guaranteed | (11,961,563) | (12,000,000) | (24,000,000) | (+12,038,437) | (+12,000,000) |
| Subtotal, Single family | (13,083,051) | (13,200,000) | (25,840,256) | (+12,757,205) | (+12,640,256) |
| *Housing repair* (Sec. 504) | (34,412) | (34,004) | (34,004) | (−408) | |
| Rental housing (Sec. 515) | (69,512) | (95,236) | (69,512) | | (−25,724) |
| Site loans (Sec. 524) | (5,045) | (5,052) | (5,052) | (+7) | |
| Multi-family housing guarantees (Sec. 538) | (129,130) | (129,133) | (129,133) | (+3) | |
| Multi-family housing credit sales | (1,448) | (1,449) | (1,449) | (+1) | |
| Single family housing credit sales | (10,000) | (10,000) | (10,000) | | |

COMPARATIVE STATEMENT OF NEW BUDGET AUTHORITY FISCAL YEAR 2011—Continued

[Amounts in thousands]

| | Fiscal year 2010 enacted | Fiscal year 2011 request | Fiscal year 2011 this bill | This bill vs enacted | This bill vs request |
|---|---|---|---|---|---|
| Self-help housing land develop. (Sec. 523) | (4,970) | (4,966) | (4,966) | (−4) | |
| Total, Loan authorizations | (13,337,568) | (13,479,840) | (26,094,372) | (+12,756,804) | (+12,614,532) |
| *Loan subsidies:* | | | | | |
| Single family direct (Sec. 502) | 40,710 | 75,120 | 115,200 | +74,490 | +40,080 |
| Unsubsidized guaranteed | 172,800 | | | −172,800 | |
| Subtotal, Single family | 213,510 | 75,120 | 115,200 | −98,310 | +40,080 |
| Housing repair (Sec. 504) | 4,422 | 6,437 | 6,437 | +2,015 | |
| Rental housing (Sec. 515) | 18,935 | 32,123 | 23,446 | +4,511 | −8,677 |
| Multi-family housing guarantees (Sec. 538) | 1,485 | 12,513 | 12,513 | +11,028 | |
| Site development loans (Sec. 524) | | 294 | 294 | +294 | |
| Multi-family housing credit sales | 556 | 556 | 556 | | |
| Self-help land dev. housing loans (Sec. 523) | | 288 | 288 | +288 | |
| Total, Loan subsidies | 238,908 | 127,331 | 158,734 | −80,174 | +31,403 |
| RHIF administrative expenses (transfer to RD) | 468,593 | 454,383 | 458,313 | −10,280 | +3,930 |
| Total, Rural Housing Insurance Fund program | 707,501 | 581,714 | 617,047 | −90,454 | +35,333 |
| (Loan authorization) | (13,337,568) | (13,479,840) | (26,094,372) | (+12,756,804) | (+12,614,532) |
| Rental assistance program: | | | | | |
| Rental assistance (Sec. 521) | 968,612 | 959,635 | 953,677 | −14,935 | −5,958 |
| Eligible households (Sec. 502(c)(5)(D)) | 5,958 | | 5,958 | | +5,958 |
| New construction (Sec. 515) | 2,030 | 3,000 | 3,000 | +970 | |
| New construction (Farm Labor Housing) | 3,400 | 3,000 | 3,000 | −400 | |
| Total, Rental assistance program | 980,000 | 965,635 | 965,635 | −14,365 | |
| Rural housing voucher program | 16,400 | 18,000 | 14,000 | −2,400 | −4,000 |
| Multi-family housing revitalization program | 25,000 | | 25,000 | | +25,000 |
| Multifamily housing preservation revolving loans | 1,791 | | 1,791 | | +1,791 |
| Total, Multi-family housing revitalization | 43,191 | 18,000 | 40,791 | −2,400 | +22,791 |
| Mutual and self-help housing grants | 41,864 | 37,000 | 41,864 | | +4,864 |
| Rural housing assistance grants | 45,500 | 40,400 | 40,400 | −5,100 | |
| Farm labor program account: | | | | | |
| (Loan authorization) | (27,319) | (27,288) | (27,288) | (−31) | |
| Loan subsidy | 9,873 | 10,473 | 10,473 | +600 | |
| Grants | 9,873 | 9,873 | 9,873 | | |
| Total, Farm Labor Program Account | 19,746 | 20,346 | 20,346 | +600 | |
| Rural community facilities program account: | | | | | |
| Loan authorizations: | | | | | |
| Community facility: | | | | | |
| Direct | (294,962) | (295,038) | (295,038) | (+76) | |
| Guaranteed | (206,417) | (206,405) | (206,405) | (−12) | |
| Total, Loan authorizations | (501,379) | (501,443) | (501,443) | (+64) | |
| Loan subsidies and grants: | | | | | |
| Commmunity facility: | | | | | |
| Direct | 3,864 | 3,924 | 3,924 | +60 | |
| Guaranteed | 6,626 | 8,153 | 8,153 | +1,527 | |
| Grants | 20,373 | 29,640 | 20,373 | | −9,267 |
| Rural community development initiative | 6,256 | | 6,256 | | +6,256 |
| Economic impact initiative grants | 13,902 | | 10,000 | −3,902 | +10,000 |
| Tribal college grants | 3,972 | | 3,972 | | +3,972 |
| Total, RCFP Loan subsidies and grants | 54,993 | 41,717 | 52,678 | −2,315 | +10,961 |
| Subtotal, grants and payments | 162,103 | 139,463 | 155,288 | −6,815 | +15,825 |
| Total, Rural Housing Service | 1,892,795 | 1,704,812 | 1,778,761 | −114,034 | +73,949 |
| (Loan authorization) | (13,866,266) | (14,008,571) | (26,623,103) | (+12,756,837) | (+12,614,532) |
| Rural Business—Cooperative Service: | | | | | |
| Rural Business Program Account: | | | | | |
| (Guaranteed business and industry loans) | (993,002) | (941,963) | (993,000) | (−2) | (+51,037) |
| Loan subsidies and grants: | | | | | |
| Guaranteed business and industry subsidy | 52,927 | 40,316 | 42,500 | −10,427 | +2,184 |
| Grants: | | | | | |
| Rural business enterprise | 38,727 | 38,727 | 38,727 | | |
| Rural business opportunity | 2,483 | 2,483 | 2,483 | | |
| Delta regional authority | 2,979 | | 2,979 | | +2,979 |
| Total, RBP loan subsidies and grants | 97,116 | 81,526 | 86,689 | −10,427 | +5,163 |
| Rural Development Loan Fund Program Account: | | | | | |
| (Loan authorization) | (33,536) | (36,376) | (33,533) | (−3) | (−2,843) |
| Loan subsidy | 8,464 | 14,034 | 12,937 | +4,473 | −1,097 |
| Administrative expenses (transfer to RD) | 4,941 | 5,046 | 5,087 | +146 | +41 |
| Total, Rural Development Loan Fund | 13,405 | 19,080 | 18,024 | +4,619 | −1,056 |
| Rural Economic Development Loans Program Account: | | | | | |
| (Loan authorization) | (33,077) | (33,077) | (33,077) | | |
| Limit cushion of credit interest spending | (44,463) | (103,000) | (184,000) | (+139,537) | (+81,000) |
| (Rescission) | −44,463 | −103,000 | −184,000 | −139,537 | −81,000 |
| Rural cooperative development grants: | | | | | |
| Cooperative development | 7,924 | 13,424 | 8,924 | +1,000 | −4,500 |
| Appropriate technology transfer for rural areas | 2,800 | 2,800 | 2,800 | | |
| Cooperative research agreement | 300 | | | −300 | |
| Value-added agricultural product market development | 20,367 | 20,367 | 20,367 | | |
| Grants to assist minority producers | 3,463 | 3,463 | 3,463 | | |
| Total, Rural Cooperative development grants | 34,854 | 40,054 | 35,554 | +700 | −4,500 |
| Rural Microenterprise Investment Program Account: | | | | | |
| (Loan authorization) | (11,831) | (23,523) | | (−11,831) | (−23,523) |
| Loan subsidy | 2,500 | 6,850 | | −2,500 | −6,850 |
| Grants | 2,500 | 850 | | −2,500 | −850 |
| Total, Rural Microenterprise Investment | 5,000 | 7,700 | | −5,000 | −7,700 |
| Renewable energy program (Rural Energy for America): | | | | | |
| (Loan authorization) | (144,209) | (11,519) | | (−144,209) | (−11,519) |
| Loan subsidy | 19,670 | 5,340 | | −19,670 | −5,340 |

COMPARATIVE STATEMENT OF NEW BUDGET AUTHORITY FISCAL YEAR 2011—Continued

[Amounts in thousands]

| | Fiscal year 2010 enacted | Fiscal year 2011 request | Fiscal year 2011 this bill | This bill vs enacted | This bill vs request |
|---|---|---|---|---|---|
| Grants | 19,670 | 34,000 | | −19,670 | −34,000 |
| Total, Renewable energy program | 39,340 | 39,340 | | −39,340 | −39,340 |
| *Biorefinery Assistance Program:* | | | | | |
| (Loan authorization) | | (49,856) | | | (−49,856) |
| Loan subsidy | | 17,300 | | | −17,300 |
| Total, Biorefinery Assistance Program | | 17,300 | | | −17,300 |
| Total, Rural Business—Cooperative Service | 145,252 | 102,000 | −43,733 | −188,985 | −145,733 |
| (Loan authorization) | (1,215,655) | (1,096,314) | (1,059,610) | (−156,045) | (−36,704) |
| Rural Utilities Service: | | | | | |
| Rural water and waste disposal program account: | | | | | |
| Loan authorizations: | | | | | |
| Direct | (1,022,163) | (1,036,294) | (1,022,156) | (−7) | (−14,138) |
| Public Law 83–566 loans | | | (40,000) | (+40,000) | (+40,000) |
| Guaranteed | (75,000) | (75,000) | (75,000) | | |
| Total, Loan authorization | 1,097,163 | 1,111,294 | 1,137,156 | +39,993 | +25,862 |
| Loan subsidies and grants: | | | | | |
| Direct subsidy | 77,071 | 88,914 | 87,701 | +10,630 | −1,213 |
| Public Law 83–566 loans | | | 3,432 | +3,432 | +3,432 |
| Water and waste grants | 469,228 | 440,510 | 469,228 | | +28,718 |
| Solid waste management grants | 3,441 | 3,500 | 3,500 | +59 | |
| Water and waste financing revolving fund | 497 | 497 | 497 | | |
| Water well system grants | 993 | 993 | 993 | | |
| High energy cost grants | 17,500 | | 17,500 | | +17,500 |
| Rural water and waste disposal | | | | | |
| Total, Water loan subsidies and grants | 568,730 | 534,414 | 582,851 | +14,121 | +48,437 |
| Rural Electrification and Telecommunications Loans Program Account: | | | | | |
| Loan authorizations: | | | | | |
| Electric: | | | | | |
| Direct, 5 percent | (100,000) | (100,000) | (100,000) | | |
| Direct, FFB | (6,500,000) | (4,000,000) | (6,500,000) | | (+2,500,000) |
| Guaranteed underwriting | (500,000) | | (500,000) | | (+500,000) |
| Subtotal, Electric | (7,100,000) | (4,100,000) | (7,100,000) | | (+3,000,000) |
| Telecommunications: | | | | | |
| Direct, 5 percent | (145,000) | (145,000) | (145,000) | | |
| Direct, Treasury rate | (250,000) | (250,000) | (250,000) | | |
| Direct, FFB | (295,000) | (295,000) | (295,000) | | |
| Subtotal, Telecommunications | (690,000) | (690,000) | (690,000) | | |
| Total, Loan authorizations | (7,790,000) | (4,790,000) | (7,790,000) | | (+3,000,000) |
| Loan subsidies: | | | | | |
| Guaranteed underwriting | | | 700 | +700 | +700 |
| RETLP administrative expenses (transfer to RD) | 39,959 | 38,374 | 38,709 | −1,250 | +335 |
| Total, Rural Electrification and Telecommunications Loans Program Account | 39,959 | 38,374 | 39,409 | −550 | +1,035 |
| (Loan authorization) | (7,790,000) | (4,790,000) | (7,790,000) | | (+3,000,000) |
| Distance learning, telemedicine, and broadband program: | | | | | |
| Loan authorizations: | | | | | |
| Broadband telecommunications | (400,000) | (400,000) | (400,000) | | |
| Total, Loan authorizations | (400,000) | (400,000) | (400,000) | | |
| Loan subsidies and grants: | | | | | |
| Distance learning and telemedicine: | | | | | |
| Grants | 37,755 | 30,000 | 37,755 | | +7,755 |
| *Broadband telecommunications:* | | | | | |
| Direct | 28,960 | 22,320 | 22,320 | −6,640 | |
| Grants | 17,976 | 17,976 | 17,976 | | |
| Total, Loan subsidies and grants | 84,691 | 70,296 | 78,051 | −6,640 | +7,755 |
| Total, Rural Utilities Service | 693,380 | 643,084 | 700,311 | +6,931 | +57,227 |
| (Loan authorization) | (9,287,163) | (6,301,294) | (9,327,156) | (+39,993) | (+3,025,862) |
| Total, Title III, Rural Development Programs | 2,934,309 | 2,683,073 | 2,662,794 | −271,515 | −20,279 |
| (By transfer) | (513,493) | (497,803) | (502,109) | (−11,384) | (+4,306) |
| (Loan authorization) | (24,369,084) | (21,406,179) | (37,009,869) | (+12,640,785) | (+15,603,690) |
| TITLE IV—DOMESTIC FOOD PROGRAMS | | | | | |
| Office of the Under Secretary for Food, Nutrition and Consumer Services | 813 | 836 | 821 | +8 | −15 |
| Food and Nutrition Service: | | | | | |
| Child nutrition programs | 9,859,930 | 18,153,393 | 17,312,481 | +7,452,551 | −840,912 |
| *Competitive grants* | 5,000 | 5,000 | 7,500 | +2,500 | +2,500 |
| Nutrition education | 1,000 | | | −1,000 | |
| Transfer from section 32 | 6,989,899 | | | −6,989,899 | |
| Total, Child nutrition programs | 16,855,829 | 18,158,393 | 17,319,981 | +464,152 | −838,412 |
| Special supplemental nutrition program for women, infants, and children (WIC) | 7,252,000 | 7,478,000 | 6,852,522 | −399,478 | −625,478 |
| Reserve (WIC) | | 125,000 | | | −125,000 |
| Total, WIC program | 7,252,000 | 7,603,000 | 6,852,522 | −399,478 | −750,478 |
| Supplemental nutrition assistance program: | | | | | |
| (Food stamp program) | 58,278,181 | 68,206,790 | 70,907,818 | +12,629,637 | +2,701,028 |
| Commodity assistance program: | | | | | |
| Commodity supplemental food program | 171,409 | 176,788 | 181,788 | +10,379 | +5,000 |
| Farmers market nutrition program | 20,000 | 20,000 | 20,000 | | |
| Emergency food assistance program | 49,500 | 50,000 | 53,000 | +3,500 | +3,000 |
| Emergency food program infrastructure grants | 6,000 | | 6,000 | | +6,000 |
| Pacific island and disaster assistance | 1,070 | 1,081 | 1,081 | +11 | |
| *IT modernization and support* | | 1,750 | 750 | +750 | −1,000 |
| Total, Commodity assistance program | 247,979 | 249,619 | 262,619 | +14,640 | +13,000 |
| Nutrition programs administration | 147,801 | 172,087 | 162,587 | +14,786 | −9,500 |

COMPARATIVE STATEMENT OF NEW BUDGET AUTHORITY FISCAL YEAR 2011—Continued

[Amounts in thousands]

| | Fiscal year 2010 enacted | Fiscal year 2011 request | Fiscal year 2011 this bill | This bill vs enacted | This bill vs request |
|---|---|---|---|---|---|
| Total, Food and Nutrition Service | 82,781,790 | 94,389,889 | 95,505,527 | +12,723,737 | +1,115,638 |
| Total, Title IV, Domestic Food Programs | 82,782,603 | 94,390,725 | 95,506,348 | +12,723,745 | +1,115,623 |
| TITLE V—FOREIGN ASSISTANCE AND RELATED PROGRAMS | | | | | |
| Foreign Agricultural Service | | | | | |
| Salaries and expenses | 180,367 | 258,780 | 219,280 | +38,913 | −39,500 |
| (Transfer from export loans) | (6,465) | (6,525) | (6,525) | (+60) | |
| Total, Salaries and expenses | 186,832 | 265,305 | 225,805 | +38,973 | −39,500 |
| Food for Peace Title I Direct Credit and Food for Progress Program Account, Administrative Expenses: | | | | | |
| Farm Service Agency, Salaries and expenses (transfer to FSA) | 2,812 | 2,846 | 2,846 | +34 | |
| Food for Peace Title II Grants: | | | | | |
| Expenses | 1,690,000 | 1,690,000 | 1,690,000 | | |
| Total, Food for Peace (Public Law 480) | 1,692,812 | 1,692,846 | 1,692,846 | +34 | |
| Commodity Credit Corporation Export Loans Program Account (administrative expenses): | | | | | |
| Salaries and expenses (Export Loans): | | | | | |
| General Sales Manager (transfer to FAS) | 6,465 | 6,525 | 6,525 | +60 | |
| Farm Service Agency S&E (transfer to FSA) | 355 | 359 | 359 | +4 | |
| Total, CCC Export Loans Program Account | 6,820 | 6,884 | 6,884 | +64 | |
| McGovern-Dole international food for education and child nutrition program grants | 209,500 | 209,500 | 219,500 | +10,000 | +10,000 |
| Total, Title V, Foreign Assistance and Related Programs | 2,089,499 | 2,168,010 | 2,138,510 | +49,011 | −29,500 |
| (By transfer) | (6,465) | (6,525) | (6,525) | (+60) | |
| TITLE VI—FOOD AND DRUG ADMINISTRATION | | | | | |
| DEPARTMENT OF HEALTH AND HUMAN SERVICES | | | | | |
| *Food and Drug Administration and Farm Credit Administration* | | | | | |
| Salaries and expenses, direct appropriation | 2,344,656 | 2,503,849 | 2,541,282 | +196,626 | +37,433 |
| Prescription drug user fees | (578,162) | (667,057) | (667,057) | (+88,895) | |
| Medical device user fees | (57,014) | (61,860) | (61,860) | (+4,846) | |
| Animal drug user fees | (17,280) | (19,448) | (19,448) | (+2,168) | |
| Generic animal drug user fees | (5,106) | (5,397) | (5,397) | (+291) | |
| Tobacco product user fees | (235,000) | (450,000) | (450,000) | (+215,000) | |
| Subtotal (including user fees) | (3,237,218) | (3,707,611) | (3,745,044) | (+507,826) | (+37,433) |
| Mammography user fees | (19,318) | | | (−19,318) | |
| Export certification user fees | (10,400) | | | (−10,400) | |
| FDA New User Fees (Leg. proposals): | | | | | |
| Generic drug review user fees | | (38,015) | | | (−38,015) |
| Reinspection fees | | (27,296) | | | (−27,296) |
| Food and Feed Export Certification user fees | | (4,385) | | | (−4,385) |
| Food Facility Registration and Inspection fees | | (220,200) | | | (−220,200) |
| Subtotal, FDA New User fees | | (289,896) | | | (−289,896) |
| Buildings and facilities | 12,433 | 12,433 | 10,000 | −2,433 | −2,433 |
| Total, FDA (w/user fees, including proposals) | (3,279,369) | (4,009,940) | (3,755,044) | (+475,675) | (−254,896) |
| *Total, FDA (w/enacted user fees only)* | (3,279,369) | (3,720,044) | (3,755,044) | (+475,675) | (+35,000) |
| Total, FDA (excluding user fees) | 2,357,089 | 2,516,282 | 2,551,282 | +194,193 | +35,000 |
| INDEPENDENT AGENCY | | | | | |
| Farm Credit Administration (limitation on administrative expenses) | (54,500) | (59,400) | (59,400) | (+4,900) | |
| Total, Title VI, Food and Drug Administration and Farm Credit Administration | 2,357,089 | 2,516,282 | 2,551,282 | +194,193 | +35,000 |
| TITLE VII—GENERAL PROVISIONS | | | | | |
| Rural Community Out Migration (Sec. 716) | 499 | | | −499 | |
| Nat'l Center for Natural Products Research (Sec. 718) | 3,497 | | 5,000 | +1,503 | +5,000 |
| Limit Wetlands reserve | | −142,000 | −6,000 | −6,000 | +136,000 |
| Limit Conservation stewardship | | −2,000 | | | +2,000 |
| Limit Grasslands reserve | | −14,000 | | | +14,000 |
| Limit Farmland protection | | −15,000 | | | +15,000 |
| Limit Agriculture management assistance (Section 1524) | | −5,000 | | | +5,000 |
| Limit Environmental Quality Incentives prog. (Sec. 721) | −270,000 | −380,000 | −276,452 | −6,452 | +103,548 |
| Limit Dam Rehab (Sec. 721) | −165,000 | −165,000 | −165,000 | | |
| Limit Wildlife habitat incentives | | −12,000 | | | +12,000 |
| Limit fruit and vegetable program (Sec. 721) | −76,000 | | −113,000 | −37,000 | −113,000 |
| Limit Biomass Crop Assistance program | | | −134,000 | −134,000 | −134,000 |
| Section 32 (rescission) (Sec. 721) | −52,470 | −50,000 | | +52,470 | +50,000 |
| Hawaii APHIS facility (Sec. 723) | 2,600 | | 2,600 | | +2,600 |
| Food Aid Products (Sec. 724) | 4,000 | | | −4,000 | |
| Hunger Fellowships (Sec. 727) | 3,000 | | | −3,000 | |
| Market development (WI, VT) (Sec. 728) | 3,000 | | 3,000 | | +3,000 |
| Specialty market (Sec. 728) | 350 | | 350 | | +350 |
| Rural Economic Area Partnership | | | 250 | +250 | +250 |
| Carbon Inventory and Accounting System (Sec. 728) | 1,000 | | | −1,000 | |
| Internat'l Food Protection Training Institute (Sec. 728) | 1,000 | | | −1,000 | |
| Foodborne Illness Health Registry (Sec. 728) | 200 | | | −200 | |
| At risk supper program (Sec. 730) | 1,000 | | | −1,000 | |
| Methamphetamine inhibitor grant program (Sec. 735) | 1,000 | | | −1,000 | |
| Kansas Farm Bureau Foundation (Sec. 738) | 250 | | | −250 | |
| Hardwood Trees (Sec. 739) | 800 | | 800 | | +800 |
| Geographic Disadvantaged (Sec. 741) | 2,600 | | 2,600 | | +2,600 |
| Durum Wheat (Sec. 741) | 3,000 | | 3,000 | | +3,000 |
| Product Access (Sec. 745) | 1,000 | | | −1,000 | |
| rural Utilities Service baseload generation | | | 15,000 | +15,000 | +15,000 |
| Supplemental Nutrition Assistance Program Employment and Training (rescission) (Sec. 742) | −11,000 | | −15,000 | −4,000 | −15,000 |
| Dairy (Sec. 748) | 350,000 | | | −350,000 | |
| H1N1 program (Sec. 746) | 2,000 | | | −2,000 | |
| Child Nutrition Reauthorization (Sec. 749) (outlays) | | | | | |
| Agricultural Research Service, Buildings and facilities (rescission) | | −75,500 | −2,226 | −2,226 | +73,274 |
| Rural Business program (rescission) | | −20,070 | | | +20,070 |
| Departmental Administration acquisition workforce | | 6,500 | 1,000 | +1,000 | −5,500 |

COMPARATIVE STATEMENT OF NEW BUDGET AUTHORITY FISCAL YEAR 2011—Continued

[Amounts in thousands]

| | Fiscal year 2010 enacted | Fiscal year 2011 request | Fiscal year 2011 this bill | This bill vs enacted | This bill vs request |
|---|---|---|---|---|---|
| Broadband loan balances (rescission) | | −15,000 | −39,000 | −39,000 | −24,000 |
| NIFA B&F (rescission) | | | −3,531 | −3,531 | −3,531 |
| NRCS expired accounts (rescission) | | | −13,935 | −13,935 | −13,935 |
| Bio-refinery (rescission) | | | −56,084 | −56,084 | −56,084 |
| Advanced Biofuels (rescission) | | | −28,042 | −28,042 | −28,042 |
| ARS S&E (rescission of emergency funding) | | | −971 | −971 | −971 |
| Emergency Watershed Protection (rescission of emergency funding) | | | −38,846 | −38,846 | −38,846 |
| Emergency Conservation Program (rescission of emergency fund) | | | −19,939 | −19,939 | −19,939 |
| RC&D (rescission) | | | −1,563 | −1,563 | −1,563 |
| Socially Disadvantaged Farmers (rescission) | | | −710 | −710 | −710 |
| Rural Community Assistance Program (rescission) | | | −993 | −993 | −993 |
| Agricultural Marketing service (rescission) | | | −610 | −610 | −610 |
| ACIF (rescission of emergency funding) | | | −3,000 | −3,000 | −3,000 |
| APHIS (rescission) | | | −15,887 | −15,887 | −15,887 |
| Office of the Secretary (rescission of emergency funding) | | | −1,342 | −1,342 | −1,342 |
| APHIS B&F (rescission) | | | −3,000 | −3,000 | −3,000 |
| Common Computing Environment (rescission) | | | −1,866 | −1,866 | −1,866 |
| Total, Title VII, General provisions | −193,674 | −889,070 | −907,397 | −713,723 | −18,327 |
| OTHER APPROPRIATIONS | | | | | |
| DIVISION B—OTHER MATTERS (PUBLIC LAW 111–118) | | | | | |
| DEPARTMENT OF AGRICULTURE | | | | | |
| Food and Nutrition Service | | | | | |
| Supplemental nutrition assistance program (Sec. 1001) (emergency) | 400,000 | | | −400,000 | |
| Total, Public Law 111–118 (emergency) | 400,000 | | | −400,000 | |
| Total, Other appropriations | 400,000 | | | −400,000 | |
| Grand total | 121,570,814 | 132,028,200 | 133,226,144 | +11,655,330 | +1,197,944 |
| Appropriations | (121,278,747) | (132,291,770) | (133,656,689) | (+12,377,942) | (+1,364,919) |
| Emergency Appropriations | (400,000) | | | (−400,000) | |
| Rescissions | (−107,933) | (−263,570) | (−366,447) | (−258,514) | (−102,877) |
| Rescission of emergency funding | | | (−64,098) | (−64,098) | (−64,098) |
| (By transfer) | (836,298) | (825,733) | (825,012) | (−11,286) | (−721) |
| (Loan authorization) | (29,453,024) | (26,147,214) | (41,798,904) | (+12,345,880) | (+15,651,690) |
| (Limitation on administrative expenses) | (166,546) | (170,388) | (175,347) | (+8,801) | (+4,959) |
| RECAPITULATION | | | | | |
| Title I—Agricultural programs | 30,191,573 | 30,192,013 | 30,261,558 | +69,985 | +69,545 |
| Mandatory | (22,855,427) | (22,759,966) | (22,759,966) | (−95,461) | |
| Discretionary | (7,336,146) | (7,432,047) | (7,501,592) | (+165,446) | (+69,545) |
| Title II—Conservation programs (discretionary) | 1,009,415 | 967,167 | 1,013,049 | +3,634 | +45,882 |
| Title III—Rural development programs (discretionary) | 2,934,309 | 2,683,073 | 2,662,794 | −271,515 | −20,279 |
| Title IV—Domestic food programs | 82,782,603 | 94,390,725 | 95,506,348 | +12,723,745 | +1,115,623 |
| Mandatory | (75,128,010) | (86,360,183) | (88,220,299) | (+13,092,289) | (+1,860,116) |
| Discretionary | (7,654,593) | (8,030,542) | (7,286,049) | (−368,544) | (−744,493) |
| Title V—Foreign assistance and related programs (discretionary) | 2,089,499 | 2,168,010 | 2,138,510 | +49,011 | −29,500 |
| Title VI—Related agencies and Food and Drug Administration (discretionary) | 2,357,089 | 2,516,282 | 2,551,282 | +194,193 | +35,000 |
| Title VII—General provisions (discretionary) | | | | | |
| Other appropriations (discretionary) | 400,000 | | | −400,000 | |
| Total | 121,764,488 | 132,917,270 | 134,133,541 | +12,369,053 | +1,216,271 |

FUNDING RECOMMENDATIONS

BUDGET AUTHORITY TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for fiscal year 2011 provided in the bill, with comparisons to the fiscal year 2010 amount and the 2011 budget estimate follows:

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

Following is an explanation of the effects of Division B, which makes appropriations for the Departments of Commerce and Justice, the National Aeronautics and Space Administration, the National Science Foundation, and related agencies for fiscal year 2011. As provide in Section 4 of the consolidated bill, this explanatory statement shall have the same effect with respect to the allocation of funds and the implementation of this division as if it were a joint explanatory statement of a committee of conference. Direction contained in Senate report 111–129, unless otherwise addressed in this statement, shall also provide legislative intent on the appropriations contained in division B of this Act. Funding levels for appropriations by account, and comparisons to fiscal year 2010 levels and the budget request, can be found in the table at the end of this division.

The Departments of Commerce and Justice, the National Aeronautics and Space Administration and the National Science Foundation are directed to submit spending plans, signed by the respective department or agency head, for review by the Committees on Appropriations within 60 days of enactment of this Act. In addition, each department and agency funded herein shall follow the directions set forth in this Act and in this statement, and shall not reallocate resources or reorganize activities except as provided herein. Reprogramming procedures shall apply to funds provided in this Act, unobligated balances from previous appropriations Acts that are available for obligation or expenditure in fiscal year 2011, and non-appropriated resources such as fee collections that are used to meet program requirements in fiscal year 2011.

TITLE I

DEPARTMENT OF COMMERCE

INTERNATIONAL TRADE ADMINISTRATION

OPERATIONS AND ADMINISTRATION

The bill includes $514,204,000 in total resources for the programs of the International Trade Administration (ITA), which includes $9,439,000 in offsetting collections.

*China anti-dumping and countervailing duty activities.*—The agency is encouraged to allocate additional resources above the request to the activities of both these offices; is directed to fully staff anti-dumping efforts, and notify the Committees on Appropriations of any impediments to hiring or retaining staff with the required expertise.

*National Export Initiative (NEI) and trade compliance and enforcement.*—The bill includes funding to support a comprehensive export strategy. However, ITA and the Department are expected to focus just as aggressively on unfair imports and reducing foreign subsidy programs as they do in trying to overcome unfair trade barriers to U.S. exports. ITA is directed to provide a spend plan for the NEI within 60 days of enactment of this Act to the Committees on Appropriations, and to provide quarterly reports on the implementation of this strategy.

*U.S. Foreign Commercial Service (FCS).*—The Department is directed to increase FCS's role overseas. However, the Department is cautioned to better plan for how ITA will reasonably grow the FCS and incorporate an influx of new personnel. ITA is directed to provide the Committees on Appropriations with a report within 60 days of enactment of this Act that will include a detailed workforce plan and refined cost estimates, as well as a specific management plan as to how the agencies will manage FCS's financial and workforce resources.

*Travel expenditures.*—The Department is expected to continue to submit quarterly reports regarding ITA's travel expenditures, including separate breakouts of funding, the number of trips and the purposes of travel.

*Human rights training.*—The agency is directed to provide human rights training for foreign commercial service officers and foreign national employees within the requested funding level.

The bill provides $3,400,000 for congressionally-designated projects. ITA is directed to refrain from charging administrative costs and is expected to provide appropriate management and oversight of each grant.

**International Trade Administration**
**Congressionally-designated Items**
**($ in thousands)**

| Recipient | Project | Amount |
|---|---|---|
| Cornell University, Ithaca, NY | National Textile Center - Cornell University | 400 |
| John H. Chafee Center for International Business, Smithfield, RI | Rhode Island Export Development Program (RIEDP) | 500 |
| Medgar Evers College of the City University of New York, Brooklyn, NY | Brooklyn International Trade Development Center | 400 |
| North Carolina State University, Raleigh, NC | National Textile Center Research | 500 |
| Philadelphia Hispanic Chamber of Commerce Services, Philadelphia, PA | Small Business Latin American Trade and Education Program | 100 |
| Textile/Clothing Technology Corporation, Cary, NC | Textile Research Programs | 1,000 |
| University of Nebraska-Lincoln, Lincoln, NE | International Trade Scholars Program | 500 |

BUREAU OF INDUSTRY AND SECURITY

OPERATIONS AND ADMINISTRATION

The bill includes $109,975,000 for the Bureau of Industry and Security (BIS).

*Export controls.*—The publication of patent applications for national security and dual-use technologies defeats the purpose of the Nation's export control laws. During the multi-agency effort to reform these laws, the Administration is urged to consider whether all such applications should be restricted automatically from publication, and whether the U.S. Patent and Trademark Office needs additional legislative authority to restrict such publication. BIS is directed to report to the Committees on Appropriations on this effort within 90 days of enactment of this Act.

ECONOMIC DEVELOPMENT ADMINISTRATION

The bill includes $317,181,000 for the programs and administrative expenses of the EDA. The total recommendation for EDA consists of the amounts appropriated in the following two accounts.

ECONOMIC DEVELOPMENT ADMINISTRATION PROGRAMS

The bill includes $277,000,000 for Economic Development Assistance programs. Funds are to be distributed as follows; any deviation of funds shall be subject to the procedures set forth in section 505 of this Act:

| | |
|---|---|
| Public works | $160,000,000 |
| Global climate change mitigation initiative | (25,000,000) |
| Planning | 34,800,000 |
| Technical assistance | 12,700,000 |
| Research and evaluation | 1,500,000 |
| Trade adjustment assistance | 18,000,000 |
| Economic adjustment assistance | 50,000,000 |

*Public works (PW).*—PW funds are critical to economic development within local communities and industries and should not be reduced as proposed.

*Planning.*—The agency is directed to allocate this funding to the existing network of Economic Development Districts (EDDs), consistent with previous years' direction.

*Technical assistance.*—The bill includes an increase of $400,000 to continue the competition of two additional university centers each year, with the goal of ensuring that each State has at least one center. EDA is encouraged to develop a plan to restore funding to historic levels, extend the three-year review process to five years, and re-establish the peer review mechanism for evaluating university centers. EDA is also directed to commission an independent study to evaluate the performance of the university center program to assist in the redesign.

*Trade adjustment assistance (TAA).*—The bill includes an increase of $2,200,000 over fiscal year 2010 as a result of the inclusion of service firms. EDA is directed to continue to provide quarterly reports on the number of firms assisted, how that assistance is quantified, and the value each center adds to the TAA process. Collection of performance data is required to warrant increased funding.

*Economic adjustment assistance (EAA).*—EDA grantees have testified to the need for EAA grants but maintain that PW projects are the mainstay of economic development for their communities. The proposed shift of funds from PW to the EAA account would result in a net reduction in the number of PW projects funded. Therefore, the level of PW funding is maintained while EAA funding levels have been increased. EDA is encouraged to request significant additional funding for both programs in fiscal year 2012 and beyond. Regional innovation clusters and business incubators, within the parameters of EDA's report of May 25, 2010, are supported within funding provided; EDA is encouraged to facilitate a system of consultation and referral among service providers. EDA is directed to provide quarterly reports on progress and funding awards for both initiatives, and expects proven performance. EDA is also encouraged to increase the number of revolving loan funds awarded and recapitalized for worthy applicants. These funds are critical to communities that lack access to credit, particularly during economic downturns when many banks refuse to lend even to credit-worthy clients that have successfully borrowed in the past.

SALARIES AND EXPENSES

The bill includes $40,181,000 for EDA's salaries and expenses. EDA is directed to fill vacancies in regional offices prior to those in headquarters, and to continue to increase the number of Economic Development Representatives in those areas where the territory to be covered presents geographical challenges to serving all communities in a timely and consistent manner. EDA is also encouraged to increase staff support for exceptionally large geographic areas.

MINORITY BUSINESS DEVELOPMENT AGENCY

MINORITY BUSINESS DEVELOPMENT

The bill includes $32,316,000 for the Minority Business Development Agency (MBDA). The agency is urged to request sufficient funds in fiscal year 2012 and beyond to increase the annual funding levels for each of its Minority and Native American Business Enterprise Centers to at least $300,000.

*Office of Native American Business Development (ONABD).*—The bill includes not less than $1,000,000 for the ONABD, as requested, and the ONABD is directed to utilize the assistance of the Native American Business Enterprise Centers to help fulfill its obligations.

*Technical assistance.*—The agency is directed to provide a report to the Committees on Appropriations by March 1, 2011, on the centers that offer technical assistance in more than one language, specifying the type of assistance each center offers, in which languages, and the disaggregated data on minority firms served.

*Multilingual staff.*—To the extent feasible, MBDA is directed to increase the multilingual staff at headquarters and at MBDA centers, particularly in those geographic service areas that have significant populations with limited English proficiency as defined by the most recent Census data.

ECONOMIC AND STATISTICAL ANALYSIS

SALARIES AND EXPENSES

The bill includes $110,000,000 for Economic and Statistical Analysis. The proposed new measurements will help Federal, State, and local governments shape better policies to spur job creation and assist in long-term planning decisions.

BUREAU OF THE CENSUS

The bill includes a total operating level of $1,235,423,000 for the Bureau of the Census.

SALARIES AND EXPENSES

The bill includes $271,364,000 for the salaries and expenses of Census, which includes $5,000,000, as requested, to allow Census to work in coordination with the Bureau of Labor Statistics to supplement the official poverty measures with annual measures from the Current Population Survey.

PERIODIC CENSUSES AND PROGRAMS

The bill includes a total of $964,059,000 for all periodic censuses and related programs and includes funding for the requested initiatives, albeit at a reduced level. Census may use up to $255,600 for additional acquisition workforce capacity and capabilities, as requested, from available funds.

*American Community Survey (ACS).*—More than 180 Federal assistance programs rely on ACS data to distribute $416 billion annually. The fiscal year 2011 request proposes to begin to increase the sample size to 3.5 million housing units annually. However, GAO has expressed concerns with the current staffing plan. Census shall provide more detailed and transparent staffing documentation to the Committees on Appropriations within 60 days of enactment of this Act.

*Data processing systems.*—The bill includes funding to strengthen information security capabilities, meet increasingly demanding security requirements, and proactively protect data resources.

*Monthly status reports.*—Census is directed to continue its dashboard monthly status reports as it transitions into preparations for the 2020 decennial.

*Inspector general (IG) recommendations.*—Census is directed to incorporate all IG recommendations as it transitions into the 2020 decennial, including a thorough review of the training process; better communication of Census' various enumeration practices; and increased budget transparency.

*Other languages.*—Census is encouraged to create language assistance guides for the ACS, and is directed to continue to provide updates on a semi-annual basis on its language assistance program.

*Data on small population groups.*—Census' efforts to collect and make available data from the ACS and the decennial on small population groups and national origins subgroups continues to be of great importance for policymakers, as the needs among various populations vary significantly.

*Offshore U.S. jurisdictions.*—Census is urged to ensure that future statistics incorporate data on all U.S. citizens, including those in Puerto Rico and other offshore jurisdictions.

*Best practices.*—Census is urged to develop and share its best practices and methods for outreach to hard-to-count communities with Federal agencies and State and local governments.

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

SALARIES AND EXPENSES

The bill includes $41,568,000 for the salaries and expenses of the NTIA. The agency is directed to provide quarterly reports on grant activities.

*Minority Serving Institution (MSI) Digital and Wireless Technology Opportunity Program.*—Within 60 days of enactment of this Act, the Secretary of Commerce is directed to submit to the Committees on Appropriations a report describing the Department's plans to support and assist MSIs in improving their instrumentation, connectivity, hardware and software for instructional and research purposes as contemplated by the Stevenson-Wydler Technology Innovation Act of 1980, and is urged to include a request for this program in fiscal year 2012.

*Reverse auctions.*—GAO is directed to provide a report to the Committees on Appropriations by May 1, 2011, on the feasibility of using reverse auctions to distribute any future broadband subsidies through commercially available, online procurement tools, including best practices, rigorous evaluation techniques, and recommendations to ensure compliance and accountability for auction winners.

PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING AND CONSTRUCTION

The bill includes $20,000,000 for Public Telecommunications Facilities, Planning and Construction (PTFPC). The Administration once again proposed to eliminate the PTFPC program, despite its own report that delineates the need for PTFPC. Both the Corporation for Public Broadcasting (CPB) and

PTFPC work closely to ensure that they are not funding the same projects. Each agency has a separate sphere of responsibility and the programs differ in their respective eligibility requirements and in the scope of the projects that each fund. PTFPC funds only planning and construction projects through a competitive process. CPB's community service grant program does not fund planning or construction projects. In addition, PTFPC funding is essential to providing radio and television services to the print-handicapped and individuals served by small or low-power stations and stations faced with a catastrophic loss of service, and new stations seeking to serve communities in remote or rural areas.

UNITED STATES PATENT AND TRADEMARK OFFICE

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

The bill includes $2,262,000,000 for the United States Patent and Trademark Office (USPTO), including $2,090,000,000 under the current fee structure, and an additional $172,000,000 to be generated by a surcharge on patent fees, as provided in this bill.

*Projected fee collections.*—The misperception by some USPTO stakeholders that fees collected by the agency and not appropriated for a particular fiscal year are ''diverted'' to fund other agencies in the bill is an entirely inaccurate description. But USPTO's inability to provide accurate projections of its fee collections has had the effect of diverting funding from other agencies and critical priorities in the bill when the agency has overestimated the fees it will collect. To the extent that an estimate may be significantly more or less than actual fee collections, it is the failure of USPTO's own estimation technique that causes the problem. In fact, Congress has appropriated USPTO's full fee collection estimates for many years, and any fees collected by USPTO but not appropriated for a particular fiscal year are credited to the agency and remain available for appropriation at a later date.

Neither are all of the Federal costs of patents borne by stakeholders through fee payments. Patent-related litigation activities by the Department of Justice and the Federal Judiciary are a benefit to patent holders and are financed outside of the patent fee system, at great expense to the American taxpayer. These are just two examples. If the stakeholders continue to insist on full access to fee collections, those fees should arguably include an accounting of all the costs of Federal agencies for patent activities.

Some USPTO stakeholders are reportedly encouraging the elimination of the role of the Appropriations Committees in any decisions related to the annual budget of USPTO. However, pendency and backlog issues are not fundamentally the result of a lack of funds, but of a lack of management. Stakeholders would be better served by continued oversight and improved budget formulation, execution, and management than by advocating for an agency with no annual budgeting oversight by Congress.

*Operating reserve fund.*—USPTO is directed to provide a plan for the proposed operating reserve fund, including limitations on spending, within 60 days of enactment of this Act, to the Committees on Appropriations.

*Provision of fee collection projections.*—UPSTO is directed to continue to provide quarterly reports on its projected fee collections and to notify the Committees on Appropriations during any month when significant changes in such projections prompt serious concern or require significant budgetary responses.

*Justification improvements.*—USPTO's efforts to provide a requirements-based budget for fiscal year 2011 are acknowledged. However, the text needs to make the argument for the funding requested and serve as resource materials for Congressional use, and the justification shall be subjected to Department of Commerce (DOC) oversight and editing. USPTO is directed to work with DOC, as well as the Committees on Appropriations, to ensure the fiscal year 2012 budget request is appropriately formatted.

*Reprogramming and spend plan.*—USPTO is required to follow the reprogramming procedures outlined in section 505 of this Act before using excess fee collections to forward fund expenses beyond fiscal year 2011. Any deviations from the funding distribution provided for in this Act, including carryover balances, are subject to the standard reprogramming procedures set forth in section 505 of this Act. USPTO is directed to provide a spend plan for fiscal year 2011, within 60 days of enactment of this Act, incorporating all carryover balances from previous fiscal years, and describing any changes to the patent or trademark fee structure. Any changes from the spend plan shall also be subject to section 505 of this Act.

*Backlog of patent applications.*—GAO has found that the hiring of additional patent examiners is not sufficient to address the backlog of patent examinations. Too often, patent examiners, extensively trained at great expense to the agency, have become private sector patent attorneys after only a short tenure with the agency. USPTO has identified alternative methods to meet backlog reduction goals and is directed to provide a report to the Committees on Appropriations on its progress with this and other backlog reduction strategies within 90 days of enactment of this Act.

*Economic security.*—In some circumstances, the time between the statute-mandated publishing of patent applications and the award of a patent allows competitors market advantage. This risks U.S. economic security and inventors' intellectual property rights. USPTO is directed to study its patent publishing process and consider the alternative of publishing only the patent abstract instead of the entire application, and report to the Committees on Appropriations on this effort within 90 days of enactment of this Act.

*Small business international patent protection.*—DOC is directed to work with USPTO and ITA to provide the Committees on Appropriations with a report, within 90 days of enactment of this Act, on how best to help small businesses with international patent protection, including, if a fund is a reasonable option, the initial level of appropriations; management recommendations; eligible applicants and selection criteria; and ways to ensure the fund becomes financially self-sufficient.

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

The bill includes $877,700,000 for the National Institute of Standards and Technology (NIST).

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

The bill includes $541,246,000 for NIST's scientific and technical core programs.

*Cybersecurity.*—The bill provides $10,000,000 for the Director to establish and operate a National Cybersecurity Center of Excellence (NCCOE) in addition to NIST's ongoing cybersecurity activities, of which $6,650,000 should be for internal NIST requirements to staff and scale up the center, and $3,350,000 shall be allocated on a merit-based competitive basis for activities with relevant non-Federal entities.

*Molecular genetic assays.*—Molecular genetic assays provide the cutting edge for many individualized therapies in oncology, transplantation, infectious disease and genetics, but the production of certified reference materials has fallen behind the technical capabilities of these assays. NIST is urged to develop certified reference materials for tests that are urgently needed to improve patient care and safety, including cytomegalovirus, BCR/ABL mutation, KRAS mutation, EGFR mutation, BK virus, and Epstein Barr virus.

NIST is directed to begin a national scale greenhouse gas (GHG) observation testbed to examine data from existing and emerging national GHG networks to verify measurement efficacy and integration into inverse climate models, in order to provide the foundation for independent measuring, reporting and verification activities.

The bill provides $5,275,000 for congressionally-designated projects. NIST is directed to refrain from charging administrative costs and is expected to provide appropriate management and oversight of each grant.

INDUSTRIAL TECHNOLOGY SERVICES

The bill includes $204,454,000 for Industrial Technology Services (ITS). Of this amount, $124,700,000 is provided for the Manufacturing Extension Partnerships, including full support for the National Innovation Marketplace; $69,900,000 is provided for the Technology Innovation Program to continue existing awards; and $9,854,000 is provided for the Baldrige Performance Excellence Program, as requested. During fiscal year 2010, the former Baldrige National Quality Program was renamed and moved to ITS to consolidate NIST's non-laboratory extramural programs.

CONSTRUCTION OF RESEARCH FACILITIES

The bill includes $132,000,000 for NIST construction. The bill provides funding for the agency's highest priorities, including completion of the JILA expansion. NIST is directed to provide quarterly reports on the status of all construction projects to the Committees on Appropriations.

*Competitive construction grants.*—Within funds provided, $20,000,000 is included for competitive construction grants for research science buildings in fiscal year 2011. The program continues to attract significant numbers of applicants, leverages additional public and private funding, provides jobs, and improves science research in the Nation. The Administration is expected to include this program in future requests.

The bill provides $50,000,000 for congressionally-designated projects. NIST is directed to refrain from charging administrative costs and is expected to provide appropriate management and oversight of each grant.

**National Institute of Standards and Technology**
**Congressionally-designated Items**
**($ in thousands)**

| Recipient | Project | Amount |
|---|---|---|
| Glenville State College, Glenville, WV | Center of Teacher Excellence | 2,000 |
| Mississippi State University, Starkville, MS | Life Sciences Commercialization Laboratory | 4,000 |
| Rhode Island School of Design, Providence, RI | Facility for Advanced Visualization Technologies | 750 |
| University of Alabama, Tuscaloosa, AL | Interdisciplinary Science and Engineering Teaching and Research Corridor | 30,000 |
| University of Hawaii, Honolulu, HI | Hawaii Open Supercomputing Center and Coral Biodiversity | 3,000 |
| University of Kentucky, Lexington, KY | University of Kentucky Evaluation of Firefighter Turnout Gear for Safety | 275 |
| University of Mississippi Medical Center, Jackson, MS | Mississippi Biotechnology Research Park | 8,000 |
| University of Rhode Island, Kingston, RI | Rhode Island Consortium for Nanoscience and Nanotechnology | 1,250 |
| University of Southern Mississippi, Hattiesburg, MS | Mississippi Polymer Institute | 6,000 |

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

The bill includes a total of $5,551,928,000 in discretionary appropriations for the National Oceanic and Atmospheric Administration (NOAA). Within the amount provided, NOAA is directed to fund the congressionally-designated activities in the amounts identified in the table at the end of this account. NOAA is directed to refrain from charging administrative costs to these grants and is expected to provide appropriate management and oversight of each grant.

OPERATIONS, RESEARCH, AND FACILITIES

(INCLUDING TRANSFERS OF FUNDS)

The bill includes a total program level of $3,478,460,000 under this account for the coastal, fisheries, marine, weather, satellite and other programs of NOAA.

NATIONAL OCEAN SERVICE (NOS)

*Mapping and charting.*—The bill includes $51,350,000 for mapping and charting, of which $1,500,000 is for the development and demonstration of unmanned surface vehicles for hydrographic survey operations.

*Integrated Ocean Observing System (IOOS).*—The bill provides $33,000,000 for the IOOS regional observations, of which $6,000,000 is for program administration; $24,000,000 is for a competitive, regional ocean observing systems solicitation; and $3,000,000 is to continue to establish a consortium for testing and advancing new sensor technologies. Proposals for continuation of existing multi-regional extramural test beds shall be considered and evaluated concurrently and equally as part of the regional ocean observing systems solicitation.

*Coral reef programs.*—The bill includes a total of $32,706,000 for coral reef research and operations, including $27,000,000 in NOS; $2,506,000 for deep sea corals in the National Marine Fisheries Service; $2,000,000 in Oceanic and Atmospheric Research, and $1,200,000 in congressionally-directed projects.

*Response and restoration.*—The bill includes $29,418,000 for response and restoration, of which $2,900,000 is for initial operations of the Gulf of Mexico Disaster Response Center (DRC). NOAA is expected to appropriately staff and fund the DRC in out-years to achieve operational capacity as the gulf coast hub for NOAA's emergency preparedness, response, and recovery operations. The duration of the Deepwater Horizon spill has revealed that ORR staff is overextended. While the costs of NOAA's response and restoration efforts should ultimately be reimbursed by the party or parties responsible, it is imperative that NOAA have appropriate levels of funding available to conduct efforts as needed. NOAA is directed to provide the Committees on Appropriations with a long-term budget plan that reflects an updated and more realistic core staffing and resource profile based on lessons learned.

*Oil spill research.*—The budget materials for fiscal year 2012 shall include and justify a unified and coordinated Federal approach for oil spill research that includes the Department of the Interior, the Department of Energy, the National Oceanic and Atmospheric Administration and the Coast Guard.

*Competitive external research.*—The bill includes $16,000,000 for competitive external ocean science research, including harmful algal blooms, hypoxia and regional ecosystems.

*Coastal zone management grants.*—The bill includes $68,146,000 for coastal zone management grants and NOAA is directed to use a portion of the increases provided for efforts to modernize and improve state information systems to assess, track and manage permitting and land-use tracking procedures.

*National Estuarine Research Reserve System (NERRS).*—The bill includes $1,174,000 above the request for NERRS operations.

*Marine sanctuary program.*—The bill includes $49,500,000 for the marine sanctuary program, of which $2,000,000 is for the purchase and installation of integrated vessel electronics for the Marine Sanctuary small boats program.

NATIONAL MARINE FISHERIES SERVICE (NMFS)

*National catch share program.*—The bill includes $49,500,000 for the national catch share program. This fully funds the implementation and operation of planned and existing catch share programs, and includes $6,002,000 for cooperative research specific to catch share programs. Ensuring sustainable fisheries ensures jobs—from harvesters to processors to retailers—and ensures the profitability of coastal communities, which depend upon those jobs. Over time, improved fisheries will increase tax revenue, as well as ensure a reliable and sustainable food source for the Nation. Catch shares are designed to end overfishing and return a fishery to sustainable levels, in part by providing fishermen with the tools to ensure that they can sell the fish they catch, rather than throw excess back into the ocean, which frequently kills the fish. Over time, catch shares improve the overall economic performance of the fishery, because as overfishing ends and the stock rebounds, the catch allowed increases, which is of increasing value to the fishermen.

The Committees on Appropriations recognize the importance of the commercial and recreational fishing industries and are sensitive to the objections raised by some fishermen to the concept of catch shares. The Committees share the concerns of these fishermen about the consolidation of the industry, declining catches, and the challenge of complying with regulations imposed by the Magnuson-Stevens Reauthorization Act (MSRA). However, the Committees note that catch shares are not the driving force behind consolidation or declining catches. Instead, they are a tool that may be adopted by each regional council if such council determines that a fishery would benefit from their use; catch shares are not NOAA-mandated. Catch shares are intended to provide fishermen with more business flexibility in responding to the MSRA regulations, allowing fishermen to consider market and weather conditions in deciding when to fish, thus increasing the price per pound and improving safety at sea.

Catch shares are also less amenable to long-term consolidation, because a specific portion of the total allowable fishery catch is allocated to individuals, cooperatives, communities, or other entities, including sectors. Nevertheless, NOAA is directed to provide a report to the Committees on Appropriations, within 120 days of enactment of this Act, detailing the steps being taken, either by the agency or by the regional councils, to address excessive consolidation.

*Recreational fisheries.*—Recreational fishing is economically and culturally valuable to our Nation. The Secretary is directed to issue guidance to councils to consider biological, social and economic impacts as criteria in determining the initial distribution of catch shares among sectors in multi-sector fisheries, and to consider transferability of catch share privileges between commercial and recreational sectors. In addition, the Secretary is encouraged to ensure that composition of the individual regional councils is sensitive to the statutory requirements of equity and fairness with respect to the balance between commercial and recreational fishermen.

*Fishery-independent surveys.*—The closure of fisheries due to the Deepwater Horizon oil spill has eliminated landing data from both commercial and recreational fisheries sectors, and combined with the lack of fishery-independent survey information, the result is that the assessment of the immediate impact of the oil spill on Gulf fisheries stocks, as well as the ability to predict long-term impacts, is impeded. NOAA is encouraged to fully implement a fishery-independent data collection strategy, and is directed to provide a report to the Committees on Appropriations on implementation of such a strategy within 90 days of enactment of this Act.

*Salmon management activities.*—The bill includes $49,729,000 for salmon management activities, of which no less than $23,729,000 is directed for Pacific Salmon Treaty activities, an increase of $4,611,000 above the request. In addition, an increase of $9,500,000 is provided above the request to allow hatcheries to be reformed according to the recommendations of the Hatchery Scientific Review Group.

*Fisheries enforcement asset forfeiture fund (AFF).*—The Inspector General's (IG) investigation into the AFF, established to use revenues from fisheries fines and penalties to pay for enforcement activities, revealed a serious lack of budgetary oversight by NOAA. The independent forensic review of this fund revealed the revenues have been co-mingled with other funds, resulting in a lack of visibility over the entire fund by any one organization in NOAA or DOC or any one responsible and accountable individual; and that many transactions had no supporting documentation, were missing approvals, and may ultimately be found to be improper expenditures from the fund. Moreover, at any given time, it is unclear how much is available in the fund, though it should be, at all times, strictly accounted for and included as offsetting funds for any appropriations request. In addition, the fishing industry has made claims, particularly in the Northeast region, that NOAA's fines are excessive, constituting a form of bounty, because NOAA is able to retain the proceeds from its enforcement cases. NOAA is directed to: (1) define what appropriate expenses may be charged against the asset forfeiture fund and develop guidance accordingly; (2) conduct an annual audit of the fund which will be commissioned by the IG for which expenses shall be paid from the fund account; (3) post results of the annual audit of the fund to NOAA's website in a prominent and conspicuous place; (4) generate and implement an audit action plan incorporating all the IG's recommendations; (5) utilize the science available to set priorities and focus enforcement on those priorities; and (6) provide a spend plan, containing all these elements, to the Committees on Appropriations. The bill includes $60,000,000 for enforcement, and essentially freezes the AFF until NOAA receives approval from the Committees on the AFF spend plan.

*Ombudsman.*—Given the overall results of the IG reviews; persistent complaints about the complexity of the regulations; and the fact that the penalty assessment and defense process can put members of the fishing industry—predominantly small business owners—out of business without recourse, NOAA is directed to consider establishing an ombudsman position for the fishing community that reports independently to the Under Secretary. Additionally, or as an alternative to an ombudsman, NOAA is directed, within its enforcement program, to establish an independent office empowered to advocate or advise the regulated community on violation avoidance, compliance assistance, and defense and settlement advocacy.

*Observers.*—The bill includes a total of $5,000,000 for the Longline Observer program.

*Community-based restoration program (CRP) grants.*—The bill includes $28,967,000 for fisheries habitat restoration, the same as the request. NOAA's goal of implementing larger-scale ecological restoration and the enormous backlog of coastal habitat restoration projects is acknowledged, and future budget requests are expected to provide appropriate funding levels for such efforts. However, the multitude of important ecosystem benefits of small- to mid-scale habitat restoration projects that involve local communities and contribute to larger-scale regional conservation or restoration plans are critical. NOAA is expected to maintain the small- to mid-scale project focus of the CRP that continues to provide broad ecosystem benefits; involving community oriented organizations and their communities and citizens at the local level has been essential to CRP's highly successful on-the-ground restoration efforts.

*Antarctic research.*—The fiscal year 2010 Antarctic field research season was significantly affected by the lack of an appropriate vessel and unexpected weather patterns, reducing the number of samples below minimum levels in an effort to ensure the safety of the crew and research teams. However, maintaining the long-term database is critical to assuring validity with respect to assessing the impacts of climate change. NOAA is directed to ensure that funding levels are sufficient to provide an appropriate and safe vessel, regardless of weather conditions, and that research is conducted as required to maintain continuity of the data.

*Cooperative research.*—Cooperative research provides an effective means for fishermen to become involved in the collection of fundamental fisheries information, and given the challenging economic and regulatory conditions facing fishermen, the bill provides $11,600,000, which is $4,500,000 above the request, and is in addition to the $6,002,000 included in the catch share program.

*Regional studies.*—NOAA's Chesapeake Bay Office is directed to collaborate with the States of Maryland and Virginia to advance multiple species management. NOAA shall continue to utilize Sea Grant programs from both States and the National Centers for Coastal Ocean Science, particularly the Cooperative Oxford Laboratory (COL), on oyster restoration and spatial planning science and management goals. NOAA is directed to provide the Committees on Appropriations with a report within 60 days of enactment of this Act, detailing a clear strategic partnership between NOAA's Chesapeake Bay Laboratory and COL, including collaborative breakouts on personnel, resources, and costs.

OCEANIC AND ATMOSPHERIC RESEARCH (OAR)

*Climate research.*—The bill includes $163,159,000 for the competitive research program; out of the increase provided $2,200,000 is for continued chemical climate research important to climate modeling; $1,400,000 is for atmospheric chemistry to avoid losing a key sampling component; and $1,000,000 is provided for replacement of equipment and facilities damaged by the tsunamis triggered by the earthquake that occurred in September 2009. NOAA is encouraged to reestablish this important research station as quickly as possible and is directed to provide a report to the Committees on Appropriations, within 90 days of enactment of this Act, on its plans to do so.

*Urban greenhouse gas measurements.*—NOAA is directed to report to the Committees on Appropriations on the status of urban greenhouse gas measurement within 120 days of enactment of this Act. The report should include whether there is a need to ensure accurate monitoring of greenhouse gases in the urban environment and an opportunity to partner with institutions of higher learning; as well as the feasibility of deploying a network of portable, highly-accurate, low-maintenance analyzers that meet the highest international standards in multiple, geographically-diverse cities.

*Laboratories and cooperative institutes.*—The Committees on Appropriations are aware that NOAA is underfunding cooperative institutes and creating partnerships with the external community under false financial pretenses. An increase is provided to help bridge this gap, including $2,000,000 in competitive funding above the ocean, coastal, and Great Lakes laboratories and cooperative institutes request for external coral reef institutes. The Administration is expected to fully fund cooperative institutes and laboratories at appropriate levels in future years.

*Weather and air quality research.*—The bill includes $650,000 for laboratories and cooperative institutes for instrumentation and operation of state of the art monitoring of nutrients and mercury speciation measurement stations and laboratories.

*National Sea Grant College program.*—The bill includes $63,000,000, of which $4,500,000 is for marine aquaculture research and $2,000,000 is for aquatic invasive species research; both shall be coordinated by NOAA's Sea Grant office.

NATIONAL WEATHER SERVICE (NWS)

*Space weather.*—The importance of solar flare predictions in space weather forecasting is recognized, and NOAA is encouraged to further develop research efforts to improve the statistical certainty of solar flare predictions.

*National Mesonet program.*—The bill includes $25,400,000 for continuation and expansion of the National Mesonet program, including: (1) $13,400,000 to maintain data procurements from existing surface in-situ observations including those initiated during the initial phases of the program, as well as those added in recent years; (2) $4,000,000 for expansion of surface in-situ observations in all areas of the country including urban and non-urban rural, coastal and mountainous regions for purposes of weather and climate monitoring; (3) $2,000,000 for establishment of a National Mesonet Test Bed project to demonstrate the integration of multifunctional observing systems including both surface in-situ and remote sensing profilers for improved forecasts and benefits to top priority segments of the economy including renewable energy growth and aviation efficiencies; (4) $5,000,000 for the continued development and expansion of the Mobile Platform Environment (MoPED) System into full capability to ensure that mobile platform environmental data is available to support efforts of the NWS; (5) $500,000 for enhancements to the Meteorological Assimilation Data Ingest System (MADIS), including continued evolution of metadata handling and performance capabilities, contingent upon submission of a plan that shows a multi-year justification for why MADIS expansion is preferable to competitive procurement of tools developed by the private sector for the same purpose; and (6) $500,000 for the National Mesonet program office for oversight and data utilization initiatives. NOAA is expected to include a robust and expanded national mesonet program in its fiscal year 2012 budget request.

NATIONAL ENVIRONMENTAL SATELLITE, DATA AND INFORMATION SERVICE (NESDIS)

*Scatterometer.*—NOAA is directed, together with NASA which is similarly directed, to continue co-funding joint studies within available funds that should lead to a fiscal year 2012 request to build and fly an operational scatterometer providing sea surface vector wind measurements. The Committees on Appropriations are concerned that such a request was not included in fiscal year 2011, given the demise of the QuikSCAT. NOAA should aggressively pursue negotiations to secure a flight opportunity for this instrument that is both reliable and timely.

*Archive, access, and assessment.*—The bill includes $75,000,000, an increase of $10,145,000 above fiscal year 2010, to transition climate data records (CDR) to operations; continue additional CDR development; and to close the gap in long-term safe storage of and access to the Nation's environmental data and information.

PROGRAM SUPPORT (PS)

*Facilities.*—The bill includes $36,346,000 for NOAA facilities, which includes $7,000,000 for renovations and modernization of facilities necessary to support weather and climate modeling needs. No funding for the Marine Operations Center—Atlantic facility is provided as its construction has already been financed.

*Acquisition workforce capacity and capabilities.*—NOAA may use up to $1,908,414 for additional acquisition workforce capacity and capabilities, as requested, from available funds.

*Administrative funding cap.*—The Committees on Appropriations are concerned about the lack of transparency and visibility of all administrative costs incurred by NOAA's corporate staff and line offices, including regional and field offices. The Committees are particularly concerned that the non-visible administrative cost components may be increasing more rapidly than the directly visible corporate services appropriation enacted to pay for NOAA corporate administrative costs. For example, NOAA has continued to assess line office programs for a portion of their corporate administrative costs through a ''direct billing'' process that is not visible to the Committees. Over the past five years, the corporate services appropriation has accounted for a declining share of total NOAA corporate administrative costs, while the ''direct billing'' share of these costs has increased significantly.

To address these concerns, the bill establishes a cap on all NOAA headquarters (HQ) administrative costs for fiscal year 2011. This new cap limits the amount of ORF and PAC funds that can be used for administrative costs incurred by NOAA's corporate and line office HQ operations. The cap for fiscal year 2011 is $413,000,000, of which up to $391,000,000 may be met using ORF funds and up to $22,000,000 may be met using PAC funds. This $413,000,000 limitation may be increased up to five percent, with congressional notification of the reasons for any proposed increase at least 15 days in advance of the need. This cap includes the corporate services appropriation within ORF and all NOAA payments to the Department of Commerce for administrative services. No other funds appropriated for NOAA in this Act may be used to pay for NOAA administrative costs. Administrative costs consist of those for the following standard administrative functions: (1) general management and direction, including public affairs and information dissemination activities; (2) legal services; (3) CFO operations including budget, finance, and accounting activities; (4) CIO operations and all IT-related expenses: (5) CAO operations, including facilities and security costs; (6) human resources services, including EEO; and (7) procurement, acquisition and grants management operations.

Although the NOAA line offices also incur administrative costs at the field offices and financial management centers (FMCs) that execute their programs, these costs are not included in the administrative cost cap for two reasons. First, the distinction between administrative and program costs for field

operations is less clear than for line office HQ operations. Second, the current data identifying these field administrative costs appear incomplete and less reliable than HQ data. A cap may be imposed on these costs at a future date.

In addition, NOAA shall provide a report to the Committees on Appropriations within 30 days of enactment of this Act that identifies total NOAA administrative costs for fiscal year 2009 actual, fiscal year 2010 actual, and fiscal year 2011 planned for NOAA corporate staff and each line office, including the Office of Marine and Aircraft Operations. The report shall also identify the administrative costs incurred by these organizational entities, as well as the field offices and FMCs, for the standard administrative functions described above. Similar tables shall be included in all subsequent NOAA annual budget justifications provided to Congress.

*Education.*—The bill includes $10,000,000 for competitive educational grants, of which $2,500,000 is to continue the ocean education partnership and $2,500,000 is to improve geographic literacy in the Nation's schools utilizing NOAA's national network of weather and environmental activities; $14,000,000 for the educational partnership program with minority serving institutions; a total of $8,700,000 for BWET regional programs; $2,000,000 for the GLOBE program in partnership with the National Aeronautics and Space Administration; and $2,000,000 to ensure an appropriate administrative level. NOAA is directed to request separate funding for each program element in future budget requests, rather than rolling the funding up into one line.

*Justification improvement.*—NOAA is directed to continue to work with the Committees on Appropriations to reformat the justification into a more transparent, informative and user-friendly document. The Department is similarly directed.

*Research and development (R&D) tracking and outcomes.*—NOAA is directed to continue to track the division of R&D funds between intramural and extramural research; assure consistency and clarity in the collection and reporting of data; clearly state expected research outcomes and available funding to provide transparency into the competitive grant process; and increase extramural research funding in future requests to build broad community support and leverage external funding for mission-oriented research.

**NATIONAL OCEAN SERVICE**
**OPERATIONS, RESEARCH, AND FACILITIES**
(In thousands of dollars)

| | Conference Recommendation |
|---|---|
| Navigation Services: | |
| Mapping & Charting | 51,350 |
| Hydrographic Research and Technology Development | 7,424 |
| Electronic Navigational Charts | 6,128 |
| Shoreline Mapping | 2,424 |
| Address Survey Backlog/Contracts | 31,173 |
| Geodesy | 26,895 |
| National Height Modernization | 2,541 |
| Tide & Current Data | 29,715 |
| Total, Navigation Services | 157,650 |
| Ocean Resources Conservation and Assessment: | |
| Ocean Assessment Program (OAP): | |
| Integrated Ocean Observing System | 27,000 |
| NOAA IOOS | 6,000 |
| Coastal Services Centers | 29,995 |
| Coastal Storms | 2,800 |
| Ocean Health Initiative | 2,500 |
| Coral Reef Programs | 27,000 |
| Marine Spatial Planning | 5,000 |
| Subtotal, Ocean Assessment Program (OAP) | 100,295 |
| Response and Restoration: | |
| Response and Restoration Base | 13,118 |
| Estuary Restoration Program | 3,000 |
| Damage Assessment Program | 9,300 |
| Marine Debris | 4,000 |
| Subtotal, Response and Restoration | 29,418 |
| National Centers for Coastal Ocean Science (NCCOS): | |
| NCCOS Headquarters | 4,000 |
| Competitive External Research (HABs, Hypoxia and Regional Ecosystem) | 16,000 |
| Center for Coastal Environmental Health & Biomolecular Research | 11,300 |
| Oxford Cooperative Lab | 4,500 |
| Center for Sponsored Coastal Ocean Research | 2,760 |
| Center for Coastal Monitoring & Assessment | 7,100 |
| Center for Coastal Fisheries and Habitat Research | 5,000 |
| Marine Env. Health Research Lab - MEHRL | 4,000 |
| Subtotal, National Centers for Coastal Ocean Science | 54,660 |
| Total, Ocean Resources Conservation and Assessment | 184,373 |
| Ocean and Coastal Management: | |
| CZM Grants | 68,146 |
| CZM and Stewardship (formerly Program Administration) | 8,785 |
| Regional Ocean Partnership | 10,000 |
| National Estuarine Research Reserve System | 23,500 |
| Marine Protected Areas | 3,000 |
| Marine Sanctuary Program | 49,500 |
| Energy Licensing and Appeals | 750 |
| Total, Ocean and Coastal Management | 163,681 |
| GRAND TOTAL NOS | 505,704 |

**NATIONAL MARINE FISHERIES SERVICE**
**OPERATIONS, RESEARCH, AND FACILITIES**
(In thousands of dollars)

| | Conference Recommendation |
|---|---|
| Marine Mammals, Marine Turtles, and Marine Protected Species: | |
| Protected Species Research and Management Programs | 43,815 |
| Species Recovery Grants | 20,500 |
| Marine Mammal Protection (MMP) | 50,000 |
| Other Protected Species | 8,487 |
| Marine Turtles | 12,887 |
| Atlantic Salmon | 8,000 |
| Pacific Salmon (Salmon Management Activities) | 67,000 |
| Total, Marine Mammals, Marine Turtles, and Marine Protected Species | 210,689 |
| Fisheries Research and Management: | |
| Fisheries Research and Management Programs | 179,799 |
| National Catch Share Program | 49,500 |
| Expand Annual Stock Assessments - Improve Data Collection | 51,725 |
| Economics and Social Sciences Research | 10,750 |
| Salmon Management Activities | 49,729 |
| Regional Councils and Fisheries Commissions | 31,900 |
| Fisheries Statistics | 21,100 |
| Fish Information Networks | 22,147 |
| Survey and Monitoring Projects | 24,152 |
| Fisheries Oceanography | 6,000 |
| American Fisheries Act | 5,600 |
| Interjurisdictional Fisheries Grants | 2,576 |
| National Standard 8 | 1,079 |
| Reduce Fishing Impacts on Essential Fish Habitat (EFH) | 538 |
| Reducing Bycatch | 3,442 |
| Product Quality and Safety | 7,523 |
| Total, Fisheries Research and Management | 467,560 |
| Enforcement and Observers: | |
| Enforcement and Surveillance | 60,000 |
| Observers and Training | 39,683 |
| Total, Enforcement and Observers/Training | 99,683 |
| Habitat Conservation & Restoration: | |
| Sustainable Habitat Management | 23,476 |
| Fisheries Habitat Restoration (Open Rivers & CBRP) | 28,967 |
| Total, Habitat Conservation & Restoration | 52,443 |
| Other Activities Supporting Fisheries: | |
| Antarctic Research | 2,757 |
| Aquaculture | 6,000 |
| Climate Regimes & Ecosystem Productivity | 3,405 |
| Computer Hardware and Software | 3,490 |
| Cooperative Research | 11,600 |
| Information Analyses & Dissemination | 20,300 |
| New England Fisheries Capacity Reduction Program | 8,000 |
| Marine Resources Monitoring, Assessment & Prediction Program (MarMap) | 842 |
| National Environmental Policy Act (NEPA) | 8,450 |
| NMFS Facilities Maintenance | 6,500 |
| Regional Studies | 12,275 |
| Total, Other Activities Supporting Fisheries | 83,619 |
| GRAND TOTAL NMFS | 913,994 |

**OCEANIC AND ATMOSPHERIC RESEARCH**
**OPERATIONS, RESEARCH AND FACILITIES**
(In thousands of dollars)

| | Conference Recommendation |
|---|---|
| Climate Research: | |
| Laboratories & Cooperative Institutes | 53,846 |
| Climate Data & Information | 13,591 |
| Competitive Research Program | 163,159 |
| Climate Operations | 913 |
| Total, Climate Research | 231,509 |
| Weather & Air Quality Research Programs: | |
| Laboratories & Cooperative Institutes | 60,655 |
| U.S. Weather Research Program | 5,500 |
| Tornado Severe Storm Research/Phased Array Radar | 7,000 |
| Total, Weather & Air Quality Research | 73,155 |
| Ocean, Coastal & Great Lakes Research: | |
| Laboratories & Cooperative Institutes | 26,200 |
| National Sea Grant College Program | 63,000 |
| Integrated Ocean Acidification | 7,500 |
| Ocean Exploration & Research | 21,816 |
| NOAA's Undersea Research Program | 8,900 |
| Total, Ocean, Coastal & Great Lakes Research | 127,416 |
| Info Tech, R&D, & Science Education | |
| High Performance Computing Initiatives | 13,130 |
| GRAND TOTAL OAR | 445,210 |

**NATIONAL WEATHER SERVICE**
**OPERATIONS, RESEARCH, AND FACILITIES**
(In thousands of dollars)

| | Conference Recommendation |
|---|---|
| Observations, Forecasts, and Communications: | |
| Local Warnings and Forecasts: | |
| Local Warnings and Forecasts Base | 636,000 |
| Air Quality Forecasting | 5,445 |
| Alaska Data Buoys | 1,683 |
| Sustain Cooperative Observer Network | 1,871 |
| National Mesonet Network | 25,400 |
| NOAA Profiler Network | 4,774 |
| Pacific Island Compact | 3,615 |
| Strengthen U.S. Tsunami Warning Network | 23,314 |
| Subtotal, Local Warnings and Forecasts | 702,102 |
| Operations and Research: | |
| Advanced Hydrological Prediction Services | 6,000 |
| Aviation Weather | 23,500 |
| WFO Maintenance | 7,300 |
| Central Forecast Guidance | 80,492 |
| Subtotal, Operations and Research | 117,292 |
| Total, Observations, Forecasts, and Communications | 819,394 |
| Systems Operation & Maintenance: | |
| NEXRAD | 46,121 |
| ASOS | 11,000 |
| Weather Radio Transmitters and Communications | 2,297 |
| AWIPS | 39,346 |
| NWSTG Backup - CIP | 5,500 |
| Total, Systems Operation & Maintenance | 104,264 |
| GRAND TOTAL NWS | 923,658 |

**NATIONAL ENVIRONMENTAL SATELLITE, DATA & INFORMATION SERVICE**
**OPERATIONS, RESEARCH, AND FACILITIES**
(In thousands of dollars)

| | Conference Recommendation |
|---|---|
| Environmental Satellite Observing Systems: | |
| Satellite Command and Control Base | 40,000 |
| NSOF Operations | 7,950 |
| Product Processing and Distribution | 34,240 |
| Product Development, Readiness & Application | 20,950 |
| Ocean Remote Sensing | 4,030 |
| Joint Center/Accelerate Use of Satellites | 3,365 |
| Commercial Remote Sensing Licensing & Enforcement | 1,319 |
| Office of Space Commercialization | 658 |
| Group on Earth Observations (GEO) | 506 |
| Total, Environmental Satellite Observing Systems | 113,018 |
| Data Centers & Information Services: | |
| Climate Data Records and Archive, Access & Assessment | 75,000 |
| Coastal Data Development | 4,600 |
| Regional Climate Centers | 3,000 |
| Environmental Data Systems Modernization | 9,550 |
| Total, NOAA's Data Centers & Information Services | 92,150 |
| GRAND TOTAL NESDIS | 205,168 |

**PROGRAM SUPPORT OPERATIONS, RESEARCH, AND FACILITIES**
(In thousands of dollars)

| | Conference Recommendation |
|---|---|
| Corporate Services: | |
| Under Secretary and Associate Offices Base | 28,438 |
| Facilities | 36,346 |
| NOAA Wide Corporate Services & Agency Management | 121,300 |
| Commerce Business System | 10,171 |
| IT Security | 6,829 |
| DOC Working Capital Fund | 41,944 |
| Total, Corporate Services | 245,028 |
| NOAA Education Program: | |
| Education Program / Initiative | 2,000 |
| Competitive Educational Grants | 10,000 |
| Educational Partnership Program/Minority Serving Institutions (EPPMSI) | 14,000 |
| GLOBE | 2,000 |
| BWET Regional Programs | 7,200 |
| Total, NOAA Education Program | 35,200 |
| Marine Operations & Maintenance: | |
| Marine Services | 127,133 |
| Fleet Planning and Maintenance | 23,300 |
| Aviation Services | 30,000 |
| Total, Marine Operations & Maintenance | 180,433 |
| GRAND TOTAL PS | 460,661 |

PROCUREMENT, ACQUISITION, AND CONSTRUCTION

(INCLUDING TRANSFER OF FUNDS)

The bill includes a total program level of $2,002,219,000 in direct obligations for procurement, acquisition, and construction (PAC). The PAC cap for fiscal year 2011 is $22,000,000, which may be increased by up to five percent with congressional notification of the reasons for any proposed increase at least 15 days in advance of the need. No other funds appropriated for NOAA in this Act may be used to pay for NOAA administrative costs.

The following narrative descriptions and tables identify the specific activities and funding levels included in this Act:

*National Environmental Satellite, Data and Information Service (NESDIS)*.—NOAA's efforts to move forward with a full-scale radio occultation satellite constellation is supported. However, NOAA is encouraged to explore fully the possibility of buying radio occultation data from private American companies, as a sole or supplemental source for this data. Funding is also provided for DSCVR and replacement of the ACE spacecraft, and NOAA is directed to report to the Committees on Appropriations by February 7, 2011, on the most expeditious and cost effective options for making DSCVR operational and replacing the ACE spacecraft.

*Joint polar satellite system (JPSS)*.—Despite months of encouraging rhetoric about overhauling the highly troubled National Polar-orbiting Operational Environmental Satellite System (NPOESS), the Administration has failed to fully execute plans to restructure the civil portion of this program and migrate its associated contracts over to NOAA and NASA. The Committees on Appropriations remain concerned at the lack of definitive budgeting as well as decisional delays caused by uncertainty over the transition of the legacy program, including possible contract termination costs. It is unconscionable that critical National weather and climate data are held hostage to contract negotiations, not to mention the budgetary impacts and implications. As a result of the lack of clarity, the bill includes $1,803,609,000 for all of NOAA's satellite programs. The agency is directed to ensure a 2014 launch date of JPSS–1, to minimize the potential gap in civil weather forecasting. NOAA is directed to provide a detailed budget plan no later than 90 days after enactment of this Act, to include funding level options ranging from less expensive to preferred path. Once NOAA has provided a more refined budget, should the need for reprogramming become evident, the Committees will be receptive to such a request. NOAA is further directed to provide monthly programmatic and procurement status reports.

*Inspector General (IG) oversight*.—The bill includes a transfer of $1,000,000 from PAC to the IG for oversight and auditing to ensure that the current satellite programs avoid the cost overruns and enormous administrative overhead associated with NPOESS. Without aggressive oversight and fiscal vigilance, this program has the potential to overwhelm the remainder of NOAA's future budgets. NOAA is directed to incorporate all IG recommendations for the geostationary and polar-orbiting satellite programs.

*Comprehensive large array stewardship system (CLASS)*.—The bill includes $18,476,000 for CLASS. Of these funds, $5,500,000 is for maintenance, operations, and implementation of enhancements from development activity, and $15,976,000 is for contracted development, with project administration and oversight to be at NOAA's National Climatic Data Center.

**PROCUREMENT, ACQUISITION AND CONSTRUCTION**
(In thousands of dollars)

| | Conference Recommendation |
|---|---|
| National Ocean Service: | |
| Coastal and Estuarine Land Protection Program | 20,000 |
| National Estuarine Research Reserve Construction & Land Acquisition | 3,890 |
| Marine Sanctuaries Construction/Acquisition | 11,000 |
| Total, National Ocean Service - PAC | 34,890 |
| Oceanic and Atmospheric Research: | |
| Research Supercomputing/CCRI | 10,379 |
| Total, Oceanic and Atmospheric Research - PAC | 10,379 |
| National Weather Service: | |
| Systems Acquisition: | |
| ASOS | 1,635 |
| AWIPS | 24,000 |
| NEXRAD | 7,976 |
| NWSTG Legacy Replacement | 1,195 |
| Radiosonde Network Replacement | 4,000 |
| Weather and Climate Supercomputing | 29,000 |
| Cooperative Observer Network Modernization (NERON) | 3,734 |
| Complete and Sustain NOAA Weather Radio | 11,255 |
| NOAA Profiler Network | 7,500 |
| Subtotal, NWS Systems Acquisition | 90,295 |
| Construction: | |
| WFO Construction | 3,150 |
| Subtotal, NWS Construction | 3,150 |
| Total, National Weather Service - PAC | 93,445 |
| NESDIS: | |
| Systems Acquisition & Construction: | |
| NOAA Satellites and Climate Sensors | 1,803,609 |
| EOS & Advanced Polar Data Processing, Distribution & Archiving Systems | 990 |
| CIP - single point of failure | 2,772 |
| Comprehensive Large Array Data Stewardship System (CLASS) | 18,476 |
| NPOESS Preparatory Data Exploration | 4,455 |
| Satellite CDA Facility | 2,228 |
| Total, NESDIS - PAC | 1,832,530 |
| Program Support: | |
| Vessel Equipment and Tech Refresh | 7,900 |
| New Vessel Construction | 3,500 |
| Pacific Regional Facility | 20,000 |
| Total, Program Support - PAC | 31,400 |
| GRAND TOTAL PAC | 2,002,644 |

**National Oceanic and Atmospheric Administration**
**Congressionally-designated Items**
**($ in thousands)**

| Recipient | Project | Amount |
|---|---|---|
| Bigelow Laboratory for Ocean Sciences, East Boothbay, ME | US National Culture Collection for Marine Phytoplankton | 300 |
| Bowling Green State University, Bowling Green, OH | Monitoring of Lake Erie Water Quality with Remote Sensing | 250 |
| Coastal Restoration and Enhancement through Science and Technology, Baton Rouge, LA | CREST Program Competitve Grants and Science Support | 2,000 |
| Colville Confederated Tribes, Nespelem, WA | Salmon Hatchery and Harvest Reform Project | 500 |
| Dauphin Island Sea Lab, Dauphin Island, AL | NOAA Independent Data Collection in the Gulf of Mexico | 4,000 |
| Ferris State University, Big Rapids, MI | Ferris State Interdisciplinary Research, Technology, and Economic Development Program | 400 |
| Florida Fish And Wildlife Conservation Commission, Tallahassee, FL | Cooperative Grouper-Snapper Fisheries Data Collection | 1,000 |
| Great Bay Resource Protection Partnership, Portsmouth, NH | Great Bay Land Acquisition | 2,575 |
| Great Lakes Science Center, Cleveland, OH | Northeast Ohio Informal STEM Education | 250 |
| Guam Fishermens Cooperative Association, Hagatna, GU | Fishery Equipment | 125 |
| Gulf and South Atlantic Fisheries Foundation, Inc., Tampa, FL | Gulf States Consumer Education Program | 1,000 |
| Gulf of Maine Research Institute, Portland, ME | Community-Based Research | 400 |
| Idaho State University, Pocatello, ID | Boise Center for Aerospace Laboratory Watershed Modeling Utilizing LiDAR | 200 |
| Jackson State University, Jackson, MS | Development of a Regional Ensembling System for Atmospheric Dispersion | 1,000 |
| JASON Project, Ashburn, VA | JASON Project Education Program | 8,400 |
| Maine Department of Marine Resources, Augusta, ME | Collaborative Shellfish Research | 750 |
| Maine Department of Marine Resources, Augusta, ME | East Coast Herring Sampling and Stock Assessment | 350 |
| Maine Department of Marine Resources, Augusta, ME | Groundfish Research | 300 |
| Maine Department of Marine Resources, Augusta, ME | Maine/New Hampshire Inshore Trawl Survey | 300 |
| Marine Biological Laboratory, Woods Hole, MA | Center for Regenerative Biology and Medicine | 300 |
| Marine Conservation Biology Institute, Bellevue, WA | Marine Bioregion Classification of the US Exclusive Economic Zone | 700 |
| Massachusetts Department of Public Health, Boston, MA | Shellfish Safety Testing Pilot | 175 |
| Massachusetts Maritime Academy, Buzzards Bay, MA | Massachusetts Maritime Academy Marine Renewable Energy Workforce Training Initiative | 300 |
| Mississippi State University, Starkville, MS | NOAA Northern Gulf Institute | 5,500 |
| Monmouth University, West Long Branch, NJ | Mid-Atlantic Regional Coastal Community and Ocean Ecosystem Initiative | 750 |
| Monterey Bay Aquarium, Monterey, CA | Bluefin Tuna Tagging and Research Program | 500 |

**National Oceanic and Atmospheric Administration**
**Congressionally-designated Items**
**($ in thousands)**

| Recipient | Project | Amount |
|---|---|---|
| National Environmental Satellite, Data and Information Service, Honolulu, HI | Integrated Data and Environmental Applications Center | 2,750 |
| National Marine Fisheries Service, Hilo, HI | Marine Education and Training | 1,000 |
| National Marine Fisheries Service, Honolulu, HI | Domestic Fisheries Monitoring, including Support for Regional Fishery Management Organizations | 2,750 |
| National Marine Fisheries Service, Honolulu, HI | Hawaii Fisheries Development | 400 |
| National Marine Fisheries Service, Honolulu, HI | Hawaii Seafood Program | 1,000 |
| National Marine Fisheries Service, Juneau, AK | Alaska Native Marine Mammal Co-Management | 500 |
| National Marine Fisheries Service, Kaneohe Bay, HI | Joint Institute of Marine and Atmospheric Research Pelagic Fisheries Research Program | 750 |
| National Marine Fisheries Service, Silver Spring, MD | Shrimp Industry Fishing Effort Research Continuation | 500 |
| National Ocean Service, Honolulu, HI | Hawaii Coral Reef Initiative | 1,000 |
| National Ocean Service, Honolulu, HI | Ordnance Reef Project | 200 |
| National Oceanic and Atmospheric Administration, Washington, DC | West Coast Governors Agreement on Ocean Health | 1,000 |
| National Weather Service, Silver Spring, MD | Remote Infrasonic Monitoring of Natural Hazards | 1,500 |
| Nature Conservancy, Middletown, CT | Long Island Sound Coastal Resilience | 500 |
| New Hampshire Department of Environmental Services, Concord, NH | Securing New Hampshire's Water Future | 400 |
| New Hampshire Fish & Game, Concord, NH | New Hampshire Groundfish Sectors Permit Bank | 1,165 |
| NOAA Chesapeake Bay Office, Annapolis, MD | Chesapeake Bay Oyster Restoration | 3,000 |
| NOAA Office of Education, Honolulu, HI | Hawaii Education Program | 1,000 |
| NOAA Office of Education, Monterey, CA | California Bay Watershed Education and Training Program | 1,500 |
| Northwest Straits Marine Conservation Initiative, Mount Vernon, WA | Northwest Straits Citizens Advisory Commission | 1,800 |
| Oregon Department of State Lands, Salem, OR | Oregon Seafloor Mapping for Tsunami Hazards and Ecosystem Benefit | 500 |
| Pacific States Marine Fisheries Commission, Portland, OR | Pacific Ocean Shelf Tracking Project-Marine Animal Tracking System | 2,000 |
| Partnership for Mid-Atlantic Fisheries Science, Point Pleasant Beach, NJ | Summer Flounder and Black Sea Bass Initiative | 525 |
| Penobscot East Resource Center, Stonington, ME | Northern Gulf of Maine Groundfish Sentinel Fishery | 250 |
| Plymouth State University, Plymouth, NH | New England Weather Technology and Research Initiative | 575 |
| Provincetown Center for Coastal Studies, Provincetown, MA | Northeast Coastal Monitoring Collaborative | 300 |
| Rhode Island Coastal Resources Management Council, Wakefield, RI | Offshore Renewable Energy Surveys | 700 |
| San Jose State University Foundation, San Jose, CA | Highly Migratory Shark Fishery Research Program | 500 |
| Save The Bay, Providence, RI | Save the Bay - Marine Education Program | 500 |

**National Oceanic and Atmospheric Administration**
**Congressionally-designated Items**
**($ in thousands)**

| Recipient | Project | Amount |
|---|---|---|
| School for Marine Science & Technology, New Bedford, MA | New England Multi-Species Surveys and Development | 1,500 |
| Society for the Protection of New Hampshire Forests, Concord, NH | Merrimack River Anadromous Fish Habitat Conservation | 350 |
| State of Alaska, Juneau, AK | Bering Sea Crab Management and Research | 400 |
| State of Alaska, Juneau, AK | Seal and Steller Sea Lion Biological Research | 500 |
| Susquehanna River Basin Commission, Harrisburg, PA | Susquehanna Flood Forecast and Warning System | 2,400 |
| Tennessee Tombigbee Waterway Authority, Columbus, MS | Tennessee Tombigbee Waterway Research Center | 1,200 |
| Thunder Bay National Marine Sanctuary and Underwater Preserve, Alpena, MI | Great Lakes Maritime Heritage Center Lease Buy Down | 1,000 |
| University of Alabama at Birmingham, Birmingham, AL | Nanotoxicology Research | 650 |
| University of Alaska, Fairbanks, AK | Ocean Acidification Research Center for Alaska | 200 |
| University of Guam, Mangilao, GU | Western Pacific Coral Reef Institute | 200 |
| University of Hawaii at Manoa, Honolulu, HI | International Pacific Research Center | 1,000 |
| University of Hawaii, Honolulu, HI | Hawaii Institute of Marine Biology Coral Research | 2,500 |
| University of Hawaii, Pearl Harbor, HI | Rehabilitation of Stable Semi-submersible Platform Kaimalino | 3,000 |
| University of Maryland Baltimore County, University of Maryland Center for Environmental Science, Solomons, MD | Sensors for Monitoring Chesapeake Bay Watershed Health | 2,000 |
| University of Massachusetts Dartmouth, School for Marine Science and Technology, New Bedford, MA | Northeast Scallop Fishery Assessment | 600 |
| University of Massachusetts, Amherst, MA | Global Climate Research | 500 |
| University of Mississippi, Oxford, MS | National Institute for Undersea Science and Technology | 5,550 |
| University of Mississippi, Oxford, MS | National Sea Grant Law Center | 750 |
| University of New Orleans, New Orleans, LA | Pontchartrain Basin Restoration | 250 |
| University of Southern Mississippi, Hattiesburg, MS | Marine Aquaculture Lab Operations | 4,000 |
| University of Southern Mississippi, Hattiesburg, MS | Science Consortium for Ocean Replenishment | 500 |
| University of Southern Mississippi, Hattiesburg, MS | Storm Surge and Flooding Disaster Mitigation | 500 |
| University of Tennessee Space Institute, Tullahoma, TN | Atmospheric Science Research | 300 |
| University of Toledo, Toledo, OH | Lake Erie Hydrological & Climate Modeling | 500 |
| University of Vermont, Burlington, VT | Lake Champlain Emerging Threats Initiative | 500 |
| University of Wisconsin-Milwaukee, Milwaukee, WI | Center for Water Technology and Policy | 4,500 |
| West Virginia Division of Natural Resources, South Charleston, WV | Natural Stream Design and Restoration | 2,000 |

**National Oceanic and Atmospheric Administration**
**Congressionally-designated Items**
**($ in thousands)**

| Recipient | Project | Amount |
|---|---|---|
| West Virginia University, Morgantown, WV | Environmental Research Center | 3,250 |
| West Virginia University, Morgantown, WV | REDDUCE | 500 |
| West Virginia University, Parkersburg, WV | West Virginia University-Parkersburg STEM lab | 1,000 |
| Westminster College, Salt Lake City, UT | Great Salt Lake Institute | 150 |
| Wildlife Conservation Society, Bronx, NY | Bronx River and South Bronx Waterfront | 1,000 |

PACIFIC COASTAL SALMON RECOVERY

The bill includes $80,000,000 for the Pacific Coastal Salmon Recovery Fund, requires all funds to be allocated based on scientific and merit principles, and prohibits the availability of funds for marketing activities.

FISHERMEN'S CONTINGENCY FUND

The bill includes $250,000 for the Fishermen's contingency fund and directs the agency to request funding for this program on an annual basis.

COASTAL ZONE MANAGEMENT FUND

(INCLUDING TRANSFER OF FUNDS)

The bill includes language transferring not to exceed $3,000,000 from the Coastal Zone Management Fund to ''Operations, Research, and Facilities.''

FISHERIES FINANCE PROGRAM ACCOUNT

The bill includes language under this heading limiting obligations of direct loans to $16,000,000 for Individual Fishing Quota loans and $59,000,000 for traditional direct loans.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

The bill includes $64,595,000 for Departmental Management, which provides for the Department's highest priorities, including full funding of the IT cyber security initiative. The Department may use up to $1,377,991 for increasing acquisition workforce capacity and capabilities, as requested, from available funds.

*Repatriation initiative.*—A key component to doubling U.S. exports is the repatriation of U.S. jobs that have moved abroad. The Secretary is directed to launch a job repatriation initiative, to include the development of a ''best practices'' for States and local communities to use to grow their manufacturing base, and the expertise and resources of ITA, EDA, MBDA, and NIST, in coordination with other Federal economic development agencies, such as the Small Business Administration. The Secretary is directed to submit a report to the Committees on Appropriations on the implementation of this initiative 120 days after enactment of this Act.

*Justification improvement.*—The Department is directed to continue to work to reformat all Department of Commerce (DOC) justifications into more transparent, informative, and user-friendly documents.

*Departmental oversight.*—The Department is directed to continue to develop oversight capacity of the USPTO; track fee collections and other pertinent policy and economic impacts; avoid budgetary shortfalls; and ensure that the Department and the Committees on Appropriations are fully informed on USPTO funding issues.

*Emergency steel loan guarantee (ESLG) program.*—The proposed rescission of the remaining unobligated subsidy balances associated with the ESLG program is rejected.

*Native American affairs.*—The Department is encouraged to expand the scope of the operations of the new office of the Senior Advisor for Native American Affairs within available funding.

*U.S. Israel Science and Technology Commission (USISTC).*—DOC is directed to report on the feasibility of reestablishing the USISTC within the DOC, and encourages the commitment of appropriate resources.

*National manufacturing strategy.*—Within six months of enactment of this Act, DOC is directed to submit a report to the Committees on Appropriations and post on a public website a National manufacturing strategy outlining the initiatives the Administration is pursuing to strengthen the Nation's manufacturing sector and detailing progress made since the release of ''A Framework for Revitalizing American Manufacturing'' in December 2009.

RENOVATION AND MODERNIZATION

The bill includes $5,000,000 for continued renovation activities.

OFFICE OF INSPECTOR GENERAL

The bill includes $29,394,000 for the Office of Inspector General (IG) for fiscal year 2011. In addition, the bill includes transfers to the IG from USPTO and NOAA satellites for oversight and audits of those activities. The IG is directed to provide semiannual reports on the status and progress of the 2020 decennial.

GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

The following general provisions are included for the Department of Commerce:

Sections 101, 102 and 104 through 108 continue longstanding general provisions without substantive change from previous years.

Section 103 modifies the authority to transfer funds between Department of Commerce accounts, including NOAA, and requires notification to the Committees on Appropriations of certain actions.

Section 109 establishes interim authorities regarding American Samoa's bigeye tuna fishery catch allocation.

TITLE II

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

The bill provides $145,565,000 for General Administration, Salaries and Expenses.

*Terrorism trials of former Guantanamo Bay detainees.*—The bill does not include the Administration's request of $72,771,000 for the first year costs of criminal trials for some former Guantanamo Bay detainees. This reduction reflects the fact that the Administration's plan for these trials is still undefined.

*Office of Legislative Affairs (OLA).*—OLA needs to provide the Committees on Appropriations with information proactively and in a timely manner, but this has not been consistent practice over the past two years. OLA is directed to take whatever steps are necessary (including communicating with the White House to end unhelpful and counterproductive information embargoes) to improve the sharing of information with the Congress.

*International Organized Crime (IOC).*—The bill includes funds for the IOC Intelligence and Operations Center, the Attorney General's Organized Crime Council Program Support Office and IOC increases requested in other bureaus. Resources requested to provide a central fund for IOC case operation costs, however, should continue to be derived from the Attorney General's special projects fund or other available sources. If the IOC initiative is intended to be a permanent fixture that will appear in future requests, the Department of Justice (DOJ) should develop a strategy for funding this program somewhere other than the executive leadership budget.

*Cooperation with the Government Accountability Office (GAO).*— The Department is directed to develop, in consultation with GAO, a compromise that will allow congressional oversight to proceed as necessary on intelligence-related programs. As part of the negotiation of this compromise solution, DOJ is directed to work more broadly with GAO on improving the quality, quantity and timeliness of DOJ responses to GAO reviews on all subjects, including those that are not directly related to intelligence or national security programs.

*Missing and unidentified persons system.*—The Department is directed to report to the Committees on Appropriations on how it plans to share information between the National Crime Information Center and online databases containing information on unidentified decedents and missing persons. This report shall be submitted within 180 days of the enactment of this Act.

*Gang enforcement.*—The Department should continue to strive for better cooperation among anti-gang entities and greater effectiveness in enhancing and linking gang cases. In addition, the Department shall continue keeping the Committees on Appropriations informed of any planned management and organizational changes regarding anti-gang efforts.

*Obscenity enforcement.*—The Department shall report to the Committees on Appropriations within 180 days of enactment of this Act on Obscenity Prosecution Task Force staffing and spending levels, as well as on obscenity investigation and prosecution workload statistics and accomplishments, both currently and since the creation of the Task Force in 2005.

*Prison rape elimination.*—The Department shall publish, as soon as possible, a final rule adopting national standards for eliminating prison rape as mandated by the Prison Rape Elimination Act (PREA) of 2003, and continue efforts to provide assistance in the form of training, technical assistance, and implementation grants to assist State, local, and tribal jurisdictions in achieving compliance with PREA national standards.

*Tribal law enforcement.*—The Department shall submit a report outlining how a pilot project would be structured to assess the impacts of expanding tribal law enforcement jurisdiction. The report should include a description of: 1) how a pilot tribe would be selected; 2) which categories of crime would be included in the jurisdictional expansion; 3) how tribal capacity issues would be addressed; 4) what statutory changes would be necessary; 5) how constitutional safeguards would be implemented; and 6) how the Department would evaluate the success or failure of the pilot. This report shall be submitted to the Committees on Appropriations no later than 180 days after the enactment of this Act. To the extent additional funding would be required to enhance tribal capacity as part of such a pilot, grant funding through the Department's tribal grant programs shall be available for this purpose in fiscal year 2011 and future years as necessary.

*Tribal consultation.*—Within 150 days of enactment of this Act, the Attorney General shall provide the Committees on Appropriations with a report on how DOJ will use the tribal consultation process to further streamline and coordinate programs and funding opportunities for Native Americans both within DOJ and with relevant programs of the Department of the Interior.

NATIONAL DRUG INTELLIGENCE CENTER

The bill provides $44,580,000 for the National Drug Intelligence Center.

JUSTICE INFORMATION SHARING TECHNOLOGY

The bill provides $124,585,000 for Justice Information Sharing Technology.

*Unified Financial Management System (UFMS).*—The direct appropriation for UFMS is focused on the ongoing needs of the Project Management Office rather than prefunding the initiation of any additional new work. The Department should add any further necessary development and deployment costs to the planned fiscal year 2011 UFMS reprogramming. For UFMS activity that is undertaken in fiscal year 2011, the Department is directed to continue submitting quarterly reports to the Committees on Appropriations listing milestones for the year, with budget and schedule estimates for each, and describing progress made against each of those milestones.

*Joint Automated Booking System (JABS).*—In order to account for a slower rollout schedule for JABS biometric upgrades, the JABS

enhancement request has been reduced by $3,000,000.

*Justice Consolidated Office Network (JCON).*—The Department is directed to find program and acquisition efficiencies sufficient to sustain an $8,000,000 reduction to this line item.

*Litigation Case Management System (LCMS).*—Since the budget request was submitted, the Department has decided to terminate LCMS due to intractable programmatic and management problems. As a result, the bill has eliminated all LCMS funding from this account. Any closeout costs needed for the program can be covered with funds remaining from the fiscal year 2010 LCMS reprogramming or other available sources.

*Cyber security and secure communications.*—The bill provides $32,100,000 for the continued strengthening of DOJ's cyber security and secure communications programs.

LAW ENFORCEMENT WIRELESS COMMUNICATIONS

The bill provides $207,727,000 for Law Enforcement Wireless Communications.

*Integrated Wireless Network (IWN).*—The Department is directed to continue submitting quarterly reports to the Committees on Appropriations on planned and actual IWN milestone achievement, including budget and schedule parameters. This year, the quarterly reports should also include a description of the Department's efforts to ensure that components are purchasing equipment that is compliant with Project 25 standards.

ADMINISTRATIVE REVIEW AND APPEALS

This bill provides $315,420,000 for Administrative Review and Appeals.

*Legal Orientation Program (LOP).*—The bill provides $6,200,000 for the LOP, which includes $2,000,000 for the custodians of unaccompanied alien children program and an increase of $200,000 to cover the costs of the recent expansion of the LOP. The Executive Office for Immigration Review (EOIR) is directed to dedicate additional funds to LOP, as necessary and available, to ensure that there is no decrease in the level of support for LOP from year to year.

*Immigration Court staffing.*—EOIR is directed to submit a report to the Committees on Appropriations showing authorized Immigration Judge (IJ) staffing, start of year on-board levels, anticipated attrition, planned hiring and expected end of year on-board levels. This report should be provided no later than 120 days after the enactment of this Act and should be supplemented by quarterly updates showing actual data as it is received. When allocating new law clerk positions among IJ teams, EOIR is directed to prioritize the addition of clerk positions to teams where the ratio of judges to clerks exceeds 1:1.

DETENTION TRUSTEE

The bill provides $1,533,863,000 for the Office of the Federal Detention Trustee (OFDT).

*Population estimates.*—The Appropriations Committees continue to be concerned with the Department's ability to anticipate the funding needs for this account. In order to improve tracking of the cost drivers for detention space needs, OFDT is directed to continue reporting to the Committees on a quarterly basis the number of individuals in the detention system, the projected number of individuals and the annualized costs associated with them.

OFFICE OF INSPECTOR GENERAL

The bill provides $88,792,000 for the Office of Inspector General.

UNITED STATES PAROLE COMMISSION

SALARIES AND EXPENSES

The bill provides $13,582,000 for the United States Parole Commission.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

This bill provides $969,989,000 for General Legal Activities. The funding is provided as follows:

| *Program* | *Amount* |
|---|---|
| Solicitor General | $11,018,000 |
| Tax Division | 115,972,000 |
| Criminal Division | 187,625,000 |
| Civil Division | 334,944,000 |
| Environment and Natural Resources Division | 111,410,000 |
| Office of Legal Counsel | 7,782,000 |
| Civil Rights Division | 161,885,000 |
| INTERPOL-USNCB | 38,518,000 |
| Office of Dispute Resolution | 835,000 |
| Total | 969,989,000 |

*Tribal trust litigation.*—The Environment and Natural Resources Division's costs for conducting all tribal trust litigation and related activities in fiscal year 2011 will be paid for by the Department of Interior; consequently, these funds were not provided directly through this division.

*Human trafficking and slavery.*—Within amounts provided for the Civil Rights Division, $5,300,000 is for the Human Trafficking and Slavery Prosecution Unit.

*Human rights crimes.*—The Criminal Division is directed to continue increasing efforts to investigate and prosecute serious human rights crimes, including genocide, torture, use or recruitment of child soldiers and war crimes. Within the Criminal Division budget, $1,800,000 shall be allocated for attorneys, analysts and support personnel to pursue these cases.

*Child exploitation.*—The bill provides $1,500,000 above the request to enhance INTERPOL's efforts to establish a dedicated global unit to fight child exploitation. This unit will assist in enforcement requirements outlined in the Adam Walsh Child Protection and Safety Act (the ''Adam Walsh Act,'' or AWA) and other initiatives aimed at combating child sexual exploitation.

VACCINE INJURY COMPENSATION TRUST FUND

The bill provides $7,833,000 for the Vaccine Injury Compensation Trust Fund.

SALARIES AND EXPENSES, ANTITRUST DIVISION

The bill provides $71,028,000 in direct appropriations for the Antitrust Division.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

The bill provides $2,041,269,000 for the United States Attorneys.

*AWA enforcement.*—The U.S. Attorneys are directed to spend no less than $38,460,000 on prosecutions and other activities pursuant to the AWA. The U.S. Attorneys should continue to make AWA and other child exploitation cases a prosecutorial priority.

*Human trafficking.*—The Executive Office for U.S. Attorneys (EOUSA), in consultation with each U.S. Attorney, is directed to designate a point of contact in each U.S. Attorney Office who shall serve as the coordinator for all activities within that office concerning human trafficking and slavery matters covered by the Trafficking Victims Protection Act. Each office is also urged to convene quarterly working-level meetings, where Federal, State and local law enforcement are represented, focusing specifically on combating human trafficking.

*Indian Country programs.*—The U.S. Attorneys are directed to spend no less than $31,965,000 on prosecutions and related activities in Indian Country. EOUSA is directed to closely monitor caseload trends in districts with Indian Country responsibilities and to take actions, as appropriate, to direct additional funds to these districts if needed. EOUSA is also directed to submit a report describing the status of its pilot tribal community prosecution teams and summarizing their activities and achievements to date. This report shall be submitted to the Committees on Appropriations no later than 150 days after the enactment of this Act.

UNITED STATES TRUSTEE SYSTEM FUND

The bill provides a net direct appropriation of $0 for the United States Trustees.

*Debtor audits.*—The Trustees shall submit a report quantifying the budgetary need for debtor audits in 2011 and outlining a plan for how those needs will be met with available resources. This report shall be submitted to the Committees on Appropriations no later than 90 days after the enactment of this Act.

SALARIES AND EXPENSES, FOREIGN CLAIMS SETTLEMENT COMMISSION

The bill provides $2,159,000 for the Foreign Claims Settlement Commission.

FEES AND EXPENSES OF WITNESSES

The bill provides $270,000,000 for Fees and Expenses of Witnesses.

SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE

The bill provides $12,606,000 for the Community Relations Service (CRS).

*Emmett Till Unsolved Civil Rights Crime Act activities.*—With funds provided, CRS should continue partnering with law enforcement agencies and communities in conflict resulting from the investigation of unsolved civil rights era cold cases.

ASSETS FORFEITURE FUND

The bill provides $20,990,000 for the Assets Forfeiture Fund.

UNITED STATES MARSHALS SERVICE

SALARIES AND EXPENSES

The bill provides $1,180,534,000 for the United States Marshals Service (USMS), Salaries and Expenses.

*Sex offender apprehension.*—Although the Marshals Service has annualized prior year AWA enforcement funding into its base budget, it has consistently failed to request new resources to expand the sex offender apprehension program. In order to provide an infusion of new resources in fiscal year 2011, the bill provides $10,181,000 for additional AWA-related activities and the operations of the National Sex Offender Targeting Center. These funds are provided in place of the money requested for the Special Operations Group and the Technical Operations Group. If additional funds are needed to meet AWA program needs, the Department should reprogram resources from lower priority programs.

*Contract management in the districts.*—Marshals Headquarters should continue to exert more central control over contracting practices in the districts in order to move every district toward contracting best practices and identify problems in the field more quickly. The Marshals Service should also continue preliminary efforts, in consultation with affected employees, to establish an ombudsman office to address contract-related problems that arise in the districts.

*Regional Fugitive Task Forces (RFTFs).*—The Marshals are directed to provide $20,000,000 to enhance existing RFTFs and to establish new task force capabilities in areas not currently served by RFTFs.

CONSTRUCTION

The bill provides $26,625,000 for Marshals Construction.

NATIONAL SECURITY DIVISION

SALARIES AND EXPENSES

The bill provides $99,537,000 for the National Security Division.

INTERAGENCY LAW ENFORCEMENT

INTERAGENCY CRIME AND DRUG ENFORCEMENT

The bill provides $574,319,000 for the Organized Crime and Drug Enforcement Task Forces (OCDETF).

*Strike Force personnel.*—OCDETF is directed to submit a report showing the fiscal year 2010 and planned fiscal year 2011 distribution of personnel (by bureau) to each of the collocated Strike Forces. This report should be submitted to the Committees on Appropriations no later than 120 days after the enactment of this Act.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

The bill provides $8,089,597,000 for the Federal Bureau of Investigation (FBI), Salaries and Expenses.

*Program increases.*—The bill provides funds for all requested program increases in full, with the exception of Render Safe. The FBI can space the acquisition of its Render Safe planes over two years without degrading its readiness posture below that which is currently available via the leased aircraft. Consequently, the bill has reduced the request by $17,878,000, or the cost of one plane. If the FBI wants to proceed with the acquisition of the second plane in fiscal year 2011, a reprogramming request may be submitted to accomplish this.

*Human trafficking.*—The bill includes $5,000,000 above the request for the investigation of trafficking in persons and the provision of victim witness coordinators for trafficking cases.

*Law enforcement in Indian Country.*—The bill funds 81 new FBI positions for law enforcement in Indian Country, at a cost of $19,000,000, within the FBI's own budget rather than through the Bureau of Indian Affairs. These positions are to be available exclusively for Indian Country programs and allocated to areas of greatest need.

*Adherence to notification requirements.*—The FBI is directed to work with the Office of Management and Budget to transition its budget from the current four decision units to a new set based more closely on the FBI's operating structure. This will rationalize the Bureau's budget execution and improve its ability to identify when an internal reallocation of funds should trigger Section 505 notification requirements. To ensure that notifications are provided as needed during the time that the new decision units are being constructed, the FBI is directed to develop and issue strict new guidance on adherence to Section 505 requirements, including guidance on how and when to provide notification of reallocations that are intended to be temporary.

*Hiring plan.*—The FBI is directed to once again submit a hiring plan and quarterly updates on staffing, consistent with the direction provided in the statement accompanying Public Law 111–117. Along with the Bureau-wide staffing data already requested, the FBI is directed to include in the quarterly reports a tracking of the number of authorized and onboard victim-witness coordinators at the Bureau.

*Intellectual property rights (IPR) enforcement.*—IPR enforcement should remain an investigative priority at the Bureau. In order to maximize the effectiveness of IPR enforcement, the Bureau should make all necessary efforts to coordinate and cooperate with IPR units at the U.S. Attorneys and the Criminal Division. In addition, the FBI is directed to submit a report on the activities of its dedicated agents investigating IPR cases. Specifically, the report should demonstrate that the additional IPR agents provided in P.L. 111–8 and 111–117 (to a base level of no less than $25,100,000) are solely investigating and prosecuting violations of Federal intellectual property law. The report shall also provide an accounting of the agents placed in specific field offices with Computer Hacking and Intellectual Property units and the types of intellectual property investigations pursued by these agents. The report shall be submitted to the Committees on Appropriations no later than 120 days after the enactment of this Act.

*Unobligated and unexpended balances.*—The FBI is directed to work with the Committees on Appropriations to develop a reporting structure that will provide clear accountings of unobligated and unexpended balances on a regular schedule. In the meantime, GAO is directed to review the FBI's processes for periodically reviewing its unexpended balances and reallocating any balances that are determined to be available for deobligation. This review should ensure that the FBI's procedures are appropriately rigorous and include a comparison of the FBI's practices to those in other Federal agencies. GAO shall report to the Committees on Appropriations on the results of this review no later than 180 days after the enactment of this Act.

*Criminal Justice Information Services (CJIS) Division.*—The bill provides $675,600,000 for the CJIS Division. This total includes $291,100,000 of appropriated funds and $384,500,000 of user fees.

*Animal cruelty data in the Uniform Crime Report (UCR).*—The FBI is directed to facilitate the prompt consideration by the CJIS Advisory Policy Board of any received proposal to add animal cruelty data to the UCR.

*Next Generation Identification (NGI) system.*— The FBI is directed to identify the fiscal year 2011 expected costs for NGI in its portion of the DOJ spending plan and to immediately notify the Committees on Appropriations of any changes to NGI's budget, schedule or expected achievements that emerge during the course of the year.

*File inventory.*—The FBI is directed to continue supporting its nationwide file inventory program at a funding level no less than the level provided for this activity in fiscal year 2010.

*Gang enforcement.*—The FBI is directed to continue supporting its Safe Streets Task Force program at no less than the current services level.

*Surveillance.*—The bill provides an increase of $25,179,000 to hire additional personnel to help address gaps within the Bureau's surveillance program. No less than 75 percent of these additional funds shall be spent on Special Surveillance Groups.

*Cyber security.*—In recognition of the FBI's unique cyber-related authorities and expertise, the bill provides $181,754,000, an increase of 163 positions and $45,926,000 above the fiscal year 2010 enacted level, to further the Bureau's investigatory, intelligence gathering and technological capabilities to address cybercrime.

*Human rights violations.*—The FBI is directed to increase its efforts to investigate and support the prosecution of serious human rights crimes committed by foreign nationals, including genocide, torture, and use or recruitment of child soldiers. Within the amounts provided, the FBI is directed to allocate $1,500,000 for agents and associated support personnel at FBI headquarters to assist with these cases.

*Civil rights enforcement.*—Civil rights investigations are a top investigative priority of both the Bureau and the Congress. The bill provides the request of $36,600,000 for the civil rights enforcement program, which will support investigations of hate crimes, civil rights era cold cases pursued under the Emmett Till Unsolved Civil Rights Crime Act, and related offenses.

*Child exploitation programs.*—Despite a multiyear increase in Internet exploitation cases, the FBI requested a current services budget of $52,971,000 for the Innocent Images program in fiscal year 2011. The bill provides this funding, but the FBI is directed to closely monitor the online sexual predator threat and to allocate additional resources to this program in future requests if necessary. For child prostitution and domestic sex trafficking cases that are not primarily Internet based, the bill provides a total of $26,100,000 through the Bureau's Innocence Lost program.

*Mortgage fraud.*—Mortgage fraud activity, particularly in the subprime market, was a contributing factor to the recent economic crisis and continues to play a role in undermining national economic stability. In order to improve the Bureau's ability to identify and investigate these schemes, the bill provides an increase of $71,497,000 to hire additional agents, analysts and support personnel in the white collar crime program to focus on mortgage fraud.

The DOJ Inspector General revealed last year that the FBI was not making full use of its white collar crime resources despite the greatly increasing workload in this area. In light of these findings and to ensure that the mortgage fraud program is receiving the resources and attention that are expected, the FBI is directed to provide on a quarterly basis a break-out of the personnel allocated to mortgage fraud investigations, the amount of any under- or overburn experienced on mortgage fraud that quarter, and the number of mortgage fraud cases being worked in that quarter.

*DNA technical review standards.*—The Committees are aware of proposals to make changes to the FBI's DNA technical review standards; the FBI is directed to keep the Committees on Appropriations apprised of any activity regarding decisions to modify or maintain those standards.

*Sentinel.*—The FBI asserts that the problems it has experienced with the Sentinel project are contained; the project will finish late but within budget; and the product delivered through the end of Phase 2 largely reflects what was expected under the program plan. Outside sources seem to agree unanimously that each of these three contentions is overly optimistic. Relatively little was achieved, in terms of delivered benefits to end users, through Phases 1 and 2 even though more than 90 percent of the project budget was consumed. It is difficult to imagine that all of Phases 3 and 4 can still be achieved with so little remaining funding unless major corners are cut in either execution or function.

Despite these concerns, the FBI has persisted in committing itself to completing the project within its $451,000,000 budget, and the Congress will hold the Bureau to that commitment. Consequently, the FBI is prohibited from spending anything in excess of the $451,000,000 total without first providing notification to the Committees on Appropriations, even if a funding source is available that would not otherwise trigger Section 505 notification requirements.

To manage the completion of Sentinel, the FBI shall develop a Work Breakdown Structure (WBS) that complies with guidance provided in GAO–09–3SP: *Best Practices for Developing and Managing Capital Program Costs.* The product-based WBS shall contain the capabilities that complete Sentinel as identified by the DOJ OIG in its 11–01 report (October, 2010). The structure of the Sentinel Completion WBS shall include components for (1) Phase 3 Capabilities, (2) Phase 4 Capabilities and (3) Deferred Capabilities. The FBI shall elaborate on each of the three WBS components to itemize the planned or deferred functionality that will complete Sentinel.

The FBI shall also configure its Earned Value Management System to report

progress on the itemized functionality associated with each component.

CONSTRUCTION

The bill provides $130,589,000 for FBI Construction.

*Modernization of FBI Academy facilities.*—The bill provides $6,287,000 for renovation and abatement activities necessary for the modernization of existing FBI Academy facilities and $17,000,000 for the construction of a new dormitory on the Academy campus.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

The bill provides $2,088,176,000 for the Drug Enforcement Administration (DEA), Salaries and Expenses.

*Prescription drug abuse.*—The bill provides $291,832,000 for DEA's diversion control program. These funds are fully offset by fee collections.

*Methamphetamine cleanup.*—The bill provides $10,000,000 through the Community Oriented Policing Services (COPS) program to assist State, local and tribal law enforcement agencies with the proper removal and disposal of hazardous materials at clandestine methamphetamine labs, including funds for training, technical assistance, a container program and purchase of equipment. These funds will be provided by transfer to DEA.

*Terrorism Investigations Unit.*—DEA is directed to use $4,000,000 for the Special Operations Division to create a third Terrorism Investigations Unit for Afghanistan.

CONSTRUCTION

The bill provides $41,941,000 for DEA Construction.

*El Paso Intelligence Center (EPIC).*—The bill provides $41,941,000 for costs related to the renovation of the existing EPIC facility and the expansion of the building. The improvement of physical infrastructure at EPIC should allow DEA to accommodate the increasing interagency demand for space there and will meet the government's need for a centralized and consolidated location for agencies to further coordinate their interdiction, intelligence and investigative activities focused on the Southwest border region.

BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES

SALARIES AND EXPENSES

The bill provides $1,162,986,000 for the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF).

*Project Gunrunner performance.*—ATF is directed to provide to the Committees on Appropriations performance data showing how Project Gunrunner offices are contributing to the program's overall goal of reducing firearms trafficking into Mexico. This report shall be submitted no later than 120 days after the enactment of this Act.

*Firearms trafficking between the United States and Mexico.*—A reliable baseline of the annual weapons traffic across the U.S. southern border is necessary for the development of the most effective firearms enforcement strategies and the determination of the necessary levels of budgetary support for those strategies. Because such a baseline does not currently exist, ATF is directed to work with the Department of Homeland Security to develop and submit an estimate to the Committees on Appropriations, along with any necessary explanatory material, no later than 180 days after the enactment of this Act.

*Firearms tracing capacity.*—ATF is urged to identify resources via reprogramming in fiscal year 2011 to begin addressing National Tracing Center capacity and digitization needs and to prioritize funds for these issues in its fiscal year 2012 budget request.

*Addressing the regulatory backlog.*—ATF is directed to dedicate $500,000 from within the funds provided to hiring additional regulation writers to reduce the regulatory backlog.

*Implementation of the Prevent All Cigarette Trafficking (PACT) Act.*—ATF is directed to report to the Committees on Appropriations on its expected annual costs for implementation of the PACT Act, the extent to which those costs might be covered by deposits in the PACT Anti-Trafficking Fund and the plan for covering any new costs that are not offset by the Fund. This report shall be submitted no later than 180 days after the enactment of this Act.

*Gang enforcement.*—ATF is directed to continue supporting its Violent Crime Impact Team program at no less than the current services level.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

The bill provides $6,553,779,000 for the salaries and expenses of the Federal Prison System. As part of the Department's fiscal year 2011 spending plan, the Bureau of Prisons (BOP) shall propose a distribution of funds by decision unit that incorporates directives in this statement. BOP's fiscal year 2012 budget request shall provide detailed descriptions of the major categories of activities comprising each decision unit and the proposed funding levels for each such category, including comparisons to prior year obligations for each category.

*Correctional worker staffing.*—No less than $120,500,000 is for additional base correctional worker staffing in fiscal year 2011 and for the annualized cost of base correctional workers hired during fiscal year 2010. BOP shall identify, as part of the budget requests for fiscal year 2012 and future years, the number of authorized positions for each BOP facility in each correctional worker staffing category, including comparisons of the number of authorized positions in each category for fiscal years 2009 through 2012 and a description of the process used to determine the number of authorized positions for each year.

*Staffing in housing units.*— BOP is directed to provide a report to the Committees on Appropriations, within 180 days of enactment of this Act, describing BOP's policies for assigning correctional officers to housing units in low, medium, and high security prisons. The report should describe how BOP determines the vulnerability of officers to assaults by inmates in housing units; how this vulnerability determination informs the staffing assignments for housing units; the extent to which low staffing levels have prevented BOP from adequately staffing housing units to minimize officer vulnerability; the extent to which additional funding for staffing provided in this bill will be used to increase staffing in housing units; and any strategies BOP has adopted, considered or may consider to mitigate officer vulnerability in housing units.

*New prison activation.*—Not less than $72,600,000 shall be used to begin or complete the activation of newly constructed prisons.

*Inmate reentry and Second Chance Act implementation.*—No less than $39,695,000 is for BOP's Second Chance Act (SCA) requirements and Residential Reentry Centers (RRC), as requested. BOP shall report quarterly to the Committees on Appropriations on the average length of stay in community corrections, differentiated by average lengths of stay in RRCs and home confinement. In addition, BOP shall submit a report to the Committees on Appropriations, within 120 days of enactment of this Act, on the status of implementing Government Accountability Office recommendations (GAO–010–854R) regarding BOP's strategic approach to budgeting for inmate reentry programs. As part of its portion of the Department's fiscal year 2011 spending plan, BOP shall delineate the funding to be provided for each of its programs and activities related to inmate reentry and SCA implementation. Current and future reentry programming should be informed by the recommendations and themes included in the recent report of BOP's independent panel on prisoner reentry. As part of the fiscal year 2012 budget submission, BOP shall provide a detailed description of the coordinated prisoner reentry strategy required by the SCA, which should include clearly defined goals, an implementation timeline, the estimated costs of implementing the strategy in fiscal year 2012, and the estimated cost of fully implementing the strategy.

*Counterterrorism activities.*—No less than $14,200,000 is for the full estimated cost of BOP's counterterrorism activities.

*National Institute of Corrections (NIC).*—No less than $20,320,000 is for the NIC.

BUILDINGS AND FACILITIES

The bill provides $269,733,000 for the construction, acquisition, modernization and repair of prison and detention facilities housing Federal inmates.

*Modernization and repair (M&R).*—BOP shall provide an updated report to the Committees on Appropriations, within 90 days of enactment of this Act, identifying the total estimated cost of all pending M&R projects by region and the methodology used to develop those estimates. BOP shall provide a similar M&R backlog list as part of its budget request for future years. In addition, the Government Accountability Office (GAO) shall review the methods that BOP uses to identify and prioritize needed facility improvements, the processes it uses to estimate associated costs, and its plan for addressing its M&R backlog. GAO shall report to the Committees on Appropriations, making recommendations for any needed improvements, by September 15, 2011.

*Construction.*—Within 30 days of enactment of this Act, BOP shall provide to the Committees on Appropriations the most recent status of construction report and shall notify the Committees of any deviations from the construction and activation schedule, including detailed explanations of the causes of delays and actions proposed to address them.

LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL PRISON INDUSTRIES, INCORPORATED

The bill establishes a limitation on administrative expenses of $2,700,000 for Federal Prison Industries, Incorporated (FPI). FPI is directed to report to the Committees on Appropriations within 180 days of enactment of this Act on how it plans to use new pilot program authorities included in Title V of this Act.

STATE AND LOCAL LAW ENFORCEMENT ACTIVITIES

*Salaries and expenses.*—All activities related to the management and administration of discretionary grant programs, grants, and cooperative agreements shall be supported only with funding provided via the separate Salaries and Expenses (S&E) appropriation provided in the bill for each grant office. The Office on Violence Against Women (OVW), the Office of Justice Programs (OJP), and the Office of Community Oriented Policing Services (COPS) are directed to develop formal definitions of management and administration costs or detailed guidance governing decisions about the types of costs that may be charged to each office's S&E account. In addition, each grant office shall detail actual and projected S&E costs by program, including personnel costs, as part of the budget submission for future fiscal years.

*Workload analysis.*—OVW, OJP, and COPS are each directed to conduct a workload analysis to ensure that their respective staffing levels and mix of personnel accurately reflect workload and requirements. Each office shall provide a report to the Committees on Appropriations within six months of the date of enactment of this Act describing its updated staffing model based on the results of its workload analysis. Within six months of the date the offices submit their reports, GAO is directed to report to the Committees on Appropriations, evaluating each office's staffing model and making recommendations, as warranted, on how each office's staffing model could be further improved.

*Training, technical assistance, research and statistics, and peer review.*—Training and technical assistance (T&TA) activities, research and statistics activities and peer review performed by OJP, OVW, and COPS, or through interagency agreements or under contract for OJP, OVW, and COPS, may be supported with program funds, subject to the submission of details related to planned costs in these categories by program as part of the Department's fiscal year 2011 spending plan. As part of the budget submission for fiscal year 2012 and future years, the Department is directed to detail the actual costs for each grant office in each of these categories for the prior fiscal year, along with estimates of planned expenditures by each grant office in each of these categories for the current year and the budget year.

*Non-compliant grantees.*—OJP, COPS and OVW appear to be using different sanctions and remedies for grantees that are determined to be out of compliance with grant requirements. The Department should work to consolidate rules and procedures across OJP, COPS and OVW in order to produce the most consistent possible compliance enforcement process.

OFFICE ON VIOLENCE AGAINST WOMEN

VIOLENCE AGAINST WOMEN PREVENTION AND PROSECUTION PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

The bill provides $448,500,000 for Violence Against Women Prevention and Prosecution Programs. These funds are distributed as follows:

| *Program* | *Amount* |
|---|---|
| STOP Grants | $198,000,000 |
| National Institute of Justice (R&D) | 3,000,000 |
| Transitional Housing Assistance | 30,000,000 |
| Grants to Encourage Arrest Policies | 45,000,000 |
| Rural Domestic Violence Assistance Grants | 37,000,000 |
| Violence on College Campuses | 9,500,000 |
| Civil Legal Assistance | 50,000,000 |
| Sexual Assault Victims Services | 30,000,000 |
| Elder Abuse Grant Program | 4,250,000 |
| Safe Havens Project | 14,000,000 |
| Education & Training for Disabled Female Victims | 6,750,000 |
| Court Training and Improvement | 3,000,000 |
| Services for Children/Youth Exposed to Violence | 3,000,000 |
| Advocates for Youth/Services for Youth Victims (STARY) | 3,500,000 |
| National Tribal Sex Offender Registry | 1,000,000 |
| Engaging Men and Youth in Prevention | 3,000,000 |
| National Resource Center on Workplace Responses | 1,000,000 |
| Supporting Teens through Education and Prevention | 2,500,000 |
| Analysis and Research on Violence Against Indian Women | 3,000,000 |
| American Indian/Native Alaskan Sexual Assault Clearinghouse | 500,000 |
| Regional Summits on Violence Against Indian Women | 500,000 |
| Total | 448,500,000 |

*Tribal funding.*—The bill provides $48,909,000 in OVW funds for tribal purposes. This includes $43,064,000 in set-asides for tribal coalitions and tribal governments; $845,000 in other tribal set-asides; and $5,000,000 for tribally focused programs, including the National Tribal Sex Offender Registry, Analysis and Research on Violence Against Indian Women, Regional Summits on Violence Against Indian Women and the American Indian/Native Alaskan Sexual Assault Clearinghouse.

SALARIES AND EXPENSES

The bill provides $17,800,000 for the management and administration of OVW programs.

OFFICE OF JUSTICE PROGRAMS

RESEARCH, EVALUATION AND STATISTICS

(INCLUDING TRANSFER OF FUNDS)

The bill provides $340,000,000, as follows, for Research, Evaluation and Statistics programs administered by the National Institute of Justice and the Bureau of Justice Statistics:

| *Program* | *Amount* |
|---|---|
| National Institute of Justice | $60,000,000 |
| Bureau of Justice Statistics | 60,000,000 |
| Evaluation Clearinghouse | 1,000,000 |
| National Instant Criminal Background Check System | 15,000,000 |
| Criminal Records Upgrade | 10,000,000 |
| Paul Coverdell Forensic Science | 30,000,000 |
| Stalking Database | 3,000,000 |
| DNA Initiative | 161,000,000 |
| Debbie Smith DNA Backlog grants | (151,000,000) |
| Kirk Bloodsworth Post Conviction DNA Testing grants | (5,000,000) |
| Sexual Assault Nurse Examiners | (5,000,000) |
| Total | 340,000,000 |

*National Institute of Justice (NIJ).*—NIJ should carry out the new initiatives proposed for fiscal year 2011, including the Bureau of Prison inmate reentry evaluation, the Arrestee Drug Abuse Monitoring Program, and the Stopping Crime Block-by-Block Field Experiments. As part of the Department's fiscal year 2011 spending plan, NIJ is directed to provide a plan for the use of all funding it administers, and to include details regarding research and evaluation specifically related to prevention and intervention approaches directed at individuals under the age of 18. Within 120 days of enactment of this Act, NIJ is directed to provide a report to the Committees on Appropriations responding to the July 2010 report by the National Research Council, Strengthening the National Institute of Justice. The report should include detailed responses to the report's recommendations; a strategy for implementing recommendations with which NIJ concurs, including an estimated timeline for implementation; and detailed rebuttals of any recommendations with which NIJ does not concur. In lieu of the two Office of Inspector General (OIG) directives in Senate report 111–229 related to NIJ, the OIG is directed to review DNA backlog expenditures over the last three fiscal years, including an evaluation of the process for developing funding solicitations to ensure they are appropriately tied to established program goals and designed to ensure competition among qualified applicants.

*DNA and forensics research and evaluation.*—From the amounts provided for NIJ, the bill transfers $5,000,000 to the National Institute of Standards and Technology Office of Law Enforcement Standards to support the continued development of standards and standard reference materials.

*Bureau of Justice Statistics (BJS).*—BJS should implement the proposed initiatives on Indian Country statistics and indigent defense.

*Evaluation clearinghouse/what works repository.*—The Evaluation Clearinghouse/What Works Repository, an on-line source for evidence-based information on what works and what is promising in criminal and juvenile justice policy and practice, shall be administered by the Office of the Assistant Attorney General.

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

(INCLUDING TRANSFER OF FUNDS)

The bill provides $1,651,780,000, as follows, for State and Local Law Enforcement Assistance programs administered by the Bureau of Justice Assistance (BJA), the Office for Victims of Crime, the Community Capacity Development Office, or the Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering and Tracking:

| *Program* | *Amount* |
|---|---|
| Byrne Memorial Justice Assistance Grants | $519,000,000 |
| National Institute of Justice | (5,000,000) |
| State and Local Antiterrorism Training | (2,000,000) |
| State and Local Assistance Help Desk & Diagnostic Center | (6,000,000) |
| National Criminal Justice Commission (Section 542 of this Act) | (7,000,000) |
| Byrne Competitive Grants | 35,000,000 |
| Byrne Criminal Justice Innovation Program | 30,000,000 |
| Byrne Discretionary Grants | 199,780,000 |
| Criminal Justice Reform and Recidivism Reduction | 20,000,000 |
| John R. Justice Grant Program | 10,000,000 |
| Smart Policing | 5,000,000 |
| Ensuring Fairness and Justice in the Criminal Justice System | 3,000,000 |
| Justice Information Sharing and Technology | 5,000,000 |
| Smart Probation | 10,000,000 |
| Adam Walsh Act Implementation | 20,000,000 |
| Sex Offender Management Assistance | 5,000,000 |
| National Sex Offender Public Website | 1,000,000 |
| Children Exposed to Violence Initiative | 25,000,000 |
| Matthew Shepard Hate Crimes Prevention Program | 6,000,000 |
| Flexible Tribal Assistance | 100,000,000 |
| State Criminal Alien Assistance Program | 300,000,000 |
| Southwest Border Prosecutor Program | 20,000,000 |
| Northern Border Prosecutor Program | 5,000,000 |
| Victims of Trafficking Grants | 15,000,000 |

| Program | Amount |
|---|---|
| Residential Substance Abuse Treatment for State Prisoners | 25,000,000 |
| Drug Courts | 50,000,000 |
| Mentally Ill Offender Act | 12,000,000 |
| Prescription Drug Monitoring | 5,000,000 |
| Prison Rape Prevention and Prosecution | 10,000,000 |
| Capital Litigation/Wrongful Conviction Review Grants | 12,500,000 |
| Missing Alzheimer's Patient Grants | 2,000,000 |
| Economic, High-tech and Cybercrime Prevention | 23,000,000 |
| Training Program to Assist Probation and Parole Officers | 3,500,000 |
| Second Chance Act Programs | 100,000,000 |
| Bulletproof Vests | 25,000,000 |
| NIST/OLES | (1,500,000) |
| State Automated Victim Notification System | 10,000,000 |
| Regional Information Sharing Activities | 40,000,000 |
| Total | 1,651,780,000 |

*Edward Byrne memorial justice assistance grant program.*—The bill provides $519,000,000 for the Edward Byrne Memorial Justice Assistance Grant program. Funding is not available for luxury items, real estate, or construction projects. The Department should strongly encourage State, local and tribal governments to target funding to programs and activities that are in conformance with evidence-based strategic plans developed through broad stakeholder involvement. The Department is directed to make technical assistance available to State, local and tribal governments for the development or updating of such plans.

*Byrne discretionary grants.*—The bill incorporates by reference the following congressionally-designated activities to prevent crime, improve the criminal justice system, provide victim services, or other related activities:

**OJP - Byrne Discretionary Grants**
**Congressionally-designated Items**
**($ in thousands)**

| Recipient | Project | Amount |
|---|---|---|
| 14th Judicial District, District Attorney's Office, Manchester, TN | Drug and Violent Crime Task Force | 300 |
| 14th Judicial District, Durham, NC | New Life Job Court | 200 |
| 9th Judicial District, Koochiching County, International Falls, MN | DUI/Substance Abuse Court | 250 |
| A Better LA, Los Angeles, CA | Crime Reduction Program | 200 |
| A Child Is Missing, Inc, Ft. Lauderdale, FL | A Child is Missing Expansion | 150 |
| Above The Rim Inc., Newark, NJ | Coach/Mentor Progam | 260 |
| Acadiana Criminalistics Laboratory, New Iberia, LA | Forensic Laboratory Equipment | 275 |
| ACCESS, Dearborn, MI | Youth and Family Services Center | 1,000 |
| Advanced Science and Technology Adjudication Resource Center, Inc., Washington, DC | Initiative to Deploy Judges Trained in Forensic Science and Technology Law | 500 |
| Alabama Department of Forensics, Montgomery, AL | Forensic Equipment, Support and Capacity Enhancement | 3,000 |
| Alabama Department of Public Safety, Montgomery, AL | Operation Swordphish Project | 3,000 |
| Alabama District Attorneys Association, Montgomery, AL | Computer Forensic, Victim Restitution, and Drug Prevention Initiatives | 4,300 |
| Alamo Area Rape Crisis Center (dba The Rape Crisis Center), San Antonio, TX | Comprehensive Services for Sexual Assault Survivors | 400 |
| Aliviane, Inc., El Paso, TX | Border Institute of Excellence | 400 |
| Allegheny County, Pittsburgh, PA | Mobile Crime Scene Unit | 500 |
| Arkansas State Police, Little Rock, AR | Police Body Armor Acquisition | 300 |
| Atlantic County Sheriff's Office, Mays Landing, NJ | Atlantic County Law Enforcement Street Crimes Task Force | 250 |
| Autauga County Sheriffs Department, Prattville, AL | Law Enforcement Visual Intelligence Technology Upgrades | 400 |
| Baltimore City Mayor's Office Of Employment Development, Baltimore, MD | Re-Entry Center at the Northwest One-Stop Career Center | 500 |
| Baltimore City Police Department, Baltimore, MD | Crime Laboratory Improvements | 1,500 |
| Baltimore City Police Department, Baltimore, MD | Gun Violence Reduction Initiative | 1,000 |
| Belmont County Sherriff, St. Clairsville, OH | Communications Dispatch | 85 |
| Bergen Community College, Paramus, NJ | Center for Suburban Criminal Justice | 100 |
| Blackstone Valley River Rescue Commitee, Cumberland, RI | River Rescue Equipment | 50 |
| Bolivar County Board of Supervisors, Cleveland, MS | Sheriff Department Response Improvement and Upgrade Project | 100 |
| Bonner County, Sandpoint, ID | Idaho Cooperative Agencies' Wireless Interoperable Network | 200 |
| Border Area Mental Health Services, Inc., Silver City, NM | Jail Diversion Project | 200 |
| Boyd Law School, Las Vegas, NV | Kids' Court School | 300 |
| Buckeye Ranch, Inc., Grove City, OH | Visitation and Exchange Program | 300 |

**OJP - Byrne Discretionary Grants**
**Congressionally-designated Items**
**($ in thousands)**

| Recipient | Project | Amount |
|---|---|---|
| Bucks County Community College, Newtown, PA | Public Safety Training Center | 985 |
| Caddo Parish District Attorney, Shreveport, LA | Northwest Louisiana Sexual Predator Task Force | 250 |
| California State Department of Justice, Bureau of Narcotics Enforcement, Sacramento, CA | California Department of Justice Digital Forensic Evidence Laboratories | 500 |
| California State Department of Justice, Sacramento, CA | Cold Hit Outcome Project | 750 |
| California State Department of Justice, Sacramento, CA | Gang Suppression Enforcement Program in Santa Clara | 350 |
| Camden County Sheriffs Office, Camden, NJ | Situation Awareness Tools for Crime Response | 225 |
| Canton Police Department, Canton, OH | Gang Intervention and Drug Enforcement Task Force | 150 |
| Cape Girardeau County Sheriff's Office, Cape Girardeau, MO | Missouri Sheriff's Methamphetamine Relief Team | 1,700 |
| CARE Law Program, Carson City, NV | Retired and Senior Volunteer Program | 100 |
| Carson City, Carson City, NV | Courthouse and Juvenile Facilities Security Upgrades | 300 |
| CASA de Maryland, Inc., Langley Park, MD | Langley Park Community-Based Crime Prevention Initiative | 750 |
| Cedar City Police Department/Safety Solutions Coalition, Cedar City, UT | Prescription Drug and Over the Counter Drug Abuse Strategic Education and Empowerment Project | 300 |
| Center for Court Innovation, New York, NY | Tompkins County Drug Courts Enhancement Project | 100 |
| Center for Women Policy Studies, Washington, DC | National Institute on State Policy on Trafficking of Women and Girls | 500 |
| Center Point, Inc., San Rafael, CA | Rehabilitation and Social Support Services | 300 |
| Charlotte-Mecklenburg Police Department, Charlotte, NC | Gang of One & Police Activities League - Youth Initiative | 400 |
| Cheyenne River Sioux Tribe, Eagle Butte, SD | Justice System | 1,000 |
| Cheyenne River Sioux Tribe, Eagle Butte, SD | Tribal Law Enforcement | 400 |
| Children's Hospital of the King's Daughters, Norfolk, VA | Comprehensive Child Abuse Treatment Services | 400 |
| CHRIS Kids, Atlanta, GA | Transitionz for Youth | 300 |
| Chrysalis Changing Lives Through Jobs, Los Angeles, CA | Ex-Offender and Homeless Job Training Initiative | 300 |
| Citizens for New York City, New York, NY | Community Crime Stoppers | 250 |
| City and County of San Francisco, Department on the Status of Women, San Francisco, CA | San Francisco Human Trafficking Prosecution and Victim Support Project | 750 |
| City of Atlanta Police Department, Atlanta, GA | Atlanta Safety Partnerships and Community Policing | 200 |
| City of Boulder, Boulder, NV | Regional Law Enforcement Training Facility | 500 |
| City of Denton, Denton, TX | Regional Public Safety Training Facility Technology & Equipment | 300 |
| City of Denver, Denver, CO | Gang Suppression | 500 |
| City of Detroit, Detroit, MI | Project Safe Haven | 400 |
| City of Eagan, Eagan, MN | Public Safety Center Equipment | 100 |

**OJP - Byrne Discretionary Grants**
**Congressionally-designated Items**
**($ in thousands)**

| Recipient | Project | Amount |
|---|---|---|
| City of Eagle Pass, Eagle Pass, TX | Police Technology Enhancements | 500 |
| City of East Providence, East Providence, RI | Public Safety Mobile Data Terminals | 200 |
| City of Glendale, Glendale, CA | Foothill Regional Forensic DNA LAB | 1,000 |
| City of Great Falls, Great Falls, MT | Police Department Emergency Equipment Replacement | 100 |
| City of Greenville, Greenville, NC | Pitt County Regional Family Justice Center | 200 |
| City of Henderson, Henderson, NV | Regional Public Safety Training Facility | 600 |
| City of High Point, High Point, NC | Domestic Violence Initiative | 200 |
| City of High Point, Hight Point, NC | Job Training and Placement Services for Offenders and Ex-Offenders | 200 |
| City of Houston, Houston, TX | Forensic DNA Backlog Reduction | 250 |
| City of Jacksonville, Jacksonville, FL | Jacksonville Journey Anti-Violence Initiative | 250 |
| City of Laredo, Laredo, TX | Laredo Police Safe Borders Initiative | 1,200 |
| City of Madison Police Department, Madison, WI | Crime Prevention Program | 200 |
| City of Manchester, Manchester, NH | Equipment for the Manchester Police Department | 300 |
| City of Monroe Police Department, Monroe, LA | Chemical, Biological, Radiological, Nuclear, and Explosive (CBRNE) Incident Response Vehicle | 125 |
| City of Morgantown Police Department, Morgantown, WV | Equipment and Technology Integration | 250 |
| City of Nacogdoches, Nacogdoches, TX | Firearms/Use-of-Force Training Facilities Initiative | 100 |
| City of New Haven, New Haven, CT | Northeast Regional Law Enforcement Training | 300 |
| City of Newton, Newton, MA | Communications Tower | 300 |
| City of Pascagoula, Pascagoula, MS | City of Pascagoula Police Department Document Imaging System | 100 |
| City of Peoria, Peoria, IL | Drug Intervention Program | 100 |
| City of Philadelphia, Philadelphia, PA | Philadelphia Youth Violence Reduction Partnership | 1,000 |
| City of Providence, Providence, RI | Predictive Policing Initiative | 500 |
| City of Racine, Racine, WI | Racine Gang Crime Diversion Program | 150 |
| City of Stockton, Stockton, CA | Operation Peacekeeper Gang Outreach Program | 100 |
| City of Taylorsville, Taylorsville, UT | Police Technology | 250 |
| City of Torrance, Torrance, CA | South Bay Regional Forensic DNA Lab | 200 |
| City of Tucson, Tucson, AZ | Drug Trafficking Suppression Initiative | 450 |
| City of Vicksburg, Vicksburg, MS | Vicksburg Police Technology Upgrades | 100 |
| City of Warwick, Warwick, RI | Warwick Police Vehicles | 300 |
| City of Waukegan, Waukegan, IL | Waukegan Police Department | 450 |
| City of West Covina, West Covina, CA | Police Emergency Response System | 200 |
| City of Yonkers, Yonkers, NY | WAVE drug sweep | 525 |
| City University of New York-York College, Jamaica, NY | Science, Engineering, Mathematics, and Aerospace Academy | 350 |
| Clackamas County, Oregon City, OR | Clackamas County Interagency Poly-Drug Enforcement and Treatment Initiative | 400 |
| Claflin University, Orangeburg, SC | Claflin Certified Forensics Laboratory | 1,720 |
| Claiborne County Sheriff, Port Gibson, MS | Law Enforcement Programs | 200 |

**OJP - Byrne Discretionary Grants**
**Congressionally-designated Items**
**($ in thousands)**

| Recipient | Project | Amount |
|---|---|---|
| Clay County Sheriff's Office, Green Cove Springs, FL | Law Enforcement Improvement Initiatives | 300 |
| Commonwealth of the Northern Mariana Islands - The Judiciary, Saipan, MP | Personnel, Systems Upgrade & Training | 400 |
| Communities in Schools of the San Fernando Valley and Greater Los Angeles, North Hills, CA | Fighting Gang Violence through Female Empowerment | 400 |
| Communities In Schools, Lewisburg, WV | At-Risk Youth Dropout Prevention Program | 3,000 |
| Community Legal Services of Mid-Florida, Orlando, FL | Free Legal Services for Victims of Crime and Abuse | 200 |
| Connecticut Commission on Child Protection, Hartford, CT | KidsVoice At-Risk Children Services | 350 |
| Connecticut State University System, Hartford, CT | Family Justice Center | 300 |
| County of Armstrong, Kittanning, PA | Public Safety Radio Network Upgrade | 450 |
| County of Los Angeles Sheriffs Department, Monterey Park, CA | Rape Kit Backlog Reduction Program | 725 |
| County of Mercer, Trenton, NJ | County-Wide Public Safety Radio Communications Project | 300 |
| County of Monterey, Salinas, CA | Street and Anti-Gang Project | 500 |
| County of Multnomah District Attorney, Portland, OR | Financial and Elder Abuse Prosecution Project | 200 |
| County of San Diego, San Diego, CA | Criminal Justice Information Technology Infrastructure Compatibility Project | 300 |
| County of Santa Clara, Office of the Sheriff, San Jose, CA | Law Enforcement Training Initiative | 500 |
| County of Suffolk District Attorney, Hauppauge, NY | Prosecute Gangs Transporting and Selling Illegal Firearms | 200 |
| County of Ventura Sheriffs Department, Ventura, CA | Sexual Assault Felony Enforcement (SAFE) Team Task Force | 500 |
| County of Washington, Hillsboro, OR | Reentry Mentors | 200 |
| Criminal Justice Institute, Little Rock, AR | Arkansas Illicit Drug Initiative | 800 |
| Criminal Justice Institute, Little Rock, AR | Rural Executive Management Institute | 900 |
| Crystal Judson Family Justice Center, Tacoma, WA | Domestic Violence Response Project | 750 |
| Cuyahoga County Board of County Commissioners, Cleveland, OH | Prisoner Re-entry Program | 300 |
| Daviess County Fiscal Court, Owensboro, KY | Daviess County Detention Center Security Upgrades | 200 |
| Dawson County Sheriff's Office, Glendive, MT | Law Enforcement Equipment Upgrades | 150 |
| Disability Rights Vermont, Inc., Montpelier, VT | Vermont Communications Support Project | 100 |
| Diverse and Resilient, Inc., Milwaukee, WI | Intimate Partner Violence Response Program | 200 |
| Domestic Abuse Project of Delaware County, Inc., Media, PA | Emergency Shelter Program for Domestic Violence Victims | 75 |
| Downriver Community Conference, Southgate, MI | Downriver Mutual Aid System Preparedness V | 750 |

**OJP - Byrne Discretionary Grants**
**Congressionally-designated Items**
**($ in thousands)**

| Recipient | Project | Amount |
|---|---|---|
| DuPage County, Wheaton, IL | DuPage County Department of Probation & Court Services | 150 |
| EAC, Inc., Brooklyn, NY | Treatment Alternatives for Safer Communities | 300 |
| East Bay Community Law Center, Berkeley, CA | Clean Slate Clinic for Community Re-entry & Reintegration | 250 |
| East Brunswick Township, East Brunswick, NJ | Communications Upgrade | 300 |
| East Central University, Ada, OK | Campus Safety and Security Enhancement Program | 300 |
| East Stroudsburg University, East Stroudsburg, PA | Cyber Crime and Forensics Institute | 300 |
| Eau Claire County, Eau Claire, WI | Achieving Employment for Eau Claire County Treatment Court Participants | 75 |
| Employment Opportunity & Training Center of Northeastern Pennsylvania, Scranton, PA | Lackawanna County Women's Transition Program | 200 |
| England Police Department, England, AR | Crime Prevention Activities | 150 |
| Family Service League, Inc., Huntington, NY | Fresh Start: A Gang Prevention Program | 500 |
| Father's Day Rally Committee, Inc., Philadelphia, PA | Project Life Line II | 500 |
| Fayette County Commonwealth, Lexington, KY | Domestic Violence Prevention Monitoring System | 875 |
| Fighting Back Partnership, Vallejo, CA | Solano County Parolee Re-Entry Program | 300 |
| First Step, Plymouth, MI | Wayne County Sexual Assault Nurse Examiner Program | 600 |
| Frankford Special Services District, Philadelphia, PA | Frankford Safety Ambassador Program | 200 |
| Franklin County Sheriff, Greenfield, MA | TRIAD Senior Citizen Safety Program | 145 |
| Fulton County, Atlanta, GA | Highway Narcotics Interdiction Team | 200 |
| George County Regional Correctional Facility, Lucedale, MS | Facility Equipment Upgrade | 100 |
| Glenville State College, Glenville, WV | Anti-Recidivism Prisoner Education Program | 650 |
| Glenville State College, Glenville, WV | Electronic Crimes Education and Training Program | 800 |
| Grambling State University, Grambling, LA | Creating Honorable Opportunities that Involve Community, Education, and Service (CHOICES) | 200 |
| Hamilton County, Chattanooga, TN | Hamilton County Regional Law Enforcement Center | 600 |
| Harbor House of Orlando Florida, Orlando, FL | Harbor House Domestic Violence Assistance Program | 350 |
| Harris County Sheriffs Office, Houston, TX | Contract Aviation For Law Enforcement | 200 |
| Heartland Family Service, Inc., Council Bluffs, IA | Residential Methamphetamine Treatment in Southwestern Iowa Program | 600 |
| Helena Police Department, Helena, MT | Law Enforcement Equipment | 250 |
| Helena Regional Airport Authority, Helena, MT | Rocky Mountain Emergency Services Training Facility | 300 |
| Hidalgo County Sheriff, Edinburg, TX | Radio Communication Project | 100 |
| Holmes County Commissioners, Millersburg, OH | Communications Towers for Public Safety | 450 |

**OJP - Byrne Discretionary Grants**
**Congressionally-designated Items**
**($ in thousands)**

| Recipient | Project | Amount |
|---|---|---|
| Holmes County Sheriff Department, Lexington, MS | Law Enforcement Programs | 200 |
| Homestretch, Falls Church, VA | Homelessness and Domestic Violence Programs | 600 |
| Honolulu Police Department, Honolulu, HI | Asia-Pacific Economic Cooperation (APEC) | 5,000 |
| Hope Center, Inc., Houston, TX | Project David | 300 |
| Howard County Government, Ellicott City, MD | Howard County Family Justice Center | 900 |
| Hurley Medical Center, Flint, MI | Sexual Assault Assistance -- Forensic Nurse Examiner Program | 625 |
| Idaho Department of Correction, Boise, ID | NCOMS Medical and Mental Health Sharing Software Development | 200 |
| Idaho State Police, Meridian, ID | Western Regional Microanalysis/Trace Analysis Forensic Laboratory | 200 |
| Independent Development Enterprise Alliance, Portland, OR | Project Clean Slate | 450 |
| Institute for the Study and Practice of Nonviolence, Providence, RI | Nonviolence Streetworkers | 300 |
| Iowa Central Community College, Fort Dodge, IA | Iowa Central Law Enforcement Training Center | 200 |
| Iowa Legal Aid, Des Moines, IA | Health and Law Project | 400 |
| Iowa State University, Ames, IA | ISEAGE: Internet-Scale Event and Attack Generation Environment | 200 |
| Jackson State University, Jackson, MS | National Center for Biodefense Communications (NCBC) | 1,000 |
| Jacksonville State University, Jacksonville, AL | Cybersecurity Training Project | 200 |
| Jefferson County Sheriff, Fayette, MS | Law Enforcement Programs | 200 |
| Jefferson County Sheriff's Office, Oskaloosa, KS | Northeast Kansas Regional AFIS | 600 |
| Jefferson Parish Sheriffs Office, Harvey, LA | Cops and Clergy | 350 |
| Johnson County Board of Commissioners, Wrightsville, GA | Law Enforcement Equipment | 200 |
| Johnson County Sheriff, Cleburne, TX | Stop the Offender Program | 200 |
| Juneau Police Department, Juneau, AK | Law Enforcement Training | 100 |
| Kane County Sheriff's Office, St. Charles, IL | Special Victims Unit | 200 |
| Kansas City Police Department, Kansas City, MO | Gun Shot Location Technology System | 300 |
| Kansas Regional Community Policing Institute at Wichita State University, Wichita, KS | Research and Development, and Training | 290 |
| Kauai and Hawaii Counties Police Departments, Lihue and Hilo, HI | Law Enforcement Personnel and Technology | 3,200 |
| King County Sheriff's Office, Seattle, WA | King County Sheriff's Office Gang Intervention Initiative | 400 |
| Laraway Youth and Family Services, Inc., Johnson, VT | Youth Services Program | 200 |
| Lawrence County Sheriff's Office, Monticello, MS | Technology Upgrade | 100 |
| Lincoln/Lancaster County Child Advocacy Center, Inc., Lincoln, NE | Program to Help to Child Victims of Abuse | 250 |
| Local Initiatives Support Corporation, New York, NY | Community Safety Initiative | 200 |
| Los Angeles Police Department, Los Angeles, CA | Rape Kit Backlog Elimination Program | 725 |

**OJP - Byrne Discretionary Grants**
**Congressionally-designated Items**
**($ in thousands)**

| Recipient | Project | Amount |
|---|---|---|
| Lower Brule Sioux Tribe, Lower Brule, SD | Court Services Project | 200 |
| Lower Makefield Township Police Department, Yardley, PA | Bucks County Security Threat Group | 500 |
| Luzerne County Commissioners, Wilkes-Barre, PA | Reentry Program | 500 |
| Macomb County Prosecutor's Office, Mt. Clemens, MI | Law Enforcement and Court Paperless Technology Program | 400 |
| Major Cities Chiefs of Police Association, Salt Lake City, UT | National Crime Map Expansion | 300 |
| Makah Tribe, Neah Bay, WA | Neah Bay Public Safety Corrections Facility | 110 |
| Marion County, Salem, OR | Student Opportunities Achieve Results | 400 |
| Marshall County Family Resource Network, Moundsville, WV | Sanford Center At-Risk Youth Program | 100 |
| Marshall University, Huntington, WV | Computer Forensics Initiative | 785 |
| Marshall University, Huntington, WV | Forensics Science Center DNA Laboratory | 4,325 |
| Maryland Crime Victims Resource Center, Upper Marlboro, MD | Legal Services for Victims of Crime | 500 |
| Maryland Department of Labor, Licensing and Regulation, Baltimore, MD | Mortgage Fraud Enforcement Teams | 500 |
| Maryland Department of State Police, Annapolis, MD | Gang Elimination Task Force | 1,000 |
| Massachusetts Office for Victim Assistance, Boston, MA | Sexual Assault Nurse Examiner Program | 700 |
| Maui Economic Opportunity, Wailuku, HI | Being Empowered and Safe Together Reintegration Program | 750 |
| McLean County, Bloomington, IL | McLean County Court Services | 250 |
| Melrose Alliance Against Violence, Melrose, MA | Breaking the Cycle of Domestic Violence Through Community Collaboration | 85 |
| Methodist University, Fayetteville, NC | Cyber Security Education and Training Program | 250 |
| Metropolitan Crime Commission, New Orleans, LA | Support, Personnel and Equipment | 500 |
| Metropolitan Organization to Counter Sexual Assault, Kansas City, MO | Meeting the Expanding Demand for Sexual Violence Services in the Greater Kansas City Area: MOCSA's Responsibility and Response | 400 |
| Middle Tennessee State University, Murfreesboro, TN | Forensic Investigations | 660 |
| Middlesex Community College, Lowell, MA | Regional Crime Analysis Resource Center | 800 |
| Middlesex Sheriff's Office, Medford, MA | Facility Security Improvement Project | 90 |
| Milwaukee Safe & Sound, Milwaukee, WI | Project Enhancements | 500 |
| Mississippi Center for Police & Sheriffs, Raymond, MS | Domestic Violence Prevention & Prosecution | 235 |
| Mississippi State University, Department of Computer Science and Engineering, Starkville, MS | Law Enforcement Intelligence Gathering and Analysis | 1,000 |
| Mississippi State University, Starkville, MS | Cyber Crime Initiative and National Consortium for Digital Forensics Training | 1,565 |

**OJP - Byrne Discretionary Grants**
**Congressionally-designated Items**
**($ in thousands)**

| Recipient | Project | Amount |
|---|---|---|
| Missoula YWCA, Missoula, MT | Battered Women and Children's Shelter | 750 |
| Monroe County Department of Public Safety, Rochester, NY | Sex Offender GPS Surveillance Program | 300 |
| Monroe County Prosecutor, Monroe, MI | Paperless Records Management System and Automated Workflow | 250 |
| Montana State University - Billings, Billings, MT | Academic and Workforce Development Program at the Montana Women's Prison | 350 |
| Montana Supreme Court, Helena, MT | Montana Drug Courts | 300 |
| Montgomery County Department of Correction and Rehabilitation, Rockville, MD | Offender Employment Project | 200 |
| Montrose County, Montrose, CO | Justice Center Equipment Upgrades | 200 |
| Mothers In Charge, Philadelphia, PA | Peer Care Support 16 | 95 |
| Municipality of Anchorage, Anchorage, AK | Domestic Violence Prevention Project | 350 |
| Municipality of Anchorage, Anchorage, AK | Sexual Assault Forensic Nursing Services | 400 |
| Nashville Drug Court, Nashville, TN | Drug Court Recidivism Prevention and Rehabilitation Programs | 500 |
| Nassau County Police Department, Mineola, NY | Operation Street Sweeper Program | 500 |
| National Council of Juvenile and Family Court Judges, Reno, NV | Child Abuse Training for Judicial Personnel and Practicioners | 350 |
| National Council of Juvenile and Family Court Judges, Reno, NV | Judicial Training, Research, and Technical Assistance Project | 150 |
| National Crime Victim Law Institute, Portland, OR | Crime Victims' Rights Enforcement Project in Oregon | 400 |
| National Crime Victim Law Institute, Portland, OR | Legal Advocacy for Crime Victims (Nationwide) | 2,500 |
| National District Attorneys Association (NDAA), Alexandria, VA | State and Local Prosecutor Training Program | 500 |
| National Judicial College, Reno, NV | Judicial Education and Scholarships for Judges | 500 |
| Native American Law Enforcement Summit, Minneapolis, MN | Indian Crime Awareness Research and Evaluation | 375 |
| New Castle County Police Department, New Castle, DE | New Castle County Police Department Technology Improvements | 150 |
| New Directions for Youth, Inc., North Hollywood, CA | Community Technology Center | 100 |
| New Jersey Association of School Resource Officers, Fort Lee, NJ | SPEAK UP Hotline Outreach and Public Education | 250 |
| New Jersey Institute of Technology, Newark, NJ | User-Authenticating Personalized Weapon | 350 |
| New Mexico Administrative Office of the Courts, Santa Fe, NM | Drug Court Program | 250 |
| New Mexico Coaltion for Sexual Assault Programs, Albuquerque, NM | Evaluation and Plan for the Legal Needs of Sexual Assault Victims | 150 |
| New Mexico Corrections Department, Santa Fe, NM | Prisoner Reentry Initiative | 250 |
| New Mexico Department of Public Safety, Santa Fe, NM | Auto Theft Task Force | 650 |

**OJP - Byrne Discretionary Grants**
**Congressionally-designated Items**
**($ in thousands)**

| Recipient | Project | Amount |
|---|---|---|
| New Mexico Sheriff and Police Athletic League, Albuquerque, NM | Anti-Gang and Mentorship Program | 200 |
| New Orleans Crime Coalition, New Orleans, LA | Violent Crime Reduction Initiative | 1,000 |
| New York City Outward Bound, Bronx, NY | Building Strong Minds & Strong Bodies for At-Risk Youth | 100 |
| Newberry College, Newberry, SC | Forensics Chemistry Program Technology and Equipment | 500 |
| Newburgh City Police, Newburgh, NY | Patrol Operations Upgrade | 75 |
| North Carolina Coalition to Prevent Domestic Violence, Durham, NC | Improving Responses to Domestic Violence | 320 |
| North Carolina Sheriffs' Association, Inc., Raleigh, NC | Sheriffs Training and Technical Assistance | 500 |
| North Lawndale Employment Network, Chicago, IL | U-Turn Permitted | 250 |
| Northern Virginia Gang Task Force, Leesburg, VA | Pursuit and prevention of Gang-Related Crimes | 1,000 |
| Northwest Family Services, Inc., Alva, OK | Outreach Prevention and Community | 100 |
| Nye County, Pahrump, NV | Jail Security Enhancements | 600 |
| Oakhurst Outreach, White Sulphur Springs, WV | Transitional Living | 350 |
| Office of the Attorney General of Virginia, Richmond, VA | Virginia Triad Crime Prevention for Senior Citizens | 100 |
| Office of the Attorney General, Topeka, KS | DNA Database Advancements | 300 |
| Office of the Queens County District Attorney, Kew Gardens, NY | Combating Financial Exploitation of the Elderly | 250 |
| Oglala Sioux Tribe, Pine Ridge, SD | Department of Public Safety | 1,000 |
| Ohio Attorney General, Columbus, OH | BCI&I Computer Crimes Unit Technology Expansion to Combat Serious Crimes | 350 |
| Ohio Attorney General, Columbus, OH | Fugitive Safe Surrender | 500 |
| Ohio-West Virginia YMCA, Parsons, WV | Institute for IDEAS | 200 |
| Oklahoma State Bureau of Investigation, Oklahoma City, OK | Oklahoma Participation in the Criminal Information Sharing Alliance Network | 300 |
| Oklahoma State University - Center for Health Sciences, Tulsa, OK | Forensic Science Equipment | 500 |
| Oregon Department of Justice, Criminal Justice Division, Salem, OR | Child Pornography Investigation and Prosecution Team | 1,000 |
| Partnership of African American Churches, Institute, WV | Empowering Communities | 300 |
| Partnership of Community Resources, Minden, NV | Western Nevada Coalition for Substance Abuse Prevention | 500 |
| Passage Home, Inc., Raleigh, NC | Greening Our Community with Jobs and Affordable Housing | 550 |
| Peach County Family Connection, IAC.,Inc, Fort Valley, GA | Community Empowerment and Services Program | 75 |
| Pegasus Research Foundation, Little Rock, AR | Nationwide Pegasus Program | 200 |
| Pemberton Township, Pemberton, NJ | Youth Against Gang Program | 200 |
| Pennsylvania Coalition Against Rape, Enola, PA | HERO Project Media Campaign | 250 |
| Pennyrile Narcotics Task Force, Hopkinsville, KY | Law Enforcement Equipment and Training | 250 |

**OJP - Byrne Discretionary Grants**
**Congressionally-designated Items**
**($ in thousands)**

| Recipient | Project | Amount |
|---|---|---|
| Philadelphia District Attorneys Office, Philadelphia, PA | District Attorneys Response Team | 200 |
| Phoenix Academy of Dallas, Dallas, TX | Adolescent Drug Prevention and Treatment For Area Youth | 250 |
| Phoenix House, Austin, TX | Adolescent Substance Abuse Treatment and Recovery Services for Williamson County Youth | 750 |
| Phoenix House, Santa Fe Springs, CA | Drug Treatment for Women | 300 |
| Phoenix House, Springfield, MA | Clinical Management System Enhancement | 500 |
| Phoenix House, Springfield, MA | Drug Treatment Enhancement Initiative for Western Massachusetts | 700 |
| Polk County, Des Moines, IA | Jail Diversion Program | 150 |
| Potter County, Roulette, PA | Community Re-entry Project | 100 |
| Ramsey County Attorney, St. Paul, MN | Runaway Intervention Project | 200 |
| Ramsey County Community Corrections, St. Paul, MN | Young Adult Offender Transitions Project | 200 |
| Rape, Abuse, & Incest National Network, Washington, DC | Hotline Services Expansion | 450 |
| Resurrection Health Care, Chicago, IL | Psychiatric Services Expansion | 200 |
| Rhode Island Commission on Prejudice and Bias, Providence, RI | Hate Crimes/Civil Rights Training and Education: Law Enforcement and Our Schools | 50 |
| Rhode Island Family Court, Providence, RI | Family Treatment Drug Court | 350 |
| Richmond County District Attorney, Staten Island, NY | Criminal Enforcement Support Team | 90 |
| RiverStone Health, Billings, MT | Community Crisis Center Operations | 500 |
| Rockland Family Shelter, Inc., New City, NY | Domestic Violence Law Project | 125 |
| Rocky Mountain Supercomputing Centers, Inc., Butte, MT | Simulation and Visualization Technology Upgrades | 1,500 |
| Roger Williams University, Bristol, RI | Center for Forensics, Applied Networking and Security | 680 |
| Roosevelt PAL, Roosevelt, NY | Before and After School Program | 175 |
| Rose Brooks Center, Kansas City, MO | Outreach Therapy Program | 400 |
| Rosebud Sioux Tribe, Rosebud, SD | Justice System | 1,000 |
| Roseland CeaseFire Project Inc., Chicago, IL | Violence Prevention Programs | 500 |
| S.H.A.R.E., Inc., Fort Morgan, CO | Morgan County Domestic Violence Program | 300 |
| Sacramento County Sherrif's Department, Sacramento, CA | School Resource Officer Program | 200 |
| Safe Streets Campaign, Tacoma, WA | Pierce County Regional Gang Prevention Initiative | 1,000 |
| Sam Houston State University, Huntsville, TX | Regional Crime Lab | 2,750 |
| San Diego Second Chance Program, San Diego, CA | Prisoner Reentry Employment Program | 900 |
| San Diego Superior Court, San Diego, CA | San Diego Superior Court Case Management System | 1,000 |
| San Francisco District Attorneys Office, San Francisco, CA | San Francisco Bay Area Environmental Justice Law Enforcement Project | 200 |
| Sandoval County, Bernalillo, NM | Restorative Justice Program | 150 |

**OJP - Byrne Discretionary Grants**
**Congressionally-designated Items**
**($ in thousands)**

| Recipient | Project | Amount |
|---|---|---|
| Santa Clara University, Santa Clara, CA | Training Law Enforcement and Service Providers to Work Effectively with Victims of Trauma | 350 |
| Schenectady County District Attorney, Schenectady, NY | Upstate NY Law Enforcement/Forensic Science Integration Project | 400 |
| Schuylkill Women in Crisis, Pottsville, PA | Maintaining Effectiveness of Collaborative Community Response to Domestic Violence | 100 |
| Sheriff's Office of Cook County, Chicago, IL | Reentry Program at Cook County Jail | 350 |
| Simon Wiesenthal Center, New York, NY | Tools for Tolerance | 1,000 |
| Sojourner Family Peace Center, Milwaukee, WI | Milwaukee Family Justice Center | 150 |
| Sonoma County Water Agency, Santa Rosa, CA | Youth Ecology Corps | 250 |
| South Brunswick Police Department, Monmouth Junction, NJ | 911 Trunkline Replacement | 200 |
| South Royalton Legal Clinic, S. Royalton, VT | Legal Assistance Program for the Underserved | 100 |
| Southern Illinois University, Carbondale, IL | Veterans Legal Assistance Program | 250 |
| Southern Methodist University, Dallas, TX | Effective Strategies for Protecting Women from Sexual Coercion and Assault | 1,000 |
| Spokane County Sheriff's Office, Spokane, WA | Regional First Responders | 500 |
| St. Joseph's University, Philadelphia, PA | Institute for Violence Research and Prevention | 750 |
| St. Louis Metropolitan Police Department, St. Louis, MO | Security Upgrades for Area Stations | 200 |
| St. Thomas University, Miami Gardens, FL | Human Trafficking Initiative | 250 |
| Standing Rock Sioux Tribe, Fort Yates, ND | Juvenile Prevention Services | 500 |
| Standing Rock Sioux Tribe, Fort Yates, ND | Tribal Justice Center | 300 |
| State Appellate Defender Office, Detroit, MI | Michigan Criminal Justice Improvement Project | 800 |
| State of Alaska, Juneau, AK | Domestic Violence Sexual Assault Prevention | 500 |
| State of Alaska, Juneau, AK | Rural Drug and Alcohol Interdiction and Prosecution | 500 |
| State of Iowa, Department of Public Health, Des Moines, IA | Jail-Based Substance Abuse Treatment | 1,200 |
| State of Iowa, Office of Drug Control Policy, Des Moines, IA | Drug Endangered Children | 300 |
| State of Iowa, Office of Drug Control Policy, Des Moines, IA | Meth & Other Drug Enforcement | 1,500 |
| State of Maine, Augusta, ME | Department of Public Safety Crime Lab Project | 200 |
| Stearns County, St. Cloud, MN | Felony Domestic Violence Court | 300 |
| Stevenson University, Owings Mills, MD | Cyber Forensics Curriculum | 775 |
| Stop It Now!, Northampton, MA | Helpline Extension | 400 |
| Suffolk County District Attorney, Hauppauge, NY | Project Persist | 750 |
| Suffolk County Police Department, Hauppauge, NY | Gun, Gang and Heroin Suppression Initiative | 200 |
| Sul Ross State University; Texas State University System, Alpine, TX | Center for Digital Forensics Training and Research | 250 |
| Tahirih Justice Center, Falls Church, VA | Immigrant Women and Girls Legal Services | 900 |
| TASC, Inc., Chicago, IL | Indigenous Community Connections and Aftercare | 200 |

**OJP - Byrne Discretionary Grants**
**Congressionally-designated Items**
**($ in thousands)**

| Recipient | Project | Amount |
|---|---|---|
| Texas State University - San Marcos, San Marcos, TX | Advanced Law Enforcement Rapid Response Training | 1,500 |
| Toledo Police Department, Toledo, OH | Officer Training | 400 |
| Township of Nutley, Nutley, NJ | Police and Emergency Services Interoperability Equipment Upgrade | 275 |
| Troy University, Troy, AL | Computer Forensics Institute and Lab | 600 |
| Tulsa Public Schools, Tulsa, OK | Campus Police Force | 100 |
| Turning Point, Inc., Minneapolis, MN | Phoenix Program - Assisting Battered Women | 400 |
| Turning the Hearts Center, Chula Vista, CA | Youth and Family Empowerment Program | 300 |
| UNC Greensboro, Greensboro, NC | Project PREVENT: Preventing Violence against Women and Children by Engaging Information Technology | 300 |
| Unified Government of Kansas City, Kansas City, KS | Separation of Youth from Adults in the Justice System | 200 |
| United Tribes Technical College, Bismarck, ND | Tribal Law Enforcement Training | 1,000 |
| University of Arkansas at Little Rock, Little Rock, AR | Higher Education for Prisoners Project | 300 |
| University of Arkansas at Little Rock, Little Rock, AR | Juvenile Justice Center | 500 |
| University of Detroit/Mercy, Detroit, MI | Cyber Crime Training | 400 |
| University of Illinois at Chicago, Chicago, IL | Ceasefire Program | 500 |
| University of Maryland College Park, College Park, MD | Center for the Study of Crime and Conflict | 1,000 |
| University of Maryland Public Safety Training and Technical Assistance Program, Greenbelt, MD | Joint County Gang Task Force | 2,500 |
| University of Memphis, Memphis, TN | Memphis-Shelby County Operation Safe Community | 500 |
| University of Mississippi, Oxford, MS | National Center for Justice and the Rule of Law | 2,000 |
| University of North Dakota, Grand Forks, ND | Native Americans Into Law | 300 |
| University of Southern Mississippi, Hattiesburg, MS | Indoor Cannabis Eradication Technical Support | 250 |
| University of Southern Mississippi, Hattiesburg, MS | Mississippi Automated System Project | 1,450 |
| University of Southern Mississippi, Hattiesburg, MS | Mississippi Rural Law Enforcement Training | 300 |
| University of Tennessee, Knoxville, TN | Law Enforcement Innovation Center | 500 |
| Urban League of Long Island, Hempstead, NY | Stop the Violence Campaign | 250 |
| Utica Police Department, Utica, NY | Law Enforcement Applications for Policing in Cyber Space | 500 |
| Verdugo Workforce Investment Board, Glendale, CA | Smart Grid Technology Job Training for At-Risk Youth | 100 |
| Vermont Department of Fish and Wildlife, Waterbury, VT | Equipment Support for Rural Law Enforcement Officers | 100 |
| Vermont Department of Public Safety, Waterbury, VT | Vermont Drug Task Force | 1,000 |

**OJP - Byrne Discretionary Grants**
**Congressionally-designated Items**
**($ in thousands)**

| Recipient | Project | Amount |
|---|---|---|
| Vermont Department of States Attorneys and Sheriffs, St. Albans, VT | Model Special Investigative Unit | 850 |
| Vermont Legal Aid, Inc., Burlington, VT | Vermont Employment Law Project | 100 |
| Veterans Outreach Center, Inc., Rochester, NY | Veterans Alternative to Incarceration Program | 200 |
| Victims for Justice, Anchorage, AK | Victims Services Program | 500 |
| Village of Franklin Park, Franklin Park, IL | Police Department Facilities Enhancements | 400 |
| Violence Prevention Coalition of SW Colorado, Durango, CO | Creating Healthy Communities and Violence Prevention Campaign in Rural Southwest Colorado | 320 |
| Virginia Community Action Re-Entry System, Inc., Richmond, VA | PAPIS: Virginia for Reentry | 80 |
| Visiting Nurse Association, Omaha, NE | Comprehensive Home Visitation Services to Young, At-Risk Mothers | 565 |
| Voices for Children Foundation, Inc., Parkersburg, WV | CASA Program | 100 |
| Wakulla County Board of County Commissioners, Crawfordville, FL | Smith Creek Communication Unification | 165 |
| Warren County Fiscal Court, Bowling Green, KY | Emergency Management Agency Improvements | 100 |
| Washington Association of Sheriffs & Police Chiefs, Lacey, WA | Preventing Armed Confrontations between Police Officers and the Public | 250 |
| Washington County Sheriff's Department, Greenville, MS | Law Enforcement Programs | 200 |
| Washington DC Police Foundation, Washington, DC | Metropolitan Police Department Tactical Village | 1,000 |
| Wayne Gomes Youth Baseball Diversity Foundation, Hampton, VA | Baseball Initiative for At-Risk Youth | 75 |
| Web Wise Kids, Santa Ana, CA | Broward County Youth Internet Safety & Digital Citizenship Project | 400 |
| West Valley City, West Valley, UT | Salt Lake Area Chiefs Alliance Forensic/DNA Lab and Evidence Processing Facility | 750 |
| West Virginia State Police, South Charleston, WV | Undercover Officer Safety Transmitters & Law Enforcement Technology | 1,000 |
| West Virginia University, Morgantown, WV | Forensic Science and Identification Program | 4,000 |
| West Virginia University, Morgantown, WV | Identification Technology Research and Transition Center | 500 |
| West Virginia University, Morgantown, WV | Technology Design Initiative | 1,000 |
| Westfield State College, Westfield, MA | Law Enforcement Training Program in Southbridge, MA | 600 |
| Westside Health Authority, Chicago, IL | Prisoner Reentry Center | 300 |
| White Earth Reservation Tribal Council, White Earth, MN | Police Radio Improvement | 800 |
| White Pine County, Ely, NV | Public Safety Project | 400 |
| Wilmington Department of Police, Wilmington, DE | Police Weapons Range Improvement | 1,425 |
| Winona State University, Winona, MN | National Child Protection Training Center | 500 |
| Winona State University, Winona, MN | Training for Child Protection Personnel | 400 |

**OJP - Byrne Discretionary Grants**
**Congressionally-designated Items**
**($ in thousands)**

| Recipient | Project | Amount |
|---|---|---|
| Winston County Sheriff's Office, Louisville, MS | Technology Upgrade and Personnel | 100 |
| Wisconsin Alliance for Children and Families, Milwaukee, WI | Road to Opportunity Project | 500 |
| Wisconsin Community Services, Milwaukee, WI | Wisconsin Driver | 100 |
| Women's Center, Vienna, VA | Domestic Violence Program | 200 |
| World Vision, Inc-Appalachia, Philippi, WV | Strengthening Fatherhood in West Virginia | 100 |
| Yakima County, Yakima, WA | Violent Crimes Task Force | 750 |
| YWCA Dayton, Dayton, OH | Domestic Violence Shelter | 300 |
| YWCA Kankakee, Kankakee, IL | Comprehensive At-Risk Youth Violence Prevention Initiative | 400 |
| YWCA Lake County, Waukegan, IL | Project SUCCEED At-Risk Youth Initiative | 200 |
| YWCA of Greater Cincinnati, Cincinnati, OH | Domestic Violence Protection Program | 200 |
| YWCA of Greater Los Angeles, Los Angeles, CA | Sexual Assault Crisis Services | 350 |
| YWCA of Hawaii Island, Hilo, HI | YWCA of Hawaii Island and the YWCA of Kauais Sexual Assault Response Services | 400 |
| YWCA Pueblo, Pueblo, CO | Domestic Violence Prevention for Youth Pueblo | 300 |
| YWCA Quincy, Quincy, IL | Domestic Violence Assistance Initiative | 400 |
| YWCA Tucson, Tucson, AZ | Comprehensive Services for Victims of Domestic Abuse and their Children | 300 |
| ZERO TO THREE National Center for Infants, Toddlers, and Families, Cherokee, NC | Cherokee Court Team for Maltreated Infants and Toddlers | 300 |
| ZERO TO THREE, Des Moines, IA | Des Moines Court Team for Maltreated Infants and Toddlers | 300 |
| ZERO TO THREE, New Orleans, LA | Orleans Parish Court Team for Maltreated Infants and Toddlers | 300 |
| ZERO TO THREE, White Earth, MN | White Earth Court Team for Maltreated Infants and Toddlers | 200 |
| ZERO TO THREE: National Center for Infants, Toddlers, and Families, Washington, DC | Forrest County Court Team for Maltreated Infants and Toddlers | 200 |

*Byrne competitive grants.*—As part of OJP's portion of the Department's fiscal year 2011 spending plan, OJP is directed to detail the criteria and methodology that will be used to award these grants. OJP is encouraged to continue supporting efforts to solve civil rights cold cases.

*Smart probation.*—The Smart Probation initiative will help States and units of local government reduce crime and recidivism through court-based and other probation approaches that provide swift, predictable, and graduated sanctions for noncompliance with the conditions of probation.

*Flexible tribal assistance.*—OJP is expected to consult closely with tribal stakeholders in determining how tribal assistance funds will be awarded for detention facilities, courts, alcohol and substance abuse programs, civil and criminal legal assistance, and other priorities. As part of the Department's spending plan for fiscal year 2011, OJP shall provide a plan for the use of these funds that has been informed by such consultation.

*Victims of trafficking.*—The bill provides $15,000,000 for task force activities and services for U.S. citizens, permanent residents, and foreign nationals who are victims of trafficking, including no less than $6,700,000 for victim services for foreign national victims of trafficking. OJP shall consult with stakeholder groups in determining the overall allocation of Victims of Trafficking funding, and shall provide a plan for the use of these funds as part of the Department's fiscal year 2011 spending plan. The spending plan should be guided by the best information available on the regions of the United States with the highest incidence of trafficking. In addition, the Department of Justice is directed to undertake outreach efforts in the form of public notices, such as newspaper advertisements, in ethnic communities in the United States, the home countries of which represent the top ten countries with regard to the prevalence of human trafficking activities. These efforts shall be designed to increase awareness of what constitutes human trafficking crimes and provide information on how assistance can be obtained, with the objective being the discovery and rescue of victims and the identification and prosecution of offenders.

*Capital litigation/wrongful conviction review.*—Of the amount provided, $2,500,000 is for capital litigation grants and $10,000,000 is for competitive grants to public and nonprofit entities that work to exonerate individuals who have been wrongfully convicted.

*Economic, high-tech and cybercrime prevention.*—Within the funds provided, no less than $6,000,000 is for competitive grants to State and local law enforcement entities and related organizations to address criminal intellectual property enforcement and prosecution, which may include grants for related training and technical assistance provided to State and local law enforcement entities.

*Second Chance Act.*—OJP shall consult with stakeholder groups in determining the allocation of Second Chance Act funding among authorized programs and shall provide a plan for the use of these funds as part of the Department's fiscal year 2011 spending plan.

*Byrne criminal justice innovation program.*—OJP is encouraged to give consideration to current Weed and Seed grantees as noted in Senate Report 111–229.

*Regional information sharing activities.*—The bill provides $40,000,000 to support activities that enable the sharing of nationwide criminal intelligence and other resources with State, local, and other law enforcement agencies and organizations. Such activities should address critical and chronic criminal threats, including gangs, terrorism, narcotics, weapons, and officer safety or ''event deconfliction,'' and should reflect regional as well as national threat priorities. All activities shall be consistent with national information sharing standards and requirements as determined by BJA.

JUVENILE JUSTICE PROGRAMS

The bill provides $506,040,000, as follows, for Juvenile Justice Programs administered by the Office of Juvenile Justice and Delinquency Prevention (OJJDP):

| *Program* | *Amount* |
|---|---|
| Part B—State Formula | $72,000,000 |
| Part E—Challenge Grants and Projects | 73,240,000 |
| Youth Mentoring Grants | 100,000,000 |
| Title V—Incentive Grants | 80,000,000 |
| Tribal Youth | (40,000,000) |
| Gang and Youth Violence Prevention and Education | (15,000,000) |
| Alcohol Prevention | (25,000,000) |
| Community-Based Violence Prevention Initiative | 20,000,000 |
| CASA–Special Advocates | 15,000,000 |
| Training for Judicial Personnel | 2,500,000 |
| Missing and Exploited Children | 70,000,000 |
| Internet Crimes Against Children Task Forces | (30,000,000) |
| Investigation and Prosecution of Child Abuse | 22,500,000 |
| Juvenile Accountability Block Grants | 45,000,000 |
| National Juvenile Delinquency Court Improvement Program | 5,000,000 |
| Disproportionate Minority Contact and Evaluation Program | 800,000 |
| Total | 506,040,000 |

*Youth mentoring.*—Among other activities, youth mentoring funds should support programs, particularly in minority and underserved communities, that also help foster the development of employment skills, entrepreneurship, financial literacy, and educational achievement, including preparation for postsecondary education success. In addition, in light of the alarming high school dropout, arrest, and unemployment rates among youth with disabilities, OJJDP is encouraged to fund expansions of mentoring services for youth with disabilities. As part of its portion of the Department's spending plan, OJJDP is directed to detail the criteria and methodology that will be used to award youth mentoring grants.

*Missing and exploited children.*—Within the total, $30,000,000 is for the Internet Crimes Against Children Task Force program. As part of the Department's spending plan for fiscal year 2011, OJP is directed to provide a plan for the use of Missing and Exploited Children program funds.

*Part E discretionary grants.*—The following congressionally-designated activities related to juvenile justice and at-risk youth are incorporated into the bill by reference:

**OJP - Juvenile Justice**
**Congressionally-designated Items**
**($ in thousands)**

| Recipient | Project | Amount |
|---|---|---|
| 180 Turning Lives Around, Inc, Hazlet, NJ | Child and Teen Violence Reduction and Treatment Expansion | 500 |
| 92nd Street Y, New York, NY | Education Outreach Initiative for At-Risk Youth | 400 |
| Academy for Urban School Leadership, Chicago, IL | Youth Violence Prevention Program | 450 |
| ACCESS - Arab Community Center for Economic and Social Services, Dearborn, MI | ACCESS Youth Center | 200 |
| Alcohol and Substance Abuse Prevention Council of Saratoga County, Inc., Saratoga Springs, NY | Saratoga County Youth Court | 40 |
| Ali Forney Center, New York, NY | 24/7 Drop-in Center for Homeless LGBT Youth | 400 |
| American Gold Shield, Cranbury, NJ | High School Drug and Violence Prevention Project | 200 |
| American School for the Deaf, West Hartford, CT | Behavorial Support Services for At-Risk, Deaf, and Hard of Hearing Students | 500 |
| Amigos del Museo del Barrio, New York, NY | El Museo in the Classroom | 100 |
| An Achievable Dream, Inc., Newport News, VA | An Achievable Dream Academy | 400 |
| ARISE Foundation, North Palm Beach, FL | Life-Management Skills Intervention/Re-entry Program for High Risk Youth | 300 |
| Artists Collective, Hartford, CT | Delinquency Prevention Program | 500 |
| AS220, Providence, RI | AS220 Labs | 200 |
| Asbury Speight Community Development Corporation, Fort Gaines, GA | At-Risk Youth Program | 75 |
| Baltimore Chesapeake Bay Outward Bound Center, Baltimore, MD | Outward Bound At-Risk Youth Development Program | 1,000 |
| Baltimore City Public School System, Baltimore, MD | Youth Intervention Initiative | 850 |
| Bardavon 1869 Opera House, Inc. (UCCC), Poughkeepsie, NY | In-School Residency and Community Outreach Support for At-Risk Youth | 100 |
| Beloved Community and Family Services, Chicago, IL | Total Family Project | 400 |
| Benton/Iowa County Decategorization Project, Marengo, IA | After-School Program and Functional Family Therapy Initiative | 400 |
| Big Brothers Big Sisters New Mexico Consortium, Santa Fe, NM | Youth Mentoring Initiative | 200 |
| Big Brothers Big Sisters of Essex, Hudson & Union Counties, Newark, NJ | Comprehensive Mentoring Program | 400 |
| Boat People SOS, Inc., Philadelphia, PA | BPSOS Asian Youth Anti-Violence and Leadership Program | 100 |
| Bolder Options, Rochester, MN | Bolder Options Rochester Expansion | 100 |
| Boys & Girls Club of Burlington, Burlington, VT | Early Promise Program | 150 |
| Boys & Girls Club of Harlem, Inc., New York, NY | Youth Leadership & Mentoring Program | 250 |
| Boys & Girls Clubs in New Jersey, Morristown, NJ | Gang Prevention Through Targeted Outreach | 250 |
| Boys & Girls Clubs of Boston, Boston, MA | Franklin Hill Club | 75 |
| Boys & Girls Clubs of Town of Wallkill, Circleville, NY | Taking Back Youth Project at the Boys & Girls Clubs of Town of Wallkill, Pine Bush & Sullivan County | 250 |

**OJP - Juvenile Justice**
**Congressionally-designated Items**
**($ in thousands)**

| Recipient | Project | Amount |
|---|---|---|
| Boys & Girls Clubs, Honolulu, HI | Outreach to Youth in Isolated and Rural Communities Phase 2: Building a Technology Bridge | 1,500 |
| Boys and Girls Club of Leech Lake Area, Cass Lake, MN | Tribal Youth Development At-Risk Program | 350 |
| Boys and Girls Club of Monmouth County (BFCM), Asbury Park, NJ | Expansion of Boys & Girls Clubs | 300 |
| Boys and Girls Club of Pharr, Pharr, TX | At-Risk Youth and Education Initiative | 250 |
| Boys Town Nebraska, Omaha, NE | Boys Town Day School | 250 |
| Brighton Park Neighborhood Council, Chicago, IL | Counseling and Violence Prevention Services | 300 |
| Cal Ripken, Sr. Foundation, Baltimore, MD | Cal Ripken, Sr. Foundation At-Risk Youth Mentoring Programs | 1,000 |
| California State University Sacramento, Sacramento, CA | Young Guardian Scholars Pilot Program | 200 |
| Casa Central, Chicago, IL | After-School Enrichment Program | 350 |
| Chabad of San Jose, Los Gatos, CA | Prevention, Resource, Information and Drug Education Project | 200 |
| Chabad of the Valley, Tarzana, CA | Prevention, Resource, Information and Drug Education Project | 100 |
| Chavez County, Roswell, NM | Juvenile Justice Comprehensive Strategy Board | 200 |
| Chicago Jesuit Academy, Chicago, IL | After-School Enrichment Program | 100 |
| Child Advocacy Center of North Central Wisconsin, Wausau, WI | Children's Service Society | 500 |
| Children's Cabinet, Reno, NV | Adolescent Drug and Alcohol Prevention and Treatment | 175 |
| Children's Home + Aid, Granite City, IL | Youth Services Program | 100 |
| Children's Media Project, Poughkeepsie, NY | Talking Walls | 35 |
| Christian Activity Center, East St. Louis, IL | After-School Enrichment Program | 250 |
| City of Alexandria, Alexandria, VA | Youth Building Green | 200 |
| City of Bridgeport, Bridgeport, CT | Lighthouse After-School Program | 500 |
| City of Brighton, Brighton, CO | Workforce Development for At-Risk Youth | 500 |
| City of Charleston, Charleston, SC | Robert Gould Shaw Center | 460 |
| City of Detroit Department of Health and Wellness Promotion, Detroit, MI | Successful Alliance For Educating Talented Youth (SAFETY) Program | 500 |
| City of East Palo Alto, East Palo Alto, CA | Parolee Reentry Initiative | 470 |
| City of Fontana, Fontana, CA | Teen Center | 100 |
| City of Huntington Park, Huntington Park, CA | Computers for After-School Program | 200 |
| City of Hyattsville, Hyattsville, MD | After School/Summer Program for Youth | 100 |
| City of Iola, Iola, KS | Program for At-Risk Youth | 110 |
| City of Moultrie, Moultrie, GA | R.D. Smith After School Program (RDSASP) | 150 |
| City of Oakland, Oakland, CA | Restorative Justice | 300 |
| City of Richmond, Richmond, VA | Richmond Public Schools Project Recovery | 200 |
| City of Rochester, Rochester, NY | After-School Jobs Program for At-Risk Youth | 1,000 |
| City of San Fernando Police Department, San Fernando, CA | Youth Leadership Academy | 300 |
| City of Seattle, Seattle, WA | Seattle Youth Violence Prevention Initiative | 100 |

**OJP - Juvenile Justice**
**Congressionally-designated Items**
**($ in thousands)**

| Recipient | Project | Amount |
|---|---|---|
| City of South Salt Lake, Salt Lake City, UT | Pete Suazo Center At-Risk Youth Program | 200 |
| City of Waterbury, Waterbury, CT | Waterbury Truancy Clinic | 800 |
| City Year Greater Philadelphia, Philadelphia, PA | Mentoring and Youth Development Services | 250 |
| Cleveland Botanical Garden, Cleveland, OH | Green Corps Urban Youth Program | 500 |
| Communities In Schools of Brunswick County, Inc., Bolivia, NC | Action for Success - Dropout Prevention Project | 300 |
| Community Conferencing Center, Baltimore, MD | Community Conferencing Court Diversion for Juvenile Offenders | 200 |
| County of Arlington, Arlington, VA | Court Services Juvenile Outreach Program | 500 |
| County of Fairfax, Fairfax, VA | Community-Based Services for At-Risk Youth | 200 |
| County of San Luis Obispo, San Luis Obispo, CA | Anti-Gang Employment Coordinator | 80 |
| Crisp County Community Council, Inc., Cordele, GA | Teen Maze | 75 |
| Crow Creek Sioux Tribe, Fort Thompson, SD | Three Districts Boys & Girls Club | 150 |
| Dakota County Administration Center, Hastings, MN | Juvenile Detention Alternatives Initiatives | 500 |
| Dance Theatre of Harlem, New York, NY | Harlem smARTS | 150 |
| Dauphin County Human Service Director, Harrisburg, PA | Family Group Conferencing Community Expansion Project | 200 |
| Dave Thomas Foundation for Adoption, Columbus, OH | Every Child Counts | 500 |
| Devereux Massachusetts, Rutland, MA | At-Risk Youth Program | 350 |
| Directing through Recreation, Education, Adventure, and Mentoring (DREAM) Program, Winooski, VT | Expansion of a mentoring program | 200 |
| Dover Police Department, Dover, NH | At-Risk Teen Center | 240 |
| Durham County, Durham, NC | Programs for At-Risk Youth | 400 |
| Eastern Connecticut State University, Willimantic, CT | Dual Enrollment Initiative for At-Risk Youth | 200 |
| Eastern Michigan University, Ypsilanti, MI | B. Side Boot Camp: Entrepreneurship Education Program for At-Risk Youth | 300 |
| Epworth Village, York, NE | Behavioral Services for At-Risk Youth in Rural Communities | 700 |
| Every Person Influences Children, Buffalo, NY | Ready, Set, Parent: Newborn Health and Parenting Education | 200 |
| Fairfax Childhelp Center, Faifax, VA | Child Advocacy Center | 300 |
| Florida Department of Juvenile Justice, Tallahassee, FL | Juvenile Justice Institute at Florida A & M University | 650 |
| Focus: HOPE, Detroit, MI | Youth Safety Initiative | 200 |
| Franciscan Hospital for Children, Brighton, MA | Juvenile Delinquency and Early Intervention Program | 300 |
| Freedom From Unnecessary Negatives, Memphis, TN | Stop the Killing | 400 |
| Friends of the Children Portland, Portland, OR | Child Investment Initiative | 300 |
| Friends with Jesus, Inc, Bainbridge, GA | Friendship House | 75 |
| Gadsden County School Board, Quincy, FL | Criminal Justice Career Academy | 100 |

**OJP - Juvenile Justice**
**Congressionally-designated Items**
**($ in thousands)**

| Recipient | Project | Amount |
|---|---|---|
| Gang Alternatives Program, Lynwood, CA | Gang Alternatives Program for Southeast Los Angeles County | 150 |
| Generations, Inc., Lindenwold, NJ | Progress Around the Schools | 175 |
| Girl Scouts of the USA, New York, NY | Girl Scouts Beyond Bars | 1,000 |
| Girl's Incorporated, Hampton, VA | Operation Impact | 200 |
| Growing Power, Inc., Milwaukee, WI | Effective Training for At-Risk Milwaukee Youth | 200 |
| Hathaway-Sycamores Child and Family Services, Pasadena, CA | Stay in School Training for At-Risk Youth | 150 |
| Hawaii Council on Economic Education, Honolulu, HI | Financial Education for At-Risk Youth and Families | 350 |
| Highbridge Community Life Center, Bronx, NY | Highbridge Youth Education Project | 100 |
| HoustonWorks USA, Houston, TX | Juvenile Justice Initiative | 250 |
| Huckleberry Youth Programs, San Francisco, CA | Huckleberry Community Assessment and Referral Center (CARC) for San Francisco Non-Violent Juvenile Offenders | 300 |
| Human Development Commission, Caro, MI | Generations Program | 100 |
| Improved Solutions for Urban Systems, Dayton, OH | Court Involved Drop-Out Youth Re-Engagement | 250 |
| i-SAFE, Inc., Carlsbad, CA | Internet Safety Programs | 1,000 |
| Karnes Wilson Juvenile Probation Department, Karnes City, TX | JJAEP ELITE Program | 300 |
| Kennedy Krieger Institute, Baltimore, MD | Juvenile Delinquency Prevention Program at Fort Meade | 500 |
| Kenosha Boys & Girls Club, Kenosha, WI | Gang Prevention | 150 |
| Kidsave International Inc., Culver City, CA | Kidsave Los Angeles Weekend Miracles Program | 100 |
| KidsVoice, Pittsburgh, PA | Child Advocacy Program | 200 |
| Lane County Administration, Eugene, OR | Teen Courts Initiative | 500 |
| LA's BEST, Los Angeles, CA | Connects After School with High School | 600 |
| Latin American Youth Center, Washington, DC | Maryland Multicultural Youth Centers | 750 |
| Lawrence Hall Youth Services, Chicago, IL | Youth Violence Prevention Program | 450 |
| Lehman College, Bronx, NY | Public Service Leadership Institute | 200 |
| Los Angeles Centers for Alcohol and Drug Abuse, Santa Fe Springs, CA | After-School Youth Enrichment Services | 50 |
| Los Angeles County Office of Education, Downey, CA | Pomona and Los Padrinos Juvenile Courts School Court Liaison Program | 150 |
| Lourdes College, Sylvania, OH | At-Risk Youth Student Success Mentoring Initiative | 500 |
| Main Line Chinese Culture Center, Radnor, PA | Preparing Philadelphias Future Global Leader | 100 |
| Manna House Workshops, New York, NY | Elevating Access to Performing Arts Education for Children by Enhancing our Infrastructure and Enriching Structure | 250 |
| Marian University, Indianapolis, IN | Youth Build Indy Program | 250 |
| Martin Luther King Jr. Freedom Center, Oakland, CA | Nonviolence Leadership Program | 250 |
| Mary Mitchell Family and Youth Center, Inc., Bronx, NY | Programs for At-Risk Youth | 200 |

**OJP - Juvenile Justice**
**Congressionally-designated Items**
**($ in thousands)**

| Recipient | Project | Amount |
|---|---|---|
| Maryland Association of Youth Services Bureaus, Greenbelt, MD | At-risk Youth Program | 1,000 |
| Mass Mentoring Partnership, Boston, MA | Mentoring Programs for At-Risk Children and Youth | 360 |
| Matt Garcia Police Athletic League Center, Fairfield, CA | At-Risk Youth Program | 190 |
| Men Engaged in Nonviolence, Taos, NM | Crime Prevention Initiative | 200 |
| Metropolitan Council on Jewish Poverty, New York, NY | Study on At-Risk Teens | 150 |
| Mid Valley Family YMCA, Van Nuys, CA | Youth & Teen Outreach Program | 300 |
| Moody County Boys and Girls Club, Flandreau, SD | Educational Programs | 100 |
| Mosholu Montefiore Community Center, Bronx, NY | MMCC Co-Op City Youth Center | 375 |
| Museum of Chinese in America, New York, NY | Afterschool Program | 100 |
| Museum of the Moving Image, Astoria, NY | Programs for Youth | 150 |
| My Turn Inc., Brockton, MA | Out-of-School Youth Intervention Program | 200 |
| Neighborhood First Program, Inc., Bristol, PA | Expansion of H.A.V.E.N. Program | 180 |
| New Mexico Juvenile Justice Continuum, Santa Fe, NM | Statewide Juvenile Justice Initiative | 500 |
| New York Shakespeare Festival (d.b.a. The Public Theater), New York, NY | Shakespeare Initiative for At-Risk Youth | 200 |
| North Area Athletic & Education Center, Syracuse, NY | Stepping Stones for Your Future | 50 |
| Northern Forest Canoe Trail, Waitsfield, VT | Explorers Program | 300 |
| Northwest Virginia Regional Gang Task Force, Berryville, VA | Northwest Virginia Regional Gang Task Force | 500 |
| Nuyorican Poets Cafe, New York, NY | Arts Programming for At-Risk Youth | 250 |
| NYC Outward Bound, Long Island City, NY | Expeditionary Learning | 400 |
| Ohel Childrens Home and Family Services, Brooklyn, NY | Violence Prevention Program | 400 |
| Operation QT, Inc., Paradise Valley, AZ | After School Program | 600 |
| Our Children's Homestead, Rockford, IL | Foster Youth Support Program | 200 |
| Overtown Youth Center, Inc., Miami, FL | Youth Programs | 100 |
| Parents Against Addiction, Nitro, WV | Drug Rehabilitation Program | 500 |
| Part of the Solution, Inc., Bronx, NY | After-School Education Program for At-Risk Youth | 50 |
| Patterson Volunteer Committee, Inc, Bronx, NY | Students Against Gun Violence | 50 |
| People United for Sustainable Housing, Buffalo, NY | Programs to Assist At-Risk Youth | 250 |
| Permanent Fund, Montpelier, VT | Mentoring Collaborative | 500 |
| Phoenix Houses of Los Angeles, Inc., Lake View Terrace, CA | Strengthening Family and Mental Health Services for Underserved Youth in Los Angeles County | 500 |
| Pinellas County, Clearwater, FL | At-Risk Youth Diversion and Recidivism Prevention Program | 300 |
| Pittsburgh TASK, Pittsburgh, PA | Mobilizing Male Mentors Project | 100 |

**OJP - Juvenile Justice**
**Congressionally-designated Items**
**($ in thousands)**

| Recipient | Project | Amount |
|---|---|---|
| POINT Community Development Corporation, Bronx, NY | Youth Development Program | 250 |
| Police Athletic League, Toledo, OH | Youth Center | 400 |
| PortSide NewYork, Brooklyn, NY | Youth Summer Work and Education | 50 |
| Project Intercept, Inc., Brooklyn, NY | Mentoring A Drug Prevention Program for At-Risk Youth | 100 |
| Pulaski County Youth Services, Little Rock, AR | Youth Initiative to Encourage Learning and Development | 200 |
| Railroad Street Youth Project, Great Barrington, MA | Berkshire Youth Development Project | 265 |
| Randolph County Family Connection, Inc, Cuthbert, GA | After School Program for At-Risk Children | 75 |
| Red Hook Initiative, Brooklyn, NY | Education Program for At-Risk Youth | 250 |
| Renaissance EMS, Bronx, NY | At-Risk Youth Program | 100 |
| Restorative Justice for Oakland Youth, Oakland, CA | Restorative Alternatives: Youth Diversion and Re-entry Program | 250 |
| Rhode Island Mentoring Partnership, Warwick, RI | Support for Mentoring Programs | 200 |
| Richmond Police Activities League, Richmond, CA | Changing Habits, Attitudes & Mind Program (CHAMP) | 400 |
| Roca, Chelsea, MA | Roca Springfield Project | 500 |
| Rock School for Dance Education, Philadelphia, PA | RockReach Program | 250 |
| Sankofa Safe Child Initiative, Chicago, IL | Juvenile Justice Leadership Navigation Project | 150 |
| Save Our Future, Inc., Los Angeles, CA | Mothers On the March After-School Program, Intervention & Enrichment | 300 |
| Save The Children, Washington, DC | Juvenile Delinquency Prevention Program | 500 |
| Save the Children, Westport, CT | Arkansas Rural Literacy Program | 400 |
| Sea Research Foundation, Mystic, CT | Ocean Exploration and Science Education for At-Risk Youth | 1,750 |
| Search to Involve Pilipino Americans, Los Angeles, CA | SIPA Youth Empowerment and Employment Training Institute | 500 |
| SEED School of Maryland, Baltimore, MD | SEED Maryland Student Life Program | 500 |
| SGA Youth & Family Service, Chicago, IL | College Success Initiative | 250 |
| SGA Youth & Family Services, Chicago, IL | Roseland College Success Initiative | 250 |
| Sid Jacobson Jewish Community Center, East Hills, NY | Youth Action After School Program | 100 |
| Social Service and Community Development Foundation, Inc., Joliet, IL | Hill Memorial Learning Center | 150 |
| Sound Mental Health, Seattle, WA | Childrens Domestic Violence Response Team Program | 280 |
| Soundview Community in Action, Bronx, NY | Outreach Program for At-Risk Youth | 250 |
| South Carolina Afterschool Alliance, Columbia, SC | Disconnected Youth Program | 350 |
| South Queens Boys & Girls Club, Richmond Hill, NY | After School Program | 200 |
| SOWEGA CASA, Inc., Americus, GA | A CASA for Every Child | 75 |

**OJP - Juvenile Justice**
**Congressionally-designated Items**
**($ in thousands)**

| Recipient | Project | Amount |
|---|---|---|
| Sports & Arts in Schools Foundation, Woodside, NY | At-Risk Youth Program | 300 |
| St. Louis Science Center, St. Louis, Missouri, MO | Youth Exploring Science (YES) | 200 |
| Starr Commonwealth, Albion, MI | Technology Upgrades for At-Risk Youth Programs | 250 |
| Suffolk University, Boston, MA | Juvenile Justice Center | 200 |
| Team Focus, Inc., Tupelo, MS | Mississippi Team Focus Youth Mentoring Program | 200 |
| Team Focus, Morgan, TX | Youth Mentoring Program | 500 |
| Texas A&M Corpus Christi, Corpus Christi, TX | Adjudicated Youth Program | 270 |
| The Manor, Jonesville, MI | Children and Family Community Reintegration Program | 300 |
| Thurgood Marshall College Fund, New York, NY | Rebuilding Communities Initiatives through Mentorship and Education | 500 |
| Tilles Center for the Performing Arts, Greenvale, NY | Stay in School Initiative | 200 |
| Township of Irvington, Irvington, NJ | Youth Violence Prevention Initiative | 300 |
| Turnaround for Children, New York, NY | At-Risk Youth Education Programs | 400 |
| U.S. Dream Academy Mentoring Project, Columbia, MD | Mentoring Project | 250 |
| U.S. Soccer Foundation, Washington, DC | Youth Soccer Gang Prevention Initative | 200 |
| Uhlich Children's Advantage Network, Chicago, IL | Violence Prevention and Job Development Program for Youth | 250 |
| University of Montana, Missoula, MT | Montana Safe School Center: Trauma-Informed Communities | 500 |
| University of Northern Iowa, Cedar Falls, IA | Center for Minority Youth Development | 300 |
| Urban Dreams, Des Moines, IA | Urban Children are Really Essential (U-CARE) | 200 |
| Urban League of Hudson County, Jersey City, NJ | Project Restore Gang Education and Prevention Program | 400 |
| Vermont Department of Children and Families, Waterbury, VT | At-Risk Youth Assistance Program | 800 |
| Vermont Department of Education, Montpelier, VT | Extended Education Programming in Schools | 500 |
| Virginia Early Childhood Foundation, Richmond, VA | Southside/Southwest Virginia School Readiness Initiative | 250 |
| Virginia Foundation for Community College Education, Richmond, VA | Great Expectations Program for Virginia's Foster Youth | 370 |
| Virginia Mentoring Partnership, Richmond, VA | Mentoring Programs for At-Risk Children and Youth | 200 |
| Western Connecticut State University, Danbury, CT | Expanded Building a Bridge to Improve Student Success At-Risk Youth Project | 400 |
| William A. Lawson Institute for Peace and Prosperity, Houston, TX | Mentoring Program | 200 |
| Women's Studio Workshop, Kingston, NY | Cultural Experiences for At-Risk Youth: Hands-On Art ARTFarm | 60 |

**OJP - Juvenile Justice**
**Congressionally-designated Items**
**($ in thousands)**

| Recipient | Project | Amount |
|---|---|---|
| Woonsocket Prevention Coalition, Woonsocket, RI | RI Third Eye Youth Crime Watch | 220 |
| YMCA of Greater Houston, Houston, TX | Apartment Outreach Program | 300 |
| YMCA of Metropolitan Hartford, Inc., Hartford, CT | Youth Violence Prevention Initiative | 500 |
| Youngstown State University, Youngstown, OH | YSU SMARTSStudents Motivated by the Arts at the Mahoning County Juvenile Justice Center | 100 |
| Youth as Possibility, Chicago, IL | At-Risk Youth Programs | 150 |
| Youth Policy Institute, Los Angeles, CA | Los Angeles Community Schools Initiative | 400 |
| Youthworks, Bismarck, ND | At Risk Youth Intervention | 600 |
| YWCA Columbus, Columbus, OH | At-Risk Youth Initiative | 250 |
| YWCA Corpus Christi, Corpus Christi, TX | YW Teen Program | 500 |
| YWCA Elgin, Elgin, IL | At-Risk Youth Initiative | 350 |
| YWCA Great Lakes Bay Region, Bay City, MI | Empowerment Initiative for At-Risk Youth and Women | 500 |
| YWCA Northern Rhode Island, Woonsocket, RI | Bright Futures Initiative for At-Risk Youth | 750 |
| YWCA of Greater Lawrence, Lawrence, MA | Initiative for At-Risk Youth | 300 |
| YWCA of Mohawk Valley, Utica, NY | Child Advocacy Centers and Support Services, Oneida, Herkimer and Cortland Counties, NY | 450 |
| YWCA of Salt Lake City, Salt Lake City, UT | Shelter and Residence for Women and Children | 485 |
| YWCA Pueblo, Pueblo, CO | Teen Domestic Violence Prevention Education | 300 |
| YWCA Vermont, Colchester, VT | Initiative for At-Risk Girls | 150 |
| YWCA Youngstown, Youngstown, OH | At-Risk Youth Strengthening Initiative | 300 |
| Zero to Three, Douglasville, GA | Douglas County Court Team for Maltreated Infants and Toddlers | 100 |
| Zero to Three, San Francisco, CA | Court Team for Maltreated Infants and Toddlers | 300 |

PUBLIC SAFETY OFFICER BENEFITS

The bill provides $77,300,000 for the Public Safety Officer Benefits program, including $61,000,000 for death benefits for survivors, an amount estimated by the Congressional Budget Office that is considered mandatory for scorekeeping purposes, and $16,300,000 for disability and education benefits.

SALARIES AND EXPENSES

The bill provides $200,000,000 for salaries and expenses for the Office of Justice Programs (OJP), including $32,500,000 for OJP's Office of Audit, Assessment, and Management.

COMMUNITY ORIENTED POLICING SERVICES

COMMUNITY ORIENTED POLICING SERVICES PROGRAMS

(INCLUDING TRANSFERS OF FUNDS)

The bill provides $542,070,000 for COPS Programs. These funds are distributed as follows:

| *Program* | *Amount* |
|---|---|
| COPS Hiring and Policing Development | $363,000,000 |
| Transfer to Tribal Resources Grant Program | (42,000,000) |
| Tribal Resources Grant Program | 30,000,000 |
| COPS Technology and Interoperability | 98,885,000 |
| Transfer to NIST OLES | (1,500,000) |
| Meth Hotspots | 17,185,000 |
| Transfer to DEA | (10,000,000) |
| Child Sexual Predator Prosecution Program | 18,000,000 |
| Secure Our Schools | 15,000,000 |
| Total | 542,070,000 |

*COPS hiring and policing development.*—The bill includes $363,000,000 for hiring and policing development grants for State, local and tribal law enforcement. Within the amount provided, COPS is directed to fund $26,000,000 of community policing development programs, including police integrity initiatives. Within the funds available for hiring grants, $30,000,000 is for the hiring or rehiring of officers who will be assigned to Internet Crimes Against Children (ICAC) Task Forces. These funds, together with those provided under the OJP heading, will fully meet the level authorized for ICACs under the PROTECT Act. In recognition of average personnel and benefit levels in many parts of the country that exceed the $75,000 per officer statutory cap for the hiring program, the cap has been waived for fiscal year 2011. The local match requirement for these grants has also been waived.

*Tribal resources.*—At the enacted levels, COPS will be supporting $72,000,000 in programs targeted exclusively to tribal communities through the Tribal Resource Grant Program (TRGP). Within the TRGP, $30,000,000 is provided through direct appropriations and $42,000,000 by transfer from the hiring and policing development program. All funds available to the TRGP can be used for hiring, equipment, training and anti-methamphetamine activities. This will allow tribes maximum flexibility to respond to their most urgent local priorities.

*Technology and interoperability grants.*—The bill provides $98,885,000 for technology and interoperability grants, including a transfer of $1,500,000 to the NIST Office of Law Enforcement Standards to complete remaining aspects of Project 25 interface standards and to begin developing standards for emerging technologies, such as VoIP applications, for public safety operations. Within the amount provided, COPS is directed to fund congressionally-designated activities in the amounts identified in the following table, which the bill incorporates by reference:

**COPS Law Enforcement Technology**
**Congressionally-designated Items**
**($ in thousands)**

| Recipient | Project | Amount |
|---|---|---|
| Abington Township Police Department, Abington, PA | Communications Equipment Upgrade | 200 |
| Anson County Sheriff, Wadesboro, NC | Law Enforcement Visual Intelligence Tool | 400 |
| Beckley Police Department, Beckley, WV | Interoperable Digital Radio Equipment | 190 |
| Bexar County Sheriff, San Antonio, TX | Sheriff's Office Vehicle Technology Enhancement Project | 150 |
| Blount County, Maryville, TN | Blount County Interoperable Communications | 400 |
| Board of County Commissioners, St. Marys County, Leonardtown, MD | Jail Security Project | 750 |
| Borough of Bellevue, Bellevue, PA | Law Enforcement Technology Advancements | 60 |
| Borough of Cliffside Park, Cliffside Park, NJ | Public Safety Communications Enhancements | 300 |
| Borough of Homestead, Homestead, PA | Police Cameras | 200 |
| Borough of Little Ferry, Little Ferry, NJ | Emergency Communications System | 550 |
| Borough of Mount Oliver, Mount Oliver, PA | Technology Upgrades | 55 |
| Borough of Naugatuck, Naugatuck, CT | Public Safety Communications Project | 500 |
| Bowling Green Police Department, Bowling Green, KY | Public Safety Radio System Upgrade | 200 |
| Boyle County Sheriff, Danville, KY | Communications Technology | 25 |
| Broward County, Fort Lauderdale, FL | Public Safety Emergency Communications | 1,000 |
| Brown County Public Safety Communications, Green Bay, WI | Public Safety Communications | 355 |
| Bryan Police Department, Bryan, TX | Brazos County Warrant Access and Reduction Program | 300 |
| Buchanan County Sheriffs, Grundy, VA | Technology Improvement Program | 75 |
| Buena Vista Police Department, Buena Vista, GA | Police Equipment | 75 |
| Burnett County, Siren, WI | Public Safety Communications System Upgrade | 1,000 |
| Cecil County Department of Emergency Services, Elkton, MD | Cecil County Public Safety Communications Network | 650 |
| Central Texas Council of Governments, Belton, TX | Central Texas Project 25 Interoperability Initiative | 250 |
| Centre County, Bellefonte, PA | Centre County Emergency Communications System Upgrade | 300 |
| Charles County Sheriff, La Plata, MD | Police Technology Upgrades | 100 |
| Charleston County, Charleston, SC | Mobile Data Terminals | 125 |
| Charlevoix Cheboygan Emmet Central Dispatch Authority, Petoskey, MI | Equipment & Technology | 300 |
| Cherry Hill Township, Cherry Hill, NJ | Public Safety Improvements | 550 |
| Cheyenne River Sioux Tribe, Eagle Butte, SD | Cheyenne River Sioux Tribe Emergency Dispatching System | 200 |
| Choctaw Nation, Durant, OK | Public Safety Communications Project | 250 |
| City and County of San Francisco Police Department, San Francisco, CA | COMPSTAT | 1,000 |
| City of Alexandria Police Department, Alexandria, KY | Kentucky Data Interoperability Project | 200 |
| City of Allentown, Allentown, PA | Allentown Radio Encryption | 300 |

**COPS Law Enforcement Technology**
**Congressionally-designated Items**
**($ in thousands)**

| Recipient | Project | Amount |
|---|---|---|
| City of Auburn, Auburn, WA | Valley Cities Public Safety Wireless Regional Broadband Network | 200 |
| City of Bay St. Louis Police Department, Bay St. Louis, MS | Help I.D. Our Children | 20 |
| City of Bayonne, Bayonne, NJ | Bayonne Law Enforcement Project | 150 |
| City of Beaver Falls Police Department, Beaver Falls, PA | Police Firing Range Equipment | 300 |
| City of Bell Gardens Police Department, Bell Gardens, CA | Gunshot Location System Acquisition and Surveillance Infrastructure | 500 |
| City of Belzoni, Belzoni, MS | Police Technology Upgrades | 170 |
| City of Benton, Benton, KY | City of Benton Public Safety Communication Equipment | 35 |
| City of Bethlehem, Bethlehem, PA | Multi-Jurisdiction Public Safety Camera Project | 100 |
| City of Billings, Billings, MT | Public Safety Radio System Upgrades | 500 |
| City of Birmingham, Birmingham, AL | Gunshot Location System Expansion Project | 200 |
| City of Bridgeport, Bridgeport, CT | Public Safety Technology Enhancements | 375 |
| City of Brockton Police Department, Brockton, MA | Gunshot Location System Acquisition | 200 |
| City of Buda, Buda, TX | Police Technology and Equipment | 50 |
| City of Buffalo Police Department, Buffalo, NY | Surveillance Cameras | 360 |
| City of Cedar Rapids, Cedar Rapids, IA | Emergency Communications Center Equipment | 200 |
| City of Cerritos, Cerritos, CA | Public Safety Technology Improvements | 200 |
| City of Chisholm, Chisholm, MN | Communications Upgrade | 200 |
| City of Clarksburg Police Department, Clarksburg, WV | Law Enforcement Technology & Equipment | 100 |
| City of Cleveland, Office of the Mayor, Cleveland, OH | 800 MHz Radio System | 250 |
| City of Clifton, Clifton, NJ | Police Technology Enhancement Project | 400 |
| City of College Park, College Park, GA | Law Enforcement Video Patrol | 500 |
| City of Colorado Springs Police Department, Colorado Springs, CO | Police Technology Enhancement | 400 |
| City of Columbiana, Columbiana, OH | Communication Dispatch Upgrade Project | 150 |
| City of Countryside Police Department, Countryside, IL | Law Enforcement Equipment / Technology Upgrades | 135 |
| City of Dothan, Dothan, AL | Digital In-Car Cameras and Technological Advances | 150 |
| City of Duluth Police Department, Duluth, MN | Forensic Technology Task Force Project | 200 |
| City of Elizabeth Police Department, Elizabeth, NJ | Gun Detection Technology System | 375 |
| City of Fairmont Police Department, Fairmont, WV | Law Enforcement Technology & Equipment | 50 |
| City of Fayetteville, Fayetteville, AR | Simulcast System for Public Safety Communication | 600 |
| City of Flint, Flint, MI | City of Flint Interoperable Communications Project | 500 |

**COPS Law Enforcement Technology**
**Congressionally-designated Items**
**($ in thousands)**

| Recipient | Project | Amount |
|---|---|---|
| City of Fort Smith Police Department, Fort Smith, AR | River Valley Mobile Data Network | 400 |
| City of Fresno, Fresno, CA | Law Enforcement Equipment | 300 |
| City of Garden Grove, Garden Grove, CA | Law Enforcement Technology Assistance | 140 |
| City of Gardena, Gardena, CA | Emergency Operations Center Equipment & Technology | 300 |
| City of Gary, Gary, IN | Law Enforcement Equipment | 500 |
| City of Gillett, Gillett, AR | Police & Court Upgrades | 50 |
| City of Glendale, Glendale, AZ | Digital Evidence Data System | 500 |
| City of Granville Police Department, Granville, WV | Law Enforcement Technology & Equipment | 50 |
| City of Guadalupe, Guadalupe, CA | Police Department Technology Equipment and Upgrades | 200 |
| City of Hammond, Hammond, IN | Law Enforcement Equipment | 500 |
| City of Hampton, Hampton, VA | Police Mobile Field Reporting Project | 150 |
| City of Hartford, Hartford, CT | Gunshot Location System | 400 |
| City of Hayward Police Department, Hayward, CA | Emergency Communications Upgrades | 585 |
| City of Hobart, Hobart, IN | Law Enforcement Equipment | 175 |
| City of Holladay, Holladay, UT | Gang Prevention Initiative | 170 |
| City of Hollywood, Hollywood, FL | Law Enforcement Technology | 250 |
| City of Hot Springs Police Department, Hot Springs, AR | In-Car Video Acquisition | 250 |
| City of Indianapolis, Indianapolis, IN | Public Safety, Interrogation, and Crime Scene Investigation Equipment | 200 |
| City of Inglewood, Inglewood, CA | Law Enforcement Technology Upgrades and Infrastructure Improvements | 100 |
| City of Jackson Police Department, Jackson, TN | Records Management System Upgrade Project | 365 |
| City of Jersey City, Jersey City, NJ | Comprehensive Communication System | 350 |
| City of Kannapolis, Kannapolis, NC | Kannapolis and Concord Regional Radio Upgrade | 150 |
| City of Keyser Police Department, Keyser, WV | Law Enforcement Technology & Equipment | 50 |
| City of Las Cruces, Las Cruces, NM | Police Department East Mesa Substation Equipment | 300 |
| City of Longview, Longview, WA | Regional 911 Dispatch Improvements | 200 |
| City of Luling Police Department, Luling, TX | Police Technology and Equipment | 50 |
| City of Milford, Milford, CT | Public Safety Emergency Communications and Operations System | 500 |
| City of Monterey Park, Monterey Park, CA | Online Police Reporting System | 35 |
| City of Mountain View, Mountain View, CA | Emergency Operations Center Equipment & Technology | 80 |
| City of Mountlake Terrace, Mountlake Terrace, WA | Emergency Services Equipment Project | 300 |
| City of Muncie, Muncie, IN | MPD Enhanced Technology Initiative | 200 |
| City of Newport, Newport, RI | Newport COPS Technology | 365 |
| City of Parkersburg Division of Police, Parkersburg, WV | Law Enforcement Technology & Equipment | 100 |

**COPS Law Enforcement Technology**
**Congressionally-designated Items**
**($ in thousands)**

| Recipient | Project | Amount |
|---|---|---|
| City of Pasadena, Pasadena, CA | Emergency Operations Center Technology | 350 |
| City of Philadelphia, Philadelphia, PA | Crime Prevention Cameras | 250 |
| City of Phoenix, Phoenix, AZ | Phoenix Electronic Evidence Collection and Preservation Project | 500 |
| City of Phoenix, Phoenix, AZ | Rapid Criminal Identification Project | 500 |
| City of Pine Bluff Police Department, Pine Bluff, AR | Gun Detection Technology System | 250 |
| City of Pittsburgh, Pittsburgh, PA | CrimeWatch Neighborhood Camera Security Systems | 1,000 |
| City of Pompano Beach, Pompano Beach, FL | Security Technology for Public Infrastructure | 100 |
| City of Ranson, Ranson, WV | Crime Tracking/Reporting Initiative | 435 |
| City of Rialto Police Department, Rialto, CA | Police Department Surveillance Cameras | 200 |
| City of Rivesville Police Department, Rivesville, WV | Law Enforcement Technology & Equipment | 50 |
| City of Riviera Beach, Riviera Beach, FL | Law Enforcement Technology Improvement Project | 250 |
| City of Rochester, Rochester, NH | Equipment for the Rochester, NH Police Department | 135 |
| City of Rockville, Rockville, MD | Police Technology Upgrade Project | 400 |
| City of Saginaw Police Department, Saginaw, MI | Gunshot Location System Acquisition | 500 |
| City of Salisbury, Salisbury, MD | Public Safety Communications Equipment | 500 |
| City of San Diego, San Diego, CA | Public Safety Technology Initiative | 200 |
| City of San Gabriel, San Gabriel, CA | Public Safety Video Surveillance in City Parks | 180 |
| City of San Jose, San Jose, CA | In-Field Data Management and Identification Technology | 700 |
| City of San Marcos, San Marcos, TX | Regional Tactical Operations Command Center Equipment | 400 |
| City of Shelbyville, Shelbyville, IN | Shelbyville 800 MHz Radio System | 200 |
| City of Signal Hill, Signal Hill, CA | Emergency Operations Center Communication System | 400 |
| City of Smithville Police Department, Smithville, TX | Police Technology | 50 |
| City of South Pasadena, South Pasadena, CA | Interoperable Communications Equipment and Computer Forensic Software | 85 |
| City of Sumter Police Department, Sumter, SC | Police Technology Upgrades | 1,000 |
| City of Tempe, Tempe, AZ | Public Safety Communications Interoperability | 400 |
| City of Terra Alta Police Department, Terra Alta, WV | Law Enforcement Technology & Equipment | 50 |
| City of Triadelphia Police Department, Triadelphia, WV | Law Enforcement Technology & Equipment | 50 |
| City of Valparaiso, Valparaiso, IN | Law Enforcement Equipment | 230 |
| City of Warren Police Department, Warren, MI | Law Enforcement Technology Upgrades | 100 |
| City of Wheeling Police Department, Wheeling, WV | Law Enforcement Technology & Equipment | 100 |
| Clark County, Las Vegas, NV | Justice Information Sharing System | 200 |

**COPS Law Enforcement Technology**
**Congressionally-designated Items**
**($ in thousands)**

| Recipient | Project | Amount |
|---|---|---|
| Cobb County Government, Marietta, GA | Cobb County Regional Communications Interoperability Network | 350 |
| Colquitt County Sheriff, Moultrie, GA | In-Car Camera Systems | 45 |
| Commerce City, Commerce City, CO | Interoperable Communications Equipment | 400 |
| Cottonwood Heights Police Department, Cottonwood Heights, UT | Crime Prevention Technology | 150 |
| County of Arlington, Arlington, VA | Public Safety Radio Equipment | 200 |
| County of Columbus, Whiteville, NC | Emergency Communications System | 400 |
| County of DeKalb, Decatur, GA | Ballistic Identification Laboratory Equipment | 400 |
| County of Fluvanna, Palmyra, VA | Public Safety Communications System | 350 |
| County of Forrest, Hattiesburg, MS | Southern Regional Law Enforcement Initiative | 630 |
| County of Fresno, Fresno, CA | Regional Data Interoperability | 675 |
| County of Merced, Merced, CA | Interoperability Project | 165 |
| County of Montgomery, Christiansburg, VA | New River Valley Emergency System | 600 |
| County of Nelson, Lovingston, VA | Public Safety Land Mobile Radio and Interoperable Communications System | 200 |
| County of Oakland, Pontiac, MI | Courts and Law Enforcement Management System | 700 |
| County of Orange, Orlando, FL | Public Safety Radio System Upgrade | 300 |
| County of Oswego, Oswego, NY | Interoperable Emergency Communications System | 350 |
| County of Prince George's, Office of Homeland Security, Largo, MD | Enhancements to Computer Aided Dispatch System | 900 |
| County of Santa Clara Office of the District Attorney, San Jose, CA | District Attorney Wire Tap Room Project | 1,250 |
| County of Seminole, Sanford, FL | Radio Communications Upgrade for Law Enforcement | 250 |
| County of Stanislaus, Modesto, CA | Regional Operability for Public Safety Communications | 200 |
| County of Yolo, Woodland, CA | Yolo Emergency Communications System Improvements | 1,000 |
| Coventry Police Department, Coventry, RI | Enhanced Mobile Communications Equipment | 150 |
| Cumberland Police Department, Cumberland, RI | Law Enforcement Technology & Equipment | 40 |
| Dakota County, Hastings, MN | Criminal Justice Integration Information Network Enhancements | 600 |
| Delaware State Police, Dover, DE | In-Car Camera System for Delaware State Police Patrol Cars | 400 |
| Delaware State Police, Dover, DE | Safety Equipment for Delaware State Police | 550 |
| Delaware State University, Dover, DE | Campus Video 9-1-1 Project | 400 |
| Department of Oregon State Police, Salem, OR | Mobile Data Terminal System | 500 |
| Dixie State College of Utah, St. George, UT | Cybercrime Detection and Computer Support Training | 400 |
| Dona Ana County Sheriff's Office, Las Cruces, NM | Countywide Simulcast Radio Initiative | 500 |
| East Bay Regional Communications System Authority, Dublin, CA | East Bay Regional Communications System | 1,000 |
| El Paso County Sheriffs Office, El Paso, TX | Border Crime Enhancements | 250 |

**COPS Law Enforcement Technology**
**Congressionally-designated Items**
**($ in thousands)**

| Recipient | Project | Amount |
|---|---|---|
| Fayette County, Uniontown, PA | Public Safety Equipment Upgrade | 400 |
| Floodwood Police Department, Floodwood, MN | Communication Technology | 30 |
| Floyd County Sheriff, New Albany, IN | Communications Equipment | 500 |
| Fort Madison Police Department, Fort Madison, IA | Police Equipment | 80 |
| Gallatin County, Bozeman, MT | Mobile Data Improvement Program | 650 |
| Grayson County Sheriffs Office, Independence, VA | Communications Upgrade Project | 300 |
| Green Bay Police Department, Green Bay, WI | Green Bay Police Department Mobile Technology | 75 |
| Greenbrier County Commission, Lewisburg, WV | Prevention Resource Officer Program | 170 |
| Grimes County Sheriff, Anderson, TX | Law Enforcement Technology | 100 |
| Gwinnett County Police Department, Lawrenceville, GA | Gwinnett County Police Department Technology Improvement | 150 |
| Harrisburg Area Community College, Harrisburg, PA | Shumaker Public Safety Center Equipment | 200 |
| Harrison County Sheriff, Cadiz, OH | Critical Communication Infrastructure Upgrade | 100 |
| Hart County Fiscal Court, Munfordville, KY | Hart County Law Enforcement Technology Upgrades | 40 |
| Haywood County, Waynesville, NC | Public Safety Radio Network Upgrade | 400 |
| Hennepin County, Minneapolis, MN | Radio Consoles for Sheriff's 911 Dispatch Center | 500 |
| Hidalgo County Sheriff's Office, Edinburg, TX | Digital Radio System | 1,500 |
| Idaho State Police, Meridian, ID | Idaho State Police Participation in Criminal Information Sharing Alliance Network | 200 |
| Interagency Communications Interoperability System Joint Powers Authority, Glendale, CA | Interagency Communications Interoperability System | 200 |
| Interoperability Montana - Local Gov. Association, Helena, MT | Big Sky 11 Consortium Public Safety Interoperable Radio System Expansion | 150 |
| Iowa State Patrol, Des Moines, IA | Digital Video Camera/Computer Upgrade | 200 |
| Iowa State University, Ames, IA | Forensic Science Testing and Evaluation Laboratory | 1,000 |
| Jasper County Sheriff, Monticello, GA | Replace In-Car Video Cameras | 70 |
| Jeanerette City Marshal's Office, Jeanerette, LA | Community Policing | 110 |
| Jefferson County Board of Commissioners, Louisville, GA | Emergency Dispatch System Upgrade and Enhancement Project | 250 |
| Jefferson County Sheriff's Office, Louisville, KY | Mobile Data Terminal Systems | 375 |
| Johnson County Emergency Communications Center, Olathe, KS | Computer Aided Dispatch Interoperability System | 200 |
| Jones County Sheriff, Gray, GA | In Car Computers | 95 |
| Juneau Police Department, Juneau, AK | Technology Upgrades | 500 |
| Lackawanna County, Scranton, PA | Public Safety Radio System Upgrade | 500 |
| Lake County Sheriffs Department, Crown Point, IN | Law Enforcement Equipment | 500 |
| Lansdale Borough Police Department, Lansdale, PA | Radio Communications Interoperability Project | 210 |

**COPS Law Enforcement Technology**
**Congressionally-designated Items**
**($ in thousands)**

| Recipient | Project | Amount |
|---|---|---|
| Las Vegas Metropolitan Police Department, Las Vegas, NV | Major Crime Scene Response Vehicle | 700 |
| Las Vegas Metropolitan Police Department, Las Vegas, NV | Mobile Field Reporting | 300 |
| Laurens County Sheriff, Dublin, GA | Investigative and Record Management Technology | 20 |
| Lehigh County, Allentown, PA | Lehigh Valley Regional Crime Center | 400 |
| Leominster Police Department, Leominster, MA | Leominster and Chester Computer and Communications Upgrades | 250 |
| Lexington Police Department, Lexington, MA | Diamond Middle School Security Project | 250 |
| Lorain County Sheriff, Elyria, OH | Law Enforcement Digital Radio Project | 300 |
| Madison Police Department, Madison, WI | Madison Police Department Communications Upgrade | 400 |
| Maine Warden Service, Augusta, ME | Rural Search and Rescue Equipment | 200 |
| Marinette County Communication and Dispatch Center, Marinette, WI | Public Safety Communications | 195 |
| McAdoo Police Department, McAdoo, PA | Patrol Equipment | 100 |
| McHenry County, Woodstock, IL | Law Enforcement Technology | 100 |
| Medina County Sheriffs Office, Hondo, TX | Mobile Data Systems | 150 |
| Michigan State Police, East Lansing, MI | Equipment & Technology | 250 |
| Millcreek Township Police Department, Erie, PA | Mobile Data Terminals | 100 |
| Milton Township, Lake Milton, OH | Technology and Equipment Upgrade | 75 |
| Milwaukee Police Department, Milwaukee, WI | Milwaukee Police Department In-Squad Cameras | 100 |
| Mission Police Department, Mission, TX | Law Enforcement Equipment for Pharr, Palmview, Mission Police Departments | 200 |
| Monroe County Sheriff's Department, Clarendon, AR | Law Enforcement Technology & Equipment | 90 |
| Morrisville Borough, Morrisville, PA | Police Communications | 155 |
| Mount Kisco Police Department, Mount Kisco, NY | Police Communications Center Equipment & Infrastructure | 120 |
| Municipality of Guaynabo, Guaynabo, PR | Surveillance System | 250 |
| Navajo County Sheriff Office, Holbrook, AZ | Mobile Data Terminals | 150 |
| Nevada Department of Public Safety, Carson City, NV | Nevada Statewide Computer Aided Dispatch Project | 250 |
| New York State Sheriffs Association, Albany, NY | Law Enforcement Visual Intelligence Technology | 200 |
| Newton County Sheriff, Covington, GA | In Car Computers | 40 |
| North Central Wisconsin Regional Planning Commission, Wausau, WI | North Central Wisconsin Communications System | 150 |
| North Central Wisconsin Regional Planning Commission, Wausau, WI | North East Wisconsin Public Safety Communication (NEWCOM) Regional Radio System Narrowbanding | 500 |
| North Texas Interoperable Communications Coalition, Euless, TX | North Texas Interoperable Communications Regional System Upgrade | 250 |
| Office of the Mineral County Sheriff, Keyser, WV | Law Enforcement Technology & Equipment | 50 |
| Oglala Sioux Tribe, Pine Ridge, SD | Emergency Response Upgrades | 800 |

**COPS Law Enforcement Technology**
**Congressionally-designated Items**
**($ in thousands)**

| Recipient | Project | Amount |
|---|---|---|
| Oklahoma Department of Public Safety, Oklahoma City, OK | Statewide Public Safety Communications System | 500 |
| Oklahoma District Attorneys Council, Oklahoma City, OK | District Attorneys Security and Technology Project | 600 |
| Olive Branch Police Department, Olive Branch, MS | Enhanced Response Initiative | 270 |
| Onondaga County, Syracuse, NY | Interoperable Emergency Communications | 350 |
| Orange County District Attorney, Santa Ana, CA | Advanced Technology for Cold Case Investigations | 300 |
| Pacifica Police Department, Pacifica, CA | Police Dispatch Consolidation - North San Mateo County | 300 |
| Passaic County Sheriffs Department, Wayne, NJ | Passaic Valley Water Commissions Security Upgrade Initiative | 400 |
| Pendleton County Commission, Franklin, WV | Emergency Radio Communications | 1,500 |
| Philander Smith College, Little Rock, AR | Technology/Security Infrastructure Upgrade | 250 |
| Pierce County Sheriff's Office, Tacoma, WA | Pierce County First Responders Radio System Infrastructure Project | 1,250 |
| Pima County Sheriffs Department, Tucson, AZ | PCWIN Countywide Public Safety Emergency Communications System | 200 |
| Prince George's County, Upper Marlboro, MD | Management Accountability Meeting (CompStat) | 500 |
| Providence Department of Public Safety, Providence, RI | Law Enforcement Technology & Equipment | 1,200 |
| Red Bank Police Department, Red Bank, NJ | Red Bank Police Department Communication Center | 100 |
| Roane County Government, Kingston, TN | Emergency Dispatch Radio Upgrades | 200 |
| Rochester Police Department, Rochester, NH | Law Enforcement Technology | 200 |
| Rockdale County Sheriffs Office, Conyers, GA | Law Enforcement Mobile Data Network | 150 |
| Rockland County Office of Fire & Emergency Services, Pomona, NY | Public Safety Interoperable Communications Network | 250 |
| Rogers County Sheriff's Office, Claremore, OK | Mobile Deputy | 100 |
| Rosebud Sioux Tribe, Rosebud, SD | Rosebud Sioux Tribe Emergency Dispatching System | 200 |
| Rusk County Sheriff's Department, Ladysmith, WI | Law Enforcement Visual Intelligence | 1,000 |
| San Antonio Police Department, San Antonio, TX | Police Technology Improvements | 250 |
| San Pablo Police Department, San Pablo, CA | Gunshot Location System | 400 |
| Seguin Police Department, Seguin, TX | Law Enforcement Equipment for Shertz, Cibolo, Seguin, Marion Police Departments | 200 |
| Snohomish County Sheriffs Office, Everett, WA | Automated Field Reporting Infrastructure Improvement Project | 200 |
| Snohomish Regional Drug Task Force, Everett, WA | Multi-State Drug Trafficking Prevention Program | 300 |
| Somerset County, Skowhegan, ME | Communications Equipment Upgrade | 350 |
| South Burlington Police Department, South Burlington, VT | Police Facility Technology Enhancement | 250 |

**COPS Law Enforcement Technology**
**Congressionally-designated Items**
**($ in thousands)**

| Recipient | Project | Amount |
|---|---|---|
| South Carolina Judicial Department, Columbia, SC | South Carolina Courts Statewide Electronic Filing Initiative | 200 |
| SouthCom Emergency Dispatch, Matteson, IL | SouthCom VoIP Private Branch Exchange Upgrades | 225 |
| Southeast Connecticut Police Communications Group, Stonington, CT | Regional Police Radio Study | 120 |
| Southwick Police Department, Southwick, MA | Emergency Agencies Enhanced Communications System | 200 |
| St. Louis County, Duluth, MN | St. Louis County Public Safety Interoperability for Law Enforcement | 500 |
| St. Martin Parish Sheriff, St. Martinville, LA | CIT Program | 190 |
| Stark Council of Governments, Canton, OH | Radio Purchasing and Reprogramming Project | 400 |
| Suffolk County Sheriff, Riverhead, NY | Mobile Data Terminals | 100 |
| Sullivan County Commission, Sullivan, IN | Emergency Response System Upgrades | 400 |
| Susquehanna County 911, Montrose, PA | Public Safety Radio System | 550 |
| Switzerland County Emergency Management, Vevay, IN | Emergency Management Equipment | 100 |
| Texarkana Police Department, Texarkana, AR | Alternate Emergency Operations Center | 500 |
| Texas State Technical College Waco, Waco, TX | Security Enhancements | 350 |
| Town of Carolina Beach, Carolina Beach, NC | Communications Enhancements | 135 |
| Town of Davie, Davie, FL | Law Enforcement Technology | 500 |
| Town of Enfield, Enfield, CT | Radio Communications Improvement Project | 750 |
| Town of Greenburgh, White Plains, NY | Police Department Communications Equipment | 60 |
| Town of Hammonton, Hammonton, NJ | Police Equipment Upgrades | 200 |
| Town of Kouts, Kouts, IN | Law Enforcement Equipment | 45 |
| Town of Mamaroneck, Mamaroneck, NY | Police Department Equipment | 100 |
| Town of North Andover, North Andover, MA | Police Communications Equipment Upgrades | 200 |
| Town of Pelham, Pelham, NY | Police Department Equipment | 50 |
| Town of Porter, Porter, IN | Law Enforcement Equipment | 230 |
| Town of Stratford, Stratford, CT | Police Department Computer Aided Dispatch and Record Management Systems Upgrade | 500 |
| Town of Trumbull, Trumbull, CT | Regional Communications Center for Trumbull, Monroe and Easton | 300 |
| Township of Maplewood, Maplewood, NJ | Maplewood Law Enforcement Project | 300 |
| Township of Saddle Brook, Saddle Brook, NJ | Communications Equipment and Community Alerting System | 150 |
| Township of Teaneck Police Department, Teaneck, NJ | Technology Upgrades for Police Cars | 200 |
| Township of Weehawken, Weehawken, NJ | Law Enforcement Project | 100 |
| Trumbull County, Warren, OH | Northeast Ohio Regional Integrated Justice Information System | 500 |
| Union City, Union City, NJ | Union City Law Enforcement Project | 400 |
| University of Arkansas at Monticello, Monticello, AR | Emergency Communications System | 500 |
| University of Texas at El Paso, El Paso, TX | Law Enforcement Intelligence Analysis | 800 |

**COPS Law Enforcement Technology**
**Congressionally-designated Items**
**($ in thousands)**

| Recipient | Project | Amount |
|---|---|---|
| Upper Peninsula 15 County Consortium, Marquette, MI | Upper Peninsula 15 County Consortium Interoperable Communications | 750 |
| Utah County Major Crimes Task Force, Orem, UT | Utah Law Enforcement Technology Improvement Initiative | 915 |
| Valencia County Sheriff, Los Lunas, NM | Community Safety Equipment | 300 |
| Vermont Association of Chiefs of Police, South Burlington, VT | Equipment Support for Local Police Departments | 100 |
| Vermont Department of Public Safety, Waterbury, VT | Mobile Data Project | 500 |
| Vermont Department of States Attorneys and Sheriffs, Montpelier, VT | Equipment Support for Sheriffs' Departments | 100 |
| Vermont State Police, Waterbury, VT | Mobile Video Project | 100 |
| Vienna Police Department, Vienna, VA | Digital In-car Camera Project | 95 |
| Village of Brookfield Police Department, Brookfield, IL | Law Enforcement Equipment / Technology Upgrades | 65 |
| Village of Dobbs Ferry, Dobbs Ferry, NY | Police Department Portable Radios | 50 |
| Village of Homewood, Homewood, IL | Surveillance Cameras | 350 |
| Village of Larchmont, Larchmont, NY | Police Department Equipment | 50 |
| Village of Lincolnwood, Lincolnwood, IL | Community Policing | 75 |
| Village of Ossining, Ossining, NY | Police Department Equipment | 60 |
| Village of Pelham Manor, Pelham Manor, NY | Police Department Equipment | 60 |
| Village of Rye Brook, Rye Brook, NY | Police Department Equipment | 50 |
| Village of South Holland, South Holland, IL | Emergency Warning System | 90 |
| Village of Wilmette, Wilmette, IL | 911 Dispatch Center Upgrades | 250 |
| Vineland Police Department, Vineland, NJ | Gun Detection Technology System | 375 |
| Virgin Islands Police Department, St.Croix, VI | Modernization of Surveillance Camera System | 500 |
| Warminster Township Police Department, Warminster, PA | Police Radio Upgrades | 510 |
| Warrick County, Boonville, IN | Warrick County Interoperable Communications | 200 |
| Washoe County Sheriff's Office, Reno, NV | Police Equipment | 425 |
| Wayne County Prosecutor's Office, Detroit, MI | Go Green Technology & Equipment | 350 |
| Wichita Police Department, Wichita, KS | In-Car Cameras for Police Vehicles | 600 |
| Will County, Joliet, IL | Will County Sheriff's Department | 250 |
| Yavapai County Sheriff, Prescott, AZ | Radio Communication Standardization | 400 |
| Yonkers Police Department, Yonkers, NY | Police Department Equipment and Training | 425 |

*Methamphetamine hotspots*.—The bill provides $17,185,000 for the Methamphetamine Hotspots program, including a transfer of $10,000,000 to DEA for assistance to State, local and tribal law enforcement agencies with the removal and disposal of hazardous materials at clandestine meth labs. Within the amount provided, COPS is directed to fund congressionally-designated activities in the amounts identified in the following table, which the bill incorporates by reference:

**COPS Meth**
**Congressionally-designated Items**
**($ in thousands)**

| Recipient | Project | Amount |
|---|---|---|
| City of Greenville, Greenville, MS | Greenville/Delta Regional Meth Enforcement Initiative | 100 |
| Colorado Meth Project, Denver, CO | "Not Even Once" Campaign | 500 |
| Georgia Meth Project, Atlanta, GA | Meth Prevention and Awareness | 300 |
| Greene County Sheriff's Department, Leakesville, MS | Anti-Meth Activity Enforcement and Education Project | 200 |
| Jackson County Board of Supervisors, Pascagoula, MS | Methamphetamine Enforcement and Clean-up in Jackson County | 200 |
| Jefferson County, Golden, CO | Methamphetamine Interdiction and Response | 200 |
| Lincoln County District Attorney, Newport, OR | Meth Initiative | 100 |
| New Mexico State Police, Santa Fe, NM | Rural Methamphetamine Project | 400 |
| Pierce County Alliance, Tacoma, WA | National Methamphetamine Training and Technical Assistance Center | 1,200 |
| Pierce County Alliance, Tacoma, WA | Washington State Methamphetamine Initiative | 1,000 |
| Shawnee Regional Prevention and Recovery, Topeka, KS | Kansas Methamphetamine Prevention Project | 250 |
| Sioux City Police Department, Sioux City, IA | National Training Center | 200 |
| South Coast Interagency Narcotics Team, Coquille, OR | Interagency Narcotics Enforcement | 500 |
| Tennessee Bureau of Investigation, Nashville, TN | Tennessee Meth Task Force | 1,435 |
| University of Missouri St. Louis College of Nursing, St. Louis, MO | Methamphetamine Prevention Education | 100 |
| Virginia State Police, Wytheville, VA | Southwest Virginia Drug Task Force Assistance | 500 |

SALARIES AND EXPENSES

The bill provides $39,000,000 for the management and administration of COPS programs.

GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

The Act includes the following general provisions for the Department of Justice:

Section 201 makes available additional reception and representation funding for the Attorney General from the amounts provided in this title.

Sections 202 through 210 and sections 212 through 213 continue general provisions without substantive change from previous years.

Section 211 requires the Department to follow reprogramming procedures prior to any deviation from the program amounts specified in this title and to any re-obligation, for any purpose other than that of the program for which the prior obligation was made, of de-obligated balances of funds provided in previous years.

Section 214 permits up to 3 percent of grant and reimbursement program funds made available to the Office of Justice Programs to be used for training and technical assistance and permits up to 3 percent of grant and reimbursement program funds made available to that office to be transferred to NIJ or BJS for criminal justice research and statistics.

Section 215 gives the Attorney General the authority to waive matching requirements for certain Second Chance Act grant programs.

Section 216 permits the use of appropriated funds for travel and health care of personnel serving abroad.

TITLE III

SCIENCE

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

The bill provides $6,990,000 for the Office of Science and Technology Policy (OSTP). OSTP shall provide leadership and active coordination on STEM education; nanotechnology, including its societal dimensions; and hydrology research and water resources, understanding terrestrial managed and unmanaged ecosystems and their role in climate change, and soil science and the role of soils in the carbon cycle. Each of these areas involves significant activities of multiple departments and agencies and is critical to issues of national importance.

O*STP personnel*.—OSTP shall provide a report to the Committees on Appropriations not later than 90 days following enactment of this Act, detailing the number, by function, of personnel authorized and currently on-board, at the OSTP, including all IPAs, reimbursable, non-reimbursable and detailed personnel, and identifying the agencies from which the staff is detailed.

*Plant data*.—OSTP shall provide a report within 120 days of enactment on maintenance of plant data, both genotypic and phenotypic, through combined public and private efforts.

*Dispersants*.—OSTP Director shall, within 60 days of enactment of this Act, submit to the Committees on Appropriations a research plan for the most urgent research questions regarding dispersants and within 180 days of enactment of this Act outline a comprehensive research plan and funding strategy for research on dispersants including their benefits, detriments, and the monitoring of their long-term effects on the environment.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

AGENCY SUMMARY

*Annual budget preparation and presentation*.—NASA's annual budget submission continues to be disappointing in its lack of transparency. NASA is directed to prepare the annual budget submission to Congress in a manner fully consistent with direction contained in 42 USC 16611b.

*Reserves reporting*.—NASA is directed to include in its budget justification the reserve assumed by NASA to be necessary within the amount proposed for each directorate, theme, program, project and activity, or, if the proposed funding level for a directorate, theme, program, project or activity is based on confidence level budgeting, the confidence level assumed in the proposed funding level.

*Reporting of cost, schedule and content for NASA research and development projects*.—NASA is directed to cooperate fully and to provide timely program analysis, evaluation data, and relevant information to the Government Accountability Office (GAO) so that GAO can report to Congress in advance of the annual budget submission of the President and semiannually thereafter on the status of large-scale NASA programs, projects, and activities based on its review of this information.

*Breach reporting*.—Pursuant to section 103 of Public Law 109–155, the NASA Authorization Act of 2005, NASA is required to deliver several reports to the appropriate authorizing committees when project costs grow in excess of certain thresholds. NASA is directed to submit these reports concurrently to the Committees on Appropriations.

*Monthly reports*.—To improve the usefulness of monthly reports on obligations and disbursements required by section 525(b) of the Fiscal Year 2008 Omnibus Appropriations Act, NASA is directed to include in the funding that it reports as available not only new budget authority, but also carryover and recoveries. Specifically, on the 15th business day of each month beginning in March 2011, the Administrator of NASA shall report in writing to the Committees on Appropriations detailed financial information on the execution of the budget for the preceding month and for the fiscal year to date. Each report shall provide information on obligations incurred against, and outlays made from, the appropriations for fiscal year 2011 and prior years; available carryover from prior year appropriations; and recoveries from prior or current year appropriations, presented by (1) appropriation account, (2) theme, (3) program or project, (4) Center, and (5) object class, and any other financial information requested by the Committees on Appropriations.

*Contracting*.—NASA is directed to minimize its use of cost plus fee contracting and to employ fixed price contracts for all systems, components, and projects using proven or high technical readiness technology.

*Operating plans*.—NASA is directed to provide the amount of civil service manpower assumed in the plans for each account and for the four themes within the Science account, the three themes within the Space Research and Technology account, and the four themes within the Space Operations account.

Summary funding provided for NASA is delineated more fully in the table below and in the account summaries.

| NASA ($'s in thousands) | |
|---|---|
| Science | 5,005,600 |
| Aeronautics | 579,600 |
| Space Research and Technology | 559,000 |
| Exploration | 3,706,000 |
| Space Operations | 5,247,900 |
| Education | 180,000 |
| Cross Agency Support | 3,085,700 |
| Construction and Environmental Compliance and Restoration [1] | 528,700 |
| Inspector General | 37,500 |
| Total | 18,930,000 |

[1] Includes $20,000,000 in prior year appropriations

SCIENCE

The bill provides $5,005,600,000 for science, and within funds provided for planetary science, makes $15,000,000 available for a reimbursable agreement with the Department of Energy to re-establish the facilities required to produce fuel for radioisotope thermoelectric generators to enable future science missions.

*Earth system science pathfinder, other missions and data analysis*.—NASA is directed to use at least $10,000,000 within funds provided to continue and expand its pilot data product effort on above-ground terrestrial biomass carbon using data available from existing sources and measurement systems to establish a baseline forest biomass and carbon inventory pilot at the management relevant 30-meter scale of Landsat data sufficient to resolve forest biomass on parcels of 10 acres or more. Also within funds provided, $5,000,000 is for continuing and expanding ongoing carbon monitoring system pilot activities and to add a pilot effort on soil carbon working with the appropriate other Federal agencies.

*Scatterometer*.—NASA shall support NOAA in any efforts to develop a dual-frequency operational scatterometer to provide sea surface vector wind measurements in both light and strong wind conditions.

*Jupiter system mission*.—In support of the potential collaboration between NASA and the European Space Agency on Jupiter system exploration with orbiting spacecraft for both Europa and Ganymede, the bill provides $30,000,000 within funds provided for Outer Planets to continue studies of this flagship mission.

*International lunar network*.—NASA shall immediately move forward with this mission.

*Solar Probe Plus*.—The bill includes $14,100,000 for the Solar Probe Plus mission, and NASA is directed to work aggressively to achieve a launch in 2016.

*Wide Field Infrared Survey Telescope (WFIRST)*.—WFIRST was identified as the first priority in the recent astronomy and astrophysics decadal survey. NASA is strongly encouraged to make a robust request for WFIRST in fiscal year 2012 that builds on the work of the Joint Dark Energy Mission project.

*Civil service labor and expenses*.—Although funds for the Science account are made available for two years, NASA shall manage civil service labor and expenses within the account on a one-year basis.

Details of funding for the Science Mission Directorate are provided in the following table.

*Science Mission Directorate (dollars in thousands)*

| | |
|---|---|
| Earth Science | |
| Earth Science Research | 438,100 |
| Earth Science Research and Analysis | 324,600 |
| Computing and Management | 113,500 |
| Earth Systematic Missions | 809,400 |
| Global Precipitation Measurement (GPM) | 128,800 |
| Glory Mission | 21,900 |
| Landsat Data Continuity Mission (LDCM) | 156,800 |
| NPOESS Preparatory Project (NPP) | 64,400 |
| Ice, Cloud, and land Elevation Satellite (ICESat-2) | 68,500 |
| Soil Moisture Active and Passive (SMAP) | 82,500 |

*Science Mission Directorate (dollars in thousands)—Continued*

| | |
|---|---|
| Other Missions and Data Analysis | 286,500 |
| Earth System Science Pathfinder | 307,700 |
| Aquarius | 17,000 |
| OCO–2 | 171,000 |
| Venture Class Missions | 73,500 |
| Other Missions and Data Analysis | 46,200 |
| Earth Science Multi-Mission Operations | 161,200 |
| Earth Science Technology | 52,800 |
| Applied Sciences | 32,600 |
| Subtotal, Earth Science | 1,801,800 |
| Planetary Science | |
| Planetary Science Research | 180,400 |
| Planetary Science Research and Analysis | 131,100 |
| Other Missions and Data Analysis | 23,900 |
| Education and Directorate Management | 5,100 |
| Near Earth Object Observations | 20,300 |
| Lunar Quest Program | 136,600 |
| Lunar Science | 74,700 |
| Lunar Atmosphere and Dust Environment Explorer | 57,900 |
| International Lunar Network | 4,000 |
| Discovery | 202,000 |
| Gravity Recovery and Interior Laboratory (GRAIL) | 104,800 |
| Other Missions and Data Analysis | 97,200 |
| New Frontiers | 214,500 |
| Juno | 184,200 |
| Other Missions and Data Analysis | 30,300 |
| Mars Exploration | 532,800 |
| 2009 Mars Science Lab | 231,600 |
| MAVEN | 161,200 |
| Other Missions and Data Analysis | 140,000 |
| Outer Planets | 112,800 |
| Technology | 106,500 |
| Subtotal, Planetary Science | 1,485,600 |
| Astrophysics | |
| Astrophysics Research | 155,500 |
| Astrophysics Research and Analysis | 60,100 |
| Balloon Project | 27,100 |
| Other Missions and Data Analysis | 68,300 |
| Cosmic Origins | 687,100 |
| Hubble Space Telescope (HST) | 102,700 |
| James Webb Space Telescope (JWST) | 444,800 |
| Stratospheric Observatory for Infrared Astronomy (SOFIA) | 79,600 |
| Other Missions And Data Analysis | 60,000 |
| Physics of the Cosmos | 102,300 |
| Exoplanet Exploration | 42,200 |
| Astrophysics Explorer | 89,200 |
| Nuclear Spectroscopic Telescope Array (NuStar) | 32,100 |
| Gravity and Extreme Magnetism | 21,000 |
| Other Missions and Data Analysis | 36,100 |
| Subtotal, Astrophysics | 1,076,300 |
| Heliophysics | |
| Heliophysics Research | 165,200 |
| Heliophysics Research and Analysis | 30,700 |
| Sounding Rockets | 48,900 |
| Research Range | 19,600 |
| Other Missions and Data Analysis | 66,000 |
| Living with a Star | 213,600 |
| Radiation Belt Storm Probes (RBSP) | 140,000 |

*Science Mission Directorate (dollars in thousands)—Continued*

| | |
|---|---|
| Solar Probe Plus | 14,100 |
| Other Missions and Data Analysis | 59,500 |
| Solar Terrestrial Probes | 162,800 |
| Magnetospheric Multiscale (MMS) | 143,800 |
| Other Missions and Data Analysis | 19,000 |
| Heliophysics Explorer Program | 100,200 |
| IRIS | 69,000 |
| Other Missions and Data Analysis | 31,200 |
| New Millennium | 100 |
| Subtotal, Heliophysics | 641,900 |
| Total, Science | 5,005,600 |

AERONAUTICS

The bill provides $579,600,000 for aeronautics.

*Civil service labor and expenses.*—Although funds for the Aeronautics account are made available for two years, NASA shall manage civil service labor and expenses within the account on a one-year basis.

*Green aviation.*—NASA is directed to establish a lead Center of Excellence (COE) for Green Aviation at an existing NASA Research Center with appropriate expertise and comprehensive test facilities. This COE shall coordinate the program as it grows and establish public-private partnerships with industry and academia to test and develop subsystems, full scale concept aircraft and other technologies in realistic flight environments up to technology readiness level 6. NASA shall report on its detailed implementation of these tasks by April 1, 2011.

SPACE RESEARCH AND TECHNOLOGY

The bill provides $559,000,000 for Space Research and Technology including funding for Small Business Innovative Research (SBIR) and Small Business Technology Transfer (STTR) programs, for exploration technology research and development proposed within the Exploration account, and for general space research and technology. NASA shall propose an appropriate allocation of funds for this account, including commercial reusable suborbital research, as part of its operating plan for fiscal year 2011. Consequently, no detail is provided herein.

*Exploration technology development.*—Any activities requested as part of exploration technology development under the Exploration account, including initiation of the Flagship 1 program, may be funded in this account.

*Low technology readiness space research and technology.*—The general space research and technology element of this program will deal with technologies at low levels of technology readiness. NASA is directed to pattern the management of this program element on the proven advanced research projects agency model. It will be critical that NASA attract visionary technology leaders to limited-term positions as program managers at NASA Headquarters because their decisions will determine the success of this program. To ensure broad outreach to the best centers of new and innovative technologies, no NASA center shall be assigned a role in the management of this program, and NASA center research and development shall not be accorded any preference over research by public and private entities outside NASA.

*Civil service labor and expenses.*—Although funds for the Space Research and Technology account are made available for two years, NASA shall manage civil service labor and expenses within the account on a one-year basis.

EXPLORATION

The conference agreement provides $3,706,000,000 for exploration. Within funds provided, no less than $300,000,000 shall be for Commercial Cargo; no less than $250,000,000 shall be for Commercial Crew; no less than $1,800,000,000 shall be for development of a heavy lift launch vehicle system; and no less than $1,200,000,000 shall be for development of the Orion multipurpose crew exploration vehicle.

*Heavy lift launch vehicle.*—The bill provides $1,800,000,000 to begin building an integrated heavy lift launch vehicle system for crew and cargo. The system shall enable human transportation at the highest possible safety standards and lowest life cycle costs for human exploration beyond low Earth orbit and shall be designed, managed, and integrated by the Marshall Space Flight Center. This funding shall be part of a sustained, parallel development effort of a common core and an upper stage to culminate in an initial human space transportation capability by 2016. The heavy lift launch vehicle, as authorized in Public Law 111–267, shall have an initial lift capability of not less than 130 tons to low Earth orbit, have the capability to lift the necessary elements for missions beyond low Earth orbit in order to extend human exploration capabilities, and serve as back-up for crew and cargo transportation to the International Space Station. No funding from this appropriation for the vehicle shall be used for technology development, crew vehicle development, or supporting mission or ground operations systems development. The program shall be managed under a strict cost cap of $11,500,000,000 through fiscal year 2017. Within 60 days of enactment of this Act, NASA shall report to the Committees on Appropriations on planned milestones, draft requirements, the conceptual design of the heavy lift launch vehicle, planned ground and early flight testing programs and deliverables for the heavy lift launch vehicle program, along with any existing contract vehicles the agency intends to use. As part of this report, NASA shall evaluate the preceding recommended cost cap and either validate the proposed cap or provide a viable and validated alternative.

*Orion multipurpose crew exploration vehicle.*—The bill provides $1,200,000,000 for the Orion multipurpose crew exploration vehicle that will enable human transportation beyond low Earth orbit. The vehicle shall be capable of being launched on the heavy lift launch vehicle and may also provide alternative access to low Earth orbit, including the International Space Station by fiscal year 2014. The program shall be managed under a strict cost cap of $5,500,000,000 through fiscal year 2017. No funding from this appropriation for the Orion capsule shall be used for technology development, heavy lift launch vehicle development, or supporting mission or ground operations systems development. Within 60 days of enactment of this Act, NASA shall report to the Committees on planned milestones, expected performance and configurations, a planned testing program, and deliverables for the crew exploration vehicle program, along with any suggestions for streamlining oversight. As part of this report, NASA shall evaluate the preceding cost cap and either validate the cap or provide a viable and validated alternative.

*Robotic precursor program.*—NASA shall consolidate all elements of the lunar lander and exploration robotics programs and locate project management at the Marshall Space Flight Center as proposed.

*Additional funds.*—The unallocated amount of $156,000,000 may be used for activities requested under human research or robotic precursors or to augment or enhance other activities explicitly funded under Exploration. Funding for exploration technology

development is provided as part of Space Research and Technology.

*Civil service labor and expenses.*—Although funds for the Exploration account are made available for two years, NASA shall manage civil service labor and expenses within the account on a one-year basis.

SPACE OPERATIONS

The bill provides $5,247,900,000 for space operations including $989,100,000 for Space Shuttle operations and support; $825,000,000 for an additional Space Shuttle logistics flight, launch complex development, and development of ground operations for the heavy lift launch vehicle and the Orion crew exploration vehicle; $2,745,000,000 for International Space Station operations, maintenance, research, development and support; and $688,800,000 for Space and Flight Support operations, production, research, development and support.

*Additional shuttle logistics flight and launch complex development.*—Prior to obligation of any funds for an additional shuttle logistics flight the NASA Administrator shall certify to the Committees on Appropriations that an additional shuttle flight will be at least as safe as the remaining flights on the shuttle manifest dated February 28, 2010, that the intended mission is in the national interest, and that the risks to be incurred are commensurate with the benefits.

Any funds not spent on an additional shuttle logistics flight shall be available for: launch complex development only for activities at the Kennedy Space Center related to the civil, non-defense launch complex; use at other NASA flight facilities that are currently scheduled to launch cargo to the International Space Station; and development of ground operations for the heavy lift launch vehicle and the Orion crew exploration vehicle. No funds are provided for the refurbishment of ET–94.

Within 60 days of enactment of this Act, NASA shall provide the Committees on Appropriations the five-year plan for the civil launch complex and other NASA flight facilities and a plan and budget estimate for development of ground and mission operations to support the heavy lift launch vehicle and the Orion crew exploration vehicle. As part of this plan, NASA shall clearly delineate the respective responsibilities of ground and mission operations development and operations as distinct from the responsibilities of the heavy lift launch vehicle and Orion crew exploration vehicle; explain how the recommended plan will provide the lowest life cycle costs for human exploration beyond low Earth orbit; and supply cost estimates for development and operations to serve as the basis for an appropriate cost cap on development and an achievable target level of annual operating costs.

Any funds for construction activities shall be transferred to the construction and environmental compliance and restoration account and become available for five years.

*Satellite servicing.*—Within the amounts provided for space operations, $75,000,000 is for continuing efforts in use of the next generation of human space flight architecture to service existing and future observatory-class scientific spacecraft as identified in the conference report accompanying division B of Public Law 111–8. The activities to be undertaken shall be a joint project of the Space Operations, Science, and Exploration mission directorates, and shall include technology demonstrations for both robotic and human servicing capabilities.

*International Space Station national laboratory.*—NASA shall provide the guaranteed access for International Space Station (ISS) national laboratory experiments provided in Section 504(d)(1) of Public Law 111–267.

*Disposition of space shuttle orbiters.*—Following the retirement of the space shuttles, NASA should bear any costs that normally would be associated with surplusing the orbiters, including taking hazardous orbiter systems offline. Any shuttle recipient should bear transportation costs, along with costs associated with preparing the surplused orbiter for display. If an orbiter is awarded to the Smithsonian Institution, NASA shall provide it at nominal or no charge. Any funds received from shuttle orbiter disposition shall be available only as provided in subsequent appropriations Acts.

*Civil service labor and expenses.*—Although funds for the Space Operations account are made available for two years, NASA shall manage civil service labor and expenses within the account on a one-year basis.

EDUCATION

The bill provides $180,000,000 for education including $44,800,000 for Space Grant programs. The bill makes a technical amendment related to the availability of the Endeavor Teacher Fellowship Trust Fund.

*National space grant college and fellowship program.*—NASA is directed to fund 42 states or jurisdictions at $900,000 each and 10 states or jurisdictions at $700,000 each. No funds for administrative costs may be withheld by NASA from these grants.

*Educational activities at NASA centers.*—NASA is directed to fund each of the ten NASA center visitor centers at $1,000,000 for the development of educational activities. No funds for administrative costs may be withheld by NASA from these grants.

*Informal education grant program.*—NASA is directed to use $8,000,000 to fund competitively selected grants to informal education institutions for science, technology, engineering, and mathematics education activities including partnerships between these institutions and school systems to accomplish inquiry-based education. No funds for administrative costs may be withheld by NASA from these grants.

*Minority university research and education program.*—NASA is directed to fund this program at $30,000,000.

*Experimental Program to Stimulate Competitive Research.*—NASA is directed to fund this program at $24,900,000.

*Civil service labor and expenses.*—Although funds for the Education account are made available for two years, NASA shall manage civil service labor and expenses within the account on a one-year basis.

CROSS AGENCY SUPPORT

The bill provides $3,085,700,000 for Cross Agency Support including $2,270,200,000 for NASA center management and operations; $47,500,000 for independent verification and validation (IV&V); and $56,125,000 for congressionally-designated projects that are included by reference. Funds are made available for one year.

*Activities of the Chief Engineer.*—NASA is directed to fund these activities at the amount included in the budget request.

*Acquisition workforce increase.*—Within funds provided, up to $3,592,000, as requested, may be used to enhance NASA's acquisition workforce.

*Affordability adjustment.*—The bill assumes a general reduction that may be applied to unobligated balances from prior years and to amounts provided herein. Such reductions, which shall be detailed in NASA's initial operating plan, shall not be assessed against those activities augmented by the bill or otherwise addressed by this explanatory statement.

*Employee performance communications system (EPCS).*—In lieu of the report requested in the Senate report to S. 3636, Government Accountability Office [GAO] shall assess NASA's EPCS. To the extent practical, GAO should assess whether EPCS, as implemented by NASA, utilizes leading human capital practices and results in a system that provides both accountability and fairness for all employees. GAO should also include in its assessment the extent to which NASA's EPCS has a process for planning, monitoring, developing, assessing, and rewarding employee performance that is aligned to the agency's goals and promotes a performance culture that focuses on two-way communication and accountability for results, and clearly differentiates between high and low performing employees. NASA's Office of Diversity and Equal Opportunity shall complete its assessment of the issues raised in the Senate report regarding equal opportunity and inequity among supervisory and non-supervisory staff and NASA shall respond appropriately to those findings.

*Allocation of funds to specific program elements.*—Details of the funding break-out within Cross Agency Support are provided in the following table.

| | |
|---|---|
| Cross Agency Support (dollars in thousands) | |
| Center Management and Operations | 2,270,200 |
| Center Institutional Capabilities | 1,776,200 |
| Center Programmatic Capabilities | 494,000 |
| Agency Management and Operations | 809,200 |
| Agency Management | 400,000 |
| Safety and Mission Success | 204,200 |
| Safety and Mission Assurance | 49,000 |
| Chief Engineer | 103,600 |
| Chief Health and Medical Officer | 4,100 |
| Independent Verification and Validation | 47,500 |
| Agency IT Services (AITS) | 177,800 |
| IT Management | 16,100 |
| Applications | 79,100 |
| Infrastructure | 82,600 |
| Strategic Capabilities Assets Program | 29,800 |
| Simulators | 11,700 |
| Thermal Vacuum Chambers | 8,400 |
| Arc Jets | 9,700 |
| Congressionally Directed Items | 56,125 |
| Affordability adjustment | −52,425 |
| Total, Cross Agency Support | 3,085,700 |

*Congressionally-designated projects.*—Within the appropriation for cross agency support programs, the conference agreement provides for the following congressionally-directed activities:

**National Aeronautics and Space Administration**
**Cross Agency Support**
**Congressionally-designated Items**
**($ in thousands)**

| Recipient | Project | Amount |
|---|---|---|
| Anne Arundel County Public Schools, Annapolis, MD | STEM Innovation Incubator | 1,000 |
| Bay Area Houston Economic Partnership, Houston, TX | Space Alliance Technology Outreach Program | 2,000 |
| Baylor University, Waco, TX | Baylor Advanced Composite Materials Research and Baylor Reseach Innovation Collaborative | 2,300 |
| Baylor University, Waco, TX | Space Sciences Consortium | 1,000 |
| City of Downey, Downey, CA | Remote Sensing Exhibit | 500 |
| College Opportunity Resources for Education, Philadelphia, PA | STEM Scholarship Program | 1,500 |
| Dallas County Community College District, Dallas, TX | STEM Professions Initiative | 300 |
| Delaware AeroSpace Education Foundation, Smyrna, DE | Science and Technology Literacy | 175 |
| Dillard University, New Orleans, LA | Dillard University Eighth Grade Initiative | 300 |
| Fulton-Montgomery Community College, Johnstown, NY | Center for Engineering and Technology | 400 |
| Glenville State College, Glenville, WV | Center of Teacher Excellence | 10,000 |
| GEAR UP Collaborative, Philadelphia, PA | Math, Science and Technology Enrichment Program | 2,000 |
| Imiloa Astronomy Center, Honolulu, HI | Imiloa Astronomy Center | 2,500 |
| Marshall Space Flight Center, Huntsville, AL | Advanced Algorithm, Integration, and Maturation | 500 |
| Marshall Space Flight Center, Huntsville, AL | Development of Characterization Techniques for Advanced High Temperature Materials in Space Launch Applicatians | 500 |
| Marshall Space Flight Center, Huntsville, AL | NASA Space Nuclear Power Systems Research and Development | 500 |
| Marshall Space Flight Center, Huntsville, AL | Product Lifecycle Management | 500 |
| Middle Tennessee State University, Murfreesboro, TN | Aviation Safety and Human Factors Research Using Emerging Technologies | 400 |
| Middle Tennessee State University, Murfreesboro, TN | Future Aerospace Scientists in Tennessee | 300 |
| Mississippi State University, Starkville, MS | Linking Disruptive Manufacturing Research with Manufacturing Industries | 1,250 |
| Morgan State University, University of Maryland Eastern Shore, and Bowie State University, Baltimore, MD | Chesapeake Information Based Aeronautics Consortium | 3,000 |
| National Commission on Teaching and America's Future, Towson, MD | NASA "21st Century Learning Studios" | 300 |
| National Institute for Aviation Research, Wichita, KS | National Center for Advanced Materials Performance | 950 |
| New Mexico State University, Las Cruces, NM | Science, Engineering, Math, Areospace Academy | 200 |
| North Carolina A&T University, Greensboro, NC | Low-Power Microelectronics for Harsh Environments Encountered in NASA Missions | 200 |

**National Aeronautics and Space Administration**
**Cross Agency Support**
**Congressionally-designated Items**
**($ in thousands)**

| Recipient | Project | Amount |
|---|---|---|
| Northern Kentucky University Research Foundation, Highland Heights, KY | STEM Outreach Initiative | 200 |
| Rochester Area Colleges, Inc., Rochester, NY | Center for Excellence in Math and Science | 500 |
| Southeast Missouri State University, Cape Girardeau, MO | Missouri NASA Math, Science and Technology Education Enhancement Program | 500 |
| Space Florida, Cape Canaveral, FL | Clean Energy Initiatives | 750 |
| Space Florida, Cape Canaveral, FL | Launch Complex-36/46 Infrastructure | 1,650 |
| Spelman College, Atlanta, GA | Women in Science and Engineering Program | 100 |
| St. Louis Community College, St. Louis, MO | Missouri Challenge | 500 |
| Teach for America, New York, NY | Teach for America STEM Activities | 3,000 |
| Tennessee Technological University, Cookeville, TN | STEM Innovation Through Digital Manufacturing | 200 |
| Towson University, Coppin State University, and University of Maryland Biotechnology Institute, Towson and Baltimore, MD | Baltimore Excellence in Science Teaching Partnership | 1,000 |
| University of Alabama in Huntsville, Huntsville, AL | Airborne Sensor for Disasters and Environmental Monitoring | 500 |
| University of Louisville, Louisville, KY | University of Louisville Diagnosing and Mitigating Human Exposure to Radiation | 2,000 |
| University of Maryland, College Park, MD | University-Assisted K-12 Engineering Education Program | 800 |
| University of Massachusetts, Amherst, Amherst, MA | Large Millimeter Telescope | 500 |
| University of Mississippi, Oxford, MS | National Center for Remote Sensing, Air, and Space Law | 1,400 |
| University of Mississippi, University, MS | Innovative STEM Education | 200 |
| University of North Dakota, Grand Forks, ND | Upper Midwest Aerospace Consortium | 3,000 |
| University of Northern Iowa, Cedar Falls, IA | National Institute for Early Mathematics and Science Education | 200 |
| University of Southern Mississippi, Hattiesburg, MS | Transitioning Space Technologies into the Commercial Sector | 1,750 |
| University of Toledo, Toledo, OH | Advanced Photovoltaics Array Testing | 1,000 |
| University of Vermont, Burlington, VT | Complex Systems Center | 1,300 |
| West Virginia University, Morgantown, WV | Automatic Sensor Webs for Scientific Discovery | 500 |
| West Virginia University, Morgantown, WV | Aviation Safety Research and Design | 500 |
| Wheeling Jesuit University, Wheeling, WV | National Technology Transfer Center | 1,500 |

CONSTRUCTION AND ENVIRONMENTAL COMPLIANCE AND RESTORATION

The bill provides $508,700,000 and $20,000,000 to be derived from available unobligated balances appropriated in previous years. The recommendation fully supports the requests in the budget. NASA is directed to allocate these funds as follows:

| | |
|---|---|
| Science | $40,500,000 |
| Exploration | 109,800,000 |
| Space operations | 15,600,000 |
| Cross agency support | 362,800,000 |
| Institutional investments | (300,700,000) |
| Environmental compliance and restoration | (62,100,000) |

*Historic buildings.*—Within funds provided for cross agency support construction, NASA is directed to use $20,000,000 for restoration of historic buildings.

*Provision of form 1509.*—NASA is directed to continue to provide NASA form 1509 for each construction of facilities (CoF) project submitted in the annual budget request or an initial operating plan and for each CoF project subject to a reprogramming notification.

*Capabilities for the future.*—NASA is urged to request funding for aeronautics, science, and institutional construction of facilities to address at least 20 percent per year of the need identified in the National Research Council report Capabilities for the Future—An Assessment of NASA Laboratories for Basic Research.

OFFICE OF INSPECTOR GENERAL

The conference agreement provides $37,500,000 for the Office of Inspector General, which shall be available for one year.

ADMINISTRATIVE PROVISIONS

The bill contains language regarding the availability of funds for announced prizes.

The bill contains language providing for the transfer of certain amounts between appropriations accounts.

The bill contains language regarding transfers of unexpired balances.

The bill contains a provision that stipulates that funding designations and minimum funding requirements contained in any other Act shall not apply to funds appropriated in this Act for NASA.

The bill includes language permitting transfer of up to $60,000,000 from NASA Exploration and Space Operations accounts to the Economic Development Administration to promote economic development and ease workforce transition related to the retirement of the Space Shuttle and programmatic changes in the Exploration program.

NATIONAL SCIENCE FOUNDATION

*Continuity in funding levels.*—The American Recovery and Reinvestment Act of 2009 (ARRA) included $3,002,000,000 in funding for the National Science Foundation (NSF). Roughly two-thirds of these supplemental funds have supported 2-, 3-, 4-, and 5-year grants. Consistent with normal NSF practice, the majority of the awards fund 3-year grants. In the Rising Above the Gathering Storm Revisited report of the National Research Council the authors state, ''Without new actions the precipitous reduction in efforts that were being funded by that mechanism will be very damaging to America's future ability to compete for jobs in the global marketplace.'' The fiscal year 2011 budget request projects NSF funding in fiscal year 2012 of $7,766,000,000 compared to $8,490,000,000 projected for that year by the budget request for fiscal year 2010. This lower level is only 4.6 percent above the budget request for fiscal year 2011 and $1,104,420,000 below the total funding level for fiscal year 2009. Should private sector R&D employment not grow sufficiently to make up the difference, the resulting downturn in employment and career opportunities in science, engineering and mathematics will undermine the objectives articulated in Rising Above the Gathering Storm to ''make the U.S. the most attractive setting in which to study and perform research so that we can develop, recruit, and retain the best and brightest students, scientists, and engineers from within the U.S. and throughout the world.''

RESEARCH AND RELATED ACTIVITIES (INCLUDING TRANSFER OF FUNDS)

The bill provides $5,949,080,000 for research and related activities, including a transfer of $54,000,000 from NSF to the United States Coast Guard (USCG) for icebreaking services to cover all anticipated operation and maintenance costs for fiscal year 2011. It is expected that all future year operation and maintenance budget authority for these USCG icebreakers will be requested by the Department of Homeland Security, and the Committees will not entertain a request for this funding under NSF in fiscal year 2012.

Within the funds provided, NSF is directed to maintain funding at the levels requested for the following activities:

Climate change

Cyber-enabled discovery and innovation

Science and engineering beyond Moore's law

Cybersecurity Research

National Radio Astronomy Observatory

*National Astronomy and Ionosphere Center.*—NSF is directed to maintain support for the National Astronomy and Ionosphere Center at the same level as in fiscal year 2010.

*Hydrology, terrestrial ecosystems and soils.*—NSF shall strengthen integration and coordination, including interagency coordination, of data systems, observations, and modeling across hydrology research, across soil science, and across terrestrial ecology research.

*Gemini telescope.*—NSF is directed to increase U.S. support of the Gemini telescope by $2,000,000 above the request in order to acquire additional telescope time for NSF investigators.

*EPSCoR.*—Within the funds provided, $156,000,000 is for EPSCoR.

*Inquiry-based science and engineering courses.*—NSF is strongly encouraged to fund augmentations of research grants to support development and implementation of inquiry-based, experiential science, technology, engineering, and math (STEM) courses for college freshmen, sophomores, or non-majors whereby students develop the habits of mind of a scientist.

*Robotics research.*—NSF shall increase support for robotics research that brings together products of the Beyond Moore's Law and Nanotechnology initiatives along with rapid advances in computer science, electronics, and sensing.

MAJOR RESEARCH EQUIPMENT AND FACILITIES CONSTRUCTION

The bill provides $157,190,000 for Major Research Equipment and Facilities Construction. None of the funds may be used to reimburse the Judgment fund. The following table shows the specific projects for which funding was requested and is provided.

| | |
|---|---|
| Advanced Ligo | $23,580,000 |
| Atacama Large Millimeter Array (ALMA) | 13,910,000 |
| Advanced Technology Solar Telescope (ATST) | 17,000,000 |
| NEON | 12,000,000 |
| Ocean Observatories Initiative (OOI) | 90,700,000 |

NSF shall be mindful that research systems for modeling and observing the environment have the potential to demonstrate techniques that may become part of operational systems.

EDUCATION AND HUMAN RESOURCES

The bill provides $900,000,000 for Education and Human Resources. Adjustments to the budget request for specific programs are as follows:

| | |
|---|---|
| Informal Science Education | +1,600,000 |
| Pilot comprehensive initiatives in Inquiry-Based Education | +64,000,000 |
| Historically Black Colleges and Universities UP | +32,000,000 |
| Louis Stokes Alliances for Minority Participation | +44,750,000 |
| Tribal Colleges and Universities | +14,250,000 |
| Federal Cyber Service: Scholarships for Service/Cybercorps | +30,000,000 |

*Graduate STEM fellows in K–12 education.*—All proposals for fellows programs shall require science and engineering fellows to be trained in inquiry-based instruction and prepared to support this approach in the schools where they are assigned. NSF may broaden this program to allow fellow assignments in community colleges.

*Inquiry-based college courses in STEM.*—NSF shall use at least 20 percent of the funds provided for Transforming Undergraduate Education in STEM to support the development and implementation of inquiry-based, experiential STEM instruction in courses for freshmen, sophomores, and non-majors whereby the students develop the habits of mind of a scientist.

Within the Discovery Research K–12 program, NSF shall competitively select and fund at least four 4–year pilot comprehensive initiatives to demonstrate how to effectively implement and sustain inquiry-based, experiential instruction in K–12 STEM classes. The aim is to ensure that K–12 courses support the development in students of the habits of mind of a scientist. From among the highly reviewed proposals, NSF shall select pilots in at least one rural and one urban setting, from both primary and secondary instructional levels, and from different regions of the country. Each pilot is to incorporate the full range of activities necessary including teacher education, mentoring, and support; implementation in one or more schools; student assessment; and project evaluation. Each pilot should provide a report documenting the experience; identifying evidence about best practices and lessons learned, including a recommended implementation plan; evaluation of curricula, materials and assessment instruments used; and student learning outcomes. These reports shall be in a form suitable for use by other schools and school systems and be made widely available. As appropriate, pilots may be extended with additional funding in future fiscal years.

*Robotics competitions.*—Not less than $2,000,000 is for competitive grants to promote STEM education through robotics competitions. Within 60 days of enactment of this Act NSF shall provide a report and spend plan to the Committees on Appropriations that details the proposed scope and implementation methodology for this program.

*Robert Noyce teacher scholarships.*—The bill provides $55,000,000 for the Robert Noyce Teacher Scholarship program.

*Best practices in K–12 STEM education.*—NSF has yet to submit an interim or final report on the work of a panel of experts on STEM education called for in the statement of managers accompanying Public Law 111–117. NSF shall submit this report expeditiously and distribute widely the findings and recommendations of the report to U.S. educators.

AGENCY OPERATIONS AND AWARD MANAGEMENT

The bill provides $319,190,000 for agency operations and award management. NSF may

use up to $2,000,000 within funds provided to increase the Foundation's acquisition workforce.

Within 90 days of enactment of this Act, NSF shall provide to the Committees on Appropriations a report detailing total personnel costs, excluding costs for program travel and travel support for reviewers, for operating the Foundation, including rotators, IPAs, and support contractors. The report shall detail the accounts and directorates within Research and Related Activities that are the source of this funding.

OFFICE OF THE NATIONAL SCIENCE BOARD

The bill provides $4,840,000 for the National Science Board.

OFFICE OF INSPECTOR GENERAL

The bill provides $14,700,000 for the Office of Inspector General (OIG). Within 180 days of enactment of this Act, the OIG shall develop a report analyzing NSF actions to improve workforce management and work environment.

## TITLE IV
## RELATED AGENCIES

COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

The bill provides $9,400,000 for the Commission on Civil Rights.

*Improving oversight.*—Chronic financial and managerial problems at the Commission have been allowed to continue for too long without sufficient attention. In order to rectify this situation, the bill establishes an Inspector General for the Commission and provides that the post will be filled by the individual holding the position of Inspector General at the Equal Employment Opportunity Commission (EEOC). The IG is tasked with the duties and responsibilities specified in the Inspector General Act of 1978, to include the conduct of audits and reviews of Commission programs, finances and personnel. Funding for the operation of the Commission's OIG, in the amount of $900,000, is provided by transfer to the EEOC OIG.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

The bill provides $355,303,000 for EEOC Salaries and Expenses.

*Backlog reduction.*—In order to advance EEOC toward its backlog reduction goals, the bill supports an increase in EEOC personnel, which shall be prioritized toward the hiring of frontline staff that have the biggest impact on case resolutions. To assist in the monitoring of EEOC's hiring progress, EEOC is directed to continue submitting quarterly staffing reports, consistent with the direction provided in the statement accompanying P.L. 111–117.

*Full service intake.*—EEOC is currently reviewing and considering the adoption of a National Full Service Intake Model, which would create dedicated charge intake units in each field office to handle the intake process from pre-charge counseling through charge filing. EEOC is directed to submit a report detailing its views on this model to the Committees on Appropriations within 120 days of the enactment of this Act.

*Federal sector hearings.*—EEOC is directed to submit a copy of the updated Federal Sector hearing plan (adjusted for stakeholder input) to the Committees on Appropriations prior to the implementation of such plan.

*Office of Inspector General (OIG).*—The appropriating paragraph for the Commission on Civil Rights establishes that EEOC's Inspector General will simultaneously hold the post of Inspector General of the Commission on Civil Rights. The funds needed by the EEOC OIG to carry out this new responsibility are provided by transfer directly from the Commission on Civil Rights budget.

STATE AND LOCAL ASSISTANCE

The bill provides $30,000,000 for EEOC State and Local Assistance.

INTERNATIONAL TRADE COMMISSION

The bill includes $87,000,000 for the International Trade Commission (ITC) for fiscal year 2011.

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

The bill provides $440,000,000 for the Legal Services Corporation (LSC).

*Governance and management.*—Continuing reports of governance and management issues at LSC undermine the credibility of the organization and complicate efforts to direct additional funds into legal aid, where they are desperately needed. Progress has made been in completing action on reform recommendations identified by GAO and the LSC Inspector General, but some recommendations remain outstanding and additional issues have been raised. The timely resolution of these issues must be a priority of the Corporation so that management and governance questions do not continue to overshadow the good work being done by LSC and its grantees.

*Cost effectiveness studies.*—LSC is directed to continue its collaboration with DOJ to conduct a national level economic study of the cost effectiveness of legal aid that would expand on existing state models and establish more broadly applicable results.

*Private attorney involvement.*—All LSC grantees are required to take steps to incentivize private attorney involvement in their programs, but these efforts are not performing up to their potential. By making a more aggressive push for pro bono private attorney services, grantees could alleviate some pressure on their own budgets and increase the number of clients served. LSC is urged to seek further action from its grantees to improve private attorney participation.

*Legal aid fellowships.*—LSC is reportedly considering a proposal to create a fellowship program for retirees or recent law school graduates who will commit to working in legal aid for a designated period of time. LSC is directed to conduct a study of this proposal in order to further develop how such a fellowship program would work and how much it would cost to implement. LSC shall report to the Committees on Appropriations with the results of that study no later than 120 days after the enactment of this Act.

ADMINISTRATIVE PROVISION—LEGAL SERVICES CORPORATION

Title V of the bill revises the LSC administrative provision to permit the use of funds for the pursuit of class action cases on behalf of individuals eligible for legal aid. This revision will better enable LSC grantees to address systemic problems, such as predatory lending and wrongful eviction, in a more efficient manner by consolidating cases. All other restrictions are unchanged.

MARINE MAMMAL COMMISSION

SALARIES AND EXPENSES

The bill includes $3,500,000 for the Marine Mammal Commission (MMC). Within the funds provided, the MMC will be able to establish an interagency task force to harmonize environmental analyses without compromising the integrity of the analytical results, which has the potential to save millions of dollars every year; continue efforts to build capacity for marine mammal research and conservation in foreign and international waters; and respond to Deepwater Horizon oil spill events, including conducting reviews of lessons learned among the relevant agencies and governments, assessment of the effects of the spill on marine mammals, and monitoring and documenting recovery rates.

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

The bill includes $48,000,000 for the Office of the U.S. Trade Representative (USTR).

*Office of Legislative Affairs.*—USTR's Office of Legislative Affairs has a responsibility to provide Congress with information, including the timely submittal of fiscal year budget justifications and the appropriate points of contact, neither of which occurred during the fiscal year 2011 budget cycle.

*Travel.*—USTR is directed to submit a report detailing travel expenditures of all senior staff on a monthly basis to the Committees on Appropriations.

*World Trade Organization (WTO).*—USTR is directed to continue to negotiate within the WTO, in consultation with the Department of Commerce, to seek express recognition of the existing right of WTO members to distribute monies collected from antidumping and countervailing duties as they deem appropriate. USTR shall consult with and provide regular reports on the negotiations to the Committees on Appropriations every 60 days upon enactment of this Act. The agency is also directed to conduct negotiations within the WTO consistent with the objectives of the Trade Act of 2002 (Public Law 107–210), maintain strong U.S. trade remedies laws, prevent overreaching by WTO Panels and the WTO Appellate Body, and prevent the creation of obligations to which the United States has never agreed.

STATE JUSTICE INSTITUTE

SALARIES AND EXPENSES

The bill provides $6,273,000 for the State Justice Institute.

COMMISSION ON WARTIME RELOCATION AND INTERNMENT OF LATIN AMERICANS OF JAPANESE DESCENT

SALARIES AND EXPENSES

The bill provides $1,700,000 for the Commission on Wartime Relocation and Internment of Latin Americans of Japanese Descent.

## TITLE V
## GENERAL PROVISIONS

Sections 501 through 511, sections 513 through 528, section 531, and sections 533 through 535 continue general provisions without substantive change from previous years.

Section 512 delays the obligations of any receipts deposited into the Crime Victims Fund in excess of $820,000,000 until October 1, 2011. This language is continued to ensure a stable source of funds will remain available for the program, despite inconsistent levels of criminal fines deposited annually into the Fund.

Section 529 amends Public Law 104–134 to permit the use of Legal Services Corporation funds for class action lawsuits on behalf of individuals eligible for legal aid.

Section 530 provides for rescissions of unobligated balances in certain departments and agencies funded in this Act.

Section 532 prohibits the use of funds to pay the attendance of more than 50 employees at any single conference outside the United States, except for law enforcement training and/or operational conferences for law enforcement personnel when the majority of Federal employees in attendance are law enforcement personnel stationed outside the United States.

Section 536 requires agencies funded under the Act to submit quarterly reports to their Inspector General or senior ethics official regarding the costs and contracting procedures

relating to conferences for which the cost to the Government is more than $20,000.

Section 537 requires the Department of Justice, the Department of Commerce, the National Aeronautics and Space Administration, and the National Science Foundation to submit reports related to Federal agency clean energy sustainability goals and targets.

Section 538 makes adjustments to prior year congressionally-designated projects.

Section 539 authorizes the establishment of a Commission on Wartime Relocation and Internment of Latin Americans of Japanese Descent.

Section 540 requires the Legal Services Corporation to comply with audits by the Government Accountability Office and the Corporation's Inspector General.

Section 541 allows Federal Prison Industries (FPI) to participate in the Prison Industries Enhancement Certification program and allows FPI to carry out pilot projects to produce items that are no longer produced in the United States.

Section 542 authorizes the establishment of a National Criminal Justice Commission.

DISCLOSURE OF EARMARKS AND CONGRESSIONALLY DIRECTED SPENDING ITEMS

Following is a list of congressional earmarks and congressionally directed spending items (as defined in clause 9 of rule XXI of the Rules of the House of Representatives and rule XLIV of the Standing Rules of the Senate, respectively) included in the bill or this explanatory statement, along with the name of each Senator, House Member, Delegate, or Resident Commissioner who submitted a request to the Committee of jurisdiction for each item so identified. Neither the bill nor the explanatory statement contains any limited tax benefits or limited tariff benefits as defined in the applicable House and Senate rules.

DISCLOSURE OF EARMARKS AND CONGRESSIONALLY DIRECTED SPENDING ITEMS

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## COMMERCE, JUSTICE, SCIENCE

[Presidentially Directed Spending Items]

| Agency | Account | Recipient | Project | Amount | Requester(s) | | |
|---|---|---|---|---|---|---|---|
| | | | | | Administration | House | Senate |
| DOJ | NDIC | National Drug Intelligence Center, Johnstown, PA | Operations of the NDIC | $44,580,000 | The President | | |

## COMMERCE, JUSTICE, SCIENCE

[Congressionally Directed Spending Items]

| Agency | Account | Recipient | Title | Amount | Requester(s) | |
|---|---|---|---|---|---|---|
| | | | | | House | Senate |
| DOC | ITA | Cornell University, Ithaca, NY | National Textile Center—Cornell University | $400,000 | Hinchey | Schumer |
| DOC | ITA | John H. Chafee Center for International Business, Smithfield, RI | Rhode Island Export Development Program (RIEDP) | $500,000 | | Reed; Whitehouse |
| DOC | ITA | Medgar Evers College of the City University of New York, Brooklyn, NY | Brooklyn International Trade Development Center | $400,000 | Towns; Clarke | |
| DOC | ITA | North Carolina State University, Raleigh, NC | National Textile Center Research | $500,000 | Price (NC); Butterfield; Etheridge; Kissell; McIntyre; Miller (NC); Watt | Hagan |
| DOC | ITA | Philadelphia Hispanic Chamber of Commerce Services, Philadelphia, PA | Small Business Latin American Trade and Education Program | $100,000 | | Specter |
| DOC | ITA | Textile/Clothing Technology Corporation, Cary, NC | Textile Research Programs | $1,000,000 | Price (NC); Butterfield; Kissell; Miller (NC); Spratt; Watt | Graham; Burr; Hagan |
| DOC | ITA | University of Nebraska-Lincoln, Lincoln, NE | International Trade Scholars Program | $500,000 | | Nelson, Ben |
| DOC | NIST | Glenville State College, Glenville, WV | Center of Teacher Excellence | $2,000,000 | Mollohan | |
| DOC | NIST | Mississippi State University, Starkville, MS | Life Sciences Commercialization Laboratory | $4,000,000 | | Cochran; Wicker |
| DOC | NIST | Rhode Island School of Design, Providence, RI | Facility for Advanced Visualization Technologies | $750,000 | | Reed; Whitehouse |
| DOC | NIST | University of Alabama, Tuscaloosa, AL | Interdisciplinary Science and Engineering Teaching and Research Corridor | $30,000,000 | | Shelby |
| DOC | NIST | University of Hawaii, Honolulu, HI | Hawaii Open Supercomputing Center and Coral Biodiversity | $3,000,000 | | Inouye |
| DOC | NIST | University of Kentucky, Lexington, KY | University of Kentucky Evaluation of Firefighter Turnout Gear for Safety | $275,000 | | McConnell |
| DOC | NIST | University of Mississippi Medical Center, Jackson, MS | Mississippi Biotechnology Research Park | $8,000,000 | | Cochran; Wicker |
| DOC | NIST | University of Rhode Island, Kingston, RI | Rhode Island Consortium for Nanoscience and Nanotechnology | $1,250,000 | Langevin | Reed; Whitehouse |
| DOC | NIST | University of Southern Mississippi, Hattiesburg, MS | Mississippi Polymer Institute | $6,000,000 | | Cochran; Wicker |
| DOC | NOAA | Bigelow Laboratory for Ocean Sciences, East Boothbay, ME | US National Culture Collection for Marine Phytoplankton | $300,000 | | Collins |
| DOC | NOAA | Bowling Green State University, Bowling Green, OH | Monitoring of Lake Erie Water Quality with Remote Sensing | $250,000 | Kaptur | Voinovich; Brown, Sherrod |
| DOC | NOAA | Coastal Restoration and Enhancement through Science and Technology, Baton Rouge, LA | CREST Program Competitive Grants and Science Support | $2,000,000 | Cao; Melancon | Landrieu; Vitter |
| DOC | NOAA | Colville Confederated Tribes, Nespelem, WA | Salmon Hatchery and Harvest Reform Project | $500,000 | Dicks | |
| DOC | NOAA | Dauphin Island Sea Lab, Dauphin Island, AL | NOAA Independent Data Collection in the Gulf of Mexico | $4,000,000 | | Shelby |
| DOC | NOAA | Ferris State University, Big Rapids, MI | Ferris State Interdisciplinary Research, Technology, and Economic Development Program | $400,000 | Kilpatrick (MI) | |
| DOC | NOAA | Florida Fish And Wildlife Conservation Commission, Tallahassee, FL | Cooperative Grouper-Snapper Fisheries Data Collection | $1,000,000 | | Nelson, Bill |
| DOC | NOAA | Great Bay Resource Protection Partnership, Portsmouth, NH | Great Bay Land Acquisition | $2,575,000 | | Gregg; Shaheen |
| DOC | NOAA | Great Lakes Science Center, Cleveland, OH | Northeast Ohio Informal STEM Education | $250,000 | | Voinovich; Brown, Sherrod |
| DOC | NOAA | Guam Fishermen's Cooperative Association, Hagatna, GU | Fishery Equipment | $125,000 | Bordallo | |
| DOC | NOAA | Gulf and South Atlantic Fisheries Foundation, Inc., Tampa, FL | Gulf States Consumer Education Program | $1,000,000 | Paul; Boyd | Cochran; Landrieu; Nelson, Bill; Wicker |
| DOC | NOAA | Gulf of Maine Research Institute, Portland, ME | Community-Based Research | $400,000 | Pingree (ME); Michaud | Collins; Snowe |
| DOC | NOAA | Idaho State University, Pocatello, ID | Boise Center for Aerospace Laboratory Watershed Modeling Utilizing LiDAR | $200,000 | | Crapo; Risch |
| DOC | NOAA | Jackson State University, Jackson, MS | Development of a Regional Ensembling System for Atmospheric Dispersion | $1,000,000 | | Cochran; Wicker |
| DOC | NOAA | JASON Project, Ashburn, VA | JASON Project Education Program | $8,400,000 | Moran (VA); Kennedy; Langevin; Mollohan | |

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|---|---|---|---|---|---|---|
| DOC | NOAA | Maine Department of Marine Resources, Augusta, ME | Collaborative Shellfish Research | $750,000 | | Collins; Snowe |
| DOC | NOAA | Maine Department of Marine Resources, Augusta, ME | East Coast Herring Sampling and Stock Assessment | $350,000 | | Collins; Snowe |
| DOC | NOAA | Maine Department of Marine Resources, Augusta, ME | Groundfish Research | $300,000 | | Collins; Snowe |
| DOC | NOAA | Maine Department of Marine Resources, Augusta, ME | Maine/New Hampshire Inshore Trawl Survey | $300,000 | | Collins; Snowe |
| DOC | NOAA | Marine Biological Laboratory, Woods Hole, MA | Center for Regenerative Biology and Medicine | $300,000 | Delahunt | Kerry |
| DOC | NOAA | Marine Conservation Biology Institute, Bellevue, WA | Marine Bioregion Classification of the US Exclusive Economic Zone | $700,000 | Farr | |
| DOC | NOAA | Massachusetts Department of Public Health, Boston, MA | Shellfish Safety Testing Pilot | $175,000 | Frank (MA) | |
| DOC | NOAA | Massachusetts Maritime Academy, Buzzards Bay, MA | Massachusetts Maritime Academy Marine Renewable Energy Workforce Training Initiative | $300,000 | Delahunt; Neal | |
| DOC | NOAA | Mississippi State University, Starkville, MS | NOAA Northern Gulf Institute | $5,500,000 | | Cochran |
| DOC | NOAA | Monmouth University, West Long Branch, NJ | Mid-Atlantic Regional Coastal Community and Ocean Ecosystem Initiative | $750,000 | Pallone; Rothman (NJ) | Lautenberg; Menendez |
| DOC | NOAA | Monterey Bay Aquarium, Monterey, CA | Bluefin Tuna Tagging and Research Program | $500,000 | Farr | |
| DOC | NOAA | National Environmental Satellite, Data and Information Service, Honolulu, HI | Integrated Data and Environmental Applications Center | $2,750,000 | | Inouye |
| DOC | NOAA | National Marine Fisheries Service, Hilo, HI | Marine Education and Training | $1,000,000 | | Inouye; Begich |
| DOC | NOAA | National Marine Fisheries Service, Honolulu, HI | Domestic Fisheries Monitoring, including Support for Regional Fishery Management Organizations | $2,750,000 | | Inouye |
| DOC | NOAA | National Marine Fisheries Service, Honolulu, HI | Hawaii Fisheries Development | $400,000 | | Inouye |
| DOC | NOAA | National Marine Fisheries Service, Honolulu, HI | Hawaii Seafood Program | $1,000,000 | | Inouye |
| DOC | NOAA | National Marine Fisheries Service, Juneau, AK | Alaska Native Marine Mammal Co-Management | $500,000 | | Murkowski; Begich |
| DOC | NOAA | National Marine Fisheries Service, Kaneohe Bay, HI | Joint Institute of Marine and Atmospheric Research Pelagic Fisheries Research Program | $750,000 | | Inouye |
| DOC | NOAA | National Marine Fisheries Service, Silver Spring, MD | Shrimp Industry Fishing Effort Research Continuation | $500,000 | Ortiz; McIntyre; Melancon; Wasserman Schultz | Cochran; Landrieu; Nelson, Bill; Wicker |
| DOC | NOAA | National Ocean Service, Honolulu, HI | Hawaii Coral Reef Initiative | $1,000,000 | | Inouye |
| DOC | NOAA | National Ocean Service, Honolulu, HI | Ordnance Reef Project | $200,000 | | Inouye |
| DOC | NOAA | National Oceanic and Atmospheric Administration, Washington, DC | West Coast Governors' Agreement on Ocean Health | $1,000,000 | Blumenauer; Capps; Farr; Wu | Wyden; Merkley |
| DOC | NOAA | National Weather Service, Silver Spring, MD | Remote Infrasonic Monitoring of Natural Hazards | $1,500,000 | | Inouye; Cochran; Wicker |
| DOC | NOAA | Nature Conservancy, Middletown, CT | Long Island Sound Coastal Resilience | $500,000 | DeLauro | Dodd; Lieberman |
| DOC | NOAA | New Hampshire Department of Environmental Services, Concord, NH | Securing New Hampshire's Water Future | $400,000 | | Shaheen |
| DOC | NOAA | New Hampshire Fish & Game, Concord, NH | New Hampshire Groundfish Sectors Permit Bank | $1,165,000 | | Shaheen |
| DOC | NOAA | NOAA Chesapeake Bay Office, Annapolis, MD | Chesapeake Bay Oyster Restoration | $3,000,000 | Edwards (MD); Hoyer; Kratovil; Moran (VA); Ruppersberger; Sarbanes; Scott (VA); Van Hollen | Mikulski; Cardin; Webb; Warner |
| DOC | NOAA | NOAA Office of Education, Honolulu, HI | Hawaii Education Program | $1,000,000 | | Inouye |
| DOC | NOAA | NOAA Office of Education, Monterey, CA | California Bay Watershed Education and Training Program | $1,500,000 | Pelosi; Capps; Farr | |
| DOC | NOAA | Northwest Straits Marine Conservation Initiative, Mount Vernon, WA | Northwest Straits Citizens Advisory Commission | $1,800,000 | Larsen (WA) | Murray; Cantwell |
| DOC | NOAA | Oregon Department of State Lands, Salem, OR | Oregon Seafloor Mapping for Tsunami Hazards and Ecosystem Benefit | $500,000 | Blumenauer; Wu | Wyden; Merkley |
| DOC | NOAA | Pacific States Marine Fisheries Commission, Portland, OR | Pacific Ocean Shelf Tracking Project-Marine Animal Tracking System | $2,000,000 | Young (AK); Baird; Dicks; Farr | Murray; Murkowski; Wyden; Crapo; Risch; Merkley |
| DOC | NOAA | Partnership for Mid-Atlantic Fisheries Science, Point Pleasant Beach, NJ | Summer Flounder and Black Sea Bass Initiative | $525,000 | Bishop (NY); Pallone | Lautenberg; Menendez |
| DOC | NOAA | Penobscot East Resource Center, Stonington, ME | Northern Gulf of Maine Groundfish Sentinel Fishery | $250,000 | Pingree (ME) | Collins; Snowe |
| DOC | NOAA | Plymouth State University, Plymouth, NH | New England Weather Technology and Research Initiative | $575,000 | | Gregg |
| DOC | NOAA | Provincetown Center for Coastal Studies, Provincetown, MA | Northeast Coastal Monitoring Collaborative | $300,000 | Delahunt; Tierney | Kerry |
| DOC | NOAA | Rhode Island Coastal Resources Management Council, Wakefield, RI | Offshore Renewable Energy Surveys | $700,000 | | Reed; Whitehouse |
| DOC | NOAA | San Jose State University Foundation, San Jose, CA | Highly Migratory Shark Fishery Research Program | $500,000 | Honda; Farr | |
| DOC | NOAA | Save The Bay, Providence, RI | Save the Bay—Marine Education Program | $500,000 | Kennedy | Reed; Whitehouse |
| DOC | NOAA | School for Marine Science & Technology, New Bedford, MA | New England Multi-Species Surveys and Development | $1,500,000 | Frank (MA) | Kerry |

## COMMERCE, JUSTICE, SCIENCE—Continued

[Congressionally Directed Spending Items]

| Agency | Account | Recipient | Title | Amount | Requester(s) | |
|---|---|---|---|---|---|---|
| | | | | | House | Senate |
| DOC | NOAA | Society for the Protection of New Hampshire Forests, Concord, NH | Merrimack River Anadromous Fish Habitat Conservation | $350,000 | | Gregg; Shaheen |
| DOC | NOAA | State of Alaska, Juneau, AK | Bering Sea Crab Management and Research | $400,000 | Young (AK) | Murkowski |
| DOC | NOAA | State of Alaska, Juneau, AK | Seal and Steller Sea Lion Biological Research | $500,000 | Young (AK) | Murkowski; Begich |
| DOC | NOAA | Susquehanna River Basin Commission, Harrisburg, PA | Susquehanna Flood Forecast and Warning System | $2,400,000 | Kanjorski; Ruppersberger | Mikulski |
| DOC | NOAA | Tennessee Tombigbee Waterway Authority, Columbus, MS | Tennessee Tombigbee Waterway Research Center | $1,200,000 | | Cochran |
| DOC | NOAA | Thunder Bay National Marine Sanctuary and Underwater Preserve, Alpena, MI | Great Lakes Maritime Heritage Center Lease Buy Down | $1,000,000 | | Levin; Stabenow |
| DOC | NOAA | University of Alabama at Birmingham, Birmingham, AL | Nanotoxicology Research | $650,000 | | Shelby |
| DOC | NOAA | University of Alaska, Fairbanks, AK | Ocean Acidification Research Center for Alaska | $200,000 | Young (AK) | Begich |
| DOC | NOAA | University of Guam, Mangilao, GU | Western Pacific Coral Reef Institute | $200,000 | Bordallo | |
| DOC | NOAA | University of Hawaii at Manoa, Honolulu, HI | International Pacific Research Center | $1,000,000 | Hirono | Inouye; Akaka |
| DOC | NOAA | University of Hawaii, Honolulu, HI | Hawaii Institute of Marine Biology Coral Research | $2,500,000 | Hirono | Inouye; Akaka |
| DOC | NOAA | University of Hawaii, Pearl Harbor, HI | Rehabilitation of Stable Semi-submersible Platform Kaimalino | $3,000,000 | | Inouye, Akaka |
| DOC | NOAA | University of Maryland Baltimore County, University of Maryland Center for Environmental Science, Solomons, MD | Sensors for Monitoring Chesapeake Bay Watershed Health | $2,000,000 | | Mikulski |
| DOC | NOAA | University of Massachusetts Dartmouth, School for Marine Science and Technology, New Bedford, MA | Northeast Scallop Fishery Assessment | $600,000 | Frank (MA) | Kerry |
| DOC | NOAA | University of Massachusetts, Amherst, MA | Global Climate Research | $500,000 | Olver | |
| DOC | NOAA | University of Mississippi, Oxford, MS | National Institute for Undersea Science and Technology | $5,550,000 | | Cochran; Wicker |
| DOC | NOAA | University of Mississippi, Oxford, MS | National Sea Grant Law Center | $750,000 | | Cochran; Wicker |
| DOC | NOAA | University of New Orleans, New Orleans, LA | Pontchartrain Basin Restoration | $250,000 | | Landrieu; Vitter |
| DOC | NOAA | University of Southern Mississippi, Hattiesburg, MS | Marine Aquaculture Lab Operations | $4,000,000 | | Cochran; Wicker |
| DOC | NOAA | University of Southern Mississippi, Hattiesburg, MS | Science Consortium for Ocean Replenishment | $500,000 | | Cochran; Wicker |
| DOC | NOAA | University of Southern Mississippi, Hattiesburg, MS | Storm Surge and Flooding Disaster Mitigation | $500,000 | | Cochran; Wicker |
| DOC | NOAA | University of Tennessee Space Institute, Tullahoma, TN | Atmospheric Science Research | $300,000 | Davis (TN) | |
| DOC | NOAA | University of Toledo, Toledo, OH | Lake Erie Hydrological & Climate Modeling | $500,000 | Kaptur | Brown, Sherrod |
| DOC | NOAA | University of Vermont, Burlington, VT | Lake Champlain Emerging Threats Initiative | $500,000 | | Leahy |
| DOC | NOAA | University of Wisconsin-Milwaukee, Milwaukee, WI | Center for Water Technology and Policy | $4,500,000 | | Kohl |
| DOC | NOAA | West Virginia Division of Natural Resources, South Charleston, WV | Natural Stream Design and Restoration | $2,000,000 | Mollohan | |
| DOC | NOAA | West Virginia University, Morgantown, WV | Environmental Research Center | $3,250,000 | Mollohan | |
| DOC | NOAA | West Virginia University, Morgantown, WV | REDDUCE | $500,000 | Mollohan | |
| DOC | NOAA | West Virginia University, Parkersburg, WV | West Virginia University-Parkersburg STEM lab | $1,000,000 | Mollohan | |
| DOC | NOAA | Westminster College, Salt Lake City, UT | Great Salt Lake Institute | $150,000 | | Bennett |
| DOC | NOAA | Wildlife Conservation Society, Bronx, NY | Bronx River and South Bronx Waterfront | $1,000,000 | Serrano | |
| DOJ | COPS—Meth | City of Greenville, Greenville, MS | Greenville/Delta Regional Meth Enforcement Initiative | $100,000 | | Cochran; Wicker |
| DOJ | COPS—Meth | Colorado Meth Project, Denver, CO | Not Even Once Campaign | $500,000 | Salazar | Bennet |
| DOJ | COPS—Meth | Georgia Meth Project, Atlanta, GA | Meth Prevention and Awareness | $300,000 | Bishop (GA); Lewis (GA) | Chambliss; Isakson |
| DOJ | COPS—Meth | Greene County Sheriff's Department, Leakesville, MS | Anti-Meth Activity Enforcement and Education Project | $200,000 | Taylor | Cochran; Wicker |
| DOJ | COPS—Meth | Jackson County Board of Supervisors, Pascagoula, MS | Methamphetamine Enforcement and Clean-up in Jackson County | $200,000 | Taylor | Cochran; Wicker |
| DOJ | COPS—Meth | Jefferson County, Golden, CO | Methamphetamine Interdiction and Response | $200,000 | Polis; Perlmutter | Udall, Mark; Bennet |
| DOJ | COPS—Meth | Lincoln County District Attorney, Newport, OR | Meth Initiative | $100,000 | Schrader | Wyden; Merkley |
| DOJ | COPS—Meth | New Mexico State Police, Santa Fe, NM | Rural Methamphetamine Project | $400,000 | Lujan; Heinrich | Bingaman; Udall, Tom |

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|---|---|---|---|---|---|---|
| DOJ | COPS—Meth | Pierce County Alliance, Tacoma, WA | National Methamphetamine Training and Technical Assistance Center | $1,200,000 | | Murray |
| DOJ | COPS—Meth | Pierce County Alliance, Tacoma, WA | Washington State Methamphetamine Initiative | $1,000,000 | Dicks; Larsen (WA); Smith (WA) | Murray; Cantwell |
| DOJ | COPS—Meth | Shawnee Regional Prevention and Recovery, Topeka, KS | Kansas Methamphetamine Prevention Project | $250,000 | | Brownback |
| DOJ | COPS—Meth | Sioux City Police Department, Sioux City, IA | National Training Center | $200,000 | | Harkin; Grassley |
| DOJ | COPS—Meth | South Coast Interagency Narcotics Team, Coquille, OR | Interagency Narcotics Enforcement | $500,000 | DeFazio | Wyden; Merkley |
| DOJ | COPS—Meth | Tennessee Bureau of Investigation, Nashville, TN | Tennessee Meth Task Force | $1,435,000 | Davis (TN) | Alexander |
| DOJ | COPS—Meth | University of Missouri St. Louis College of Nursing, St. Louis, MO | Methamphetamine Prevention Education | $100,000 | Carnahan | |
| DOJ | COPS—Meth | Virginia State Police, Wytheville, VA | Southwest Virginia Drug Task Force Assistance | $500,000 | | Webb; Warner |
| DOJ | COPS—TE | Abington Township Police Department, Abington, PA | Communications Equipment Upgrade | $200,000 | Schwartz | |
| DOJ | COPS—LE Tech | Anson County Sheriff, Wadesboro, NC | Law Enforcement Visual Intelligence Tool | $400,000 | Kissell | |
| DOJ | COPS—LE Tech | Beckley Police Department, Beckley, WV | Interoperable Digital Radio Equipment | $190,000 | Rahall | |
| DOJ | COPS—LE Tech | Bexar County Sheriff, San Antonio, TX | Sheriff's Office Vehicle Technology Enhancement Project | $150,000 | Gonzalez | Cornyn |
| DOJ | COPS—LE Tech | Blount County, Maryville, TN | Blount County Interoperable Communications | $400,000 | | Alexander |
| DOJ | COPS—LE Tech | Board of County Commissioners, St. Mary's County, Leonardtown, MD | Jail Security Project | $750,000 | Hoyer | |
| DOJ | COPS—LE Tech | Borough of Bellevue, Bellevue, PA | Law Enforcement Technology Advancements | $60,000 | Doyle | |
| DOJ | COPS—LE Tech | Borough of Cliffside Park, Cliffside Park, NJ | Public Safety Communications Enhancements | $300,000 | Rothman (NJ) | Lautenberg; Menendez |
| DOJ | COPS—LE Tech | Borough of Homestead, Homestead, PA | Police Cameras | $200,000 | Doyle | |
| DOJ | COPS—LE Tech | Borough of Little Ferry, Little Ferry, NJ | Emergency Communications System | $550,000 | Rothman (NJ) | |
| DOJ | COPS—LE Tech | Borough of Mount Oliver, Mount Oliver, PA | Technology Upgrades | $55,000 | Doyle | |
| DOJ | COPS—LE Tech | Borough of Naugatuck, Naugatuck, CT | Public Safety Communications Project | $500,000 | DeLauro | Dodd; Lieberman |
| DOJ | COPS—LE Tech | Bowling Green Police Department, Bowling Green, KY | Public Safety Radio System Upgrade | $200,000 | | Bunning |
| DOJ | COPS—LE Tech | Boyle County Sheriff, Danville, KY | Communications Technology | $25,000 | Chandler | |
| DOJ | COPS—LE Tech | Broward County, Fort Lauderdale, FL | Public Safety Emergency Communications | $1,000,000 | Wasserman Schultz; Hastings (FL); Meek (FL) | |
| DOJ | COPS—LE Tech | Brown County Public Safety Communications, Green Bay, WI | Public Safety Communications | $355,000 | Kagen | |
| DOJ | COPS—LE Tech | Bryan Police Department, Bryan, TX | Brazos County Warrant Access and Reduction Program | $300,000 | Edwards (TX) | |
| DOJ | COPS—LE Tech | Buchanan County Sheriffs, Grundy, VA | Technology Improvement Program | $75,000 | Boucher | |
| DOJ | COPS—LE Tech | Buena Vista Police Department, Buena Vista, GA | Police Equipment | $75,000 | Bishop (GA) | |
| DOJ | COPS—LE Tech | Burnett County, Siren, WI | Public Safety Communications System Upgrade | $1,000,000 | Obey | |
| DOJ | COPS—LE Tech | Cecil County Department of Emergency Services, Elkton, MD | Cecil County Public Safety Communications Network | $650,000 | | Mikulski |
| DOJ | COPS—LE Tech | Central Texas Council of Governments, Belton, TX | Central Texas Project 25 Interoperability Initiative | $250,000 | | Cornyn |
| DOJ | COPS—LE Tech | Centre County, Bellefonte, PA | Centre County Emergency Communications System Upgrade | $300,000 | | Specter; Casey |
| DOJ | COPS—LE Tech | Charles County Sheriff, La Plata, MD | Police Technology Upgrades | $100,000 | Hoyer | |
| DOJ | COPS—LE Tech | Charleston County, Charleston, SC | Mobile Data Terminals | $125,000 | | Graham |
| DOJ | COPS—LE Tech | Charlevoix Cheboygan Emmet Central Dispatch Authority, Petoskey, MI | Equipment & Technology | $300,000 | Stupak | |
| DOJ | COPS—LE Tech | Cherry Hill Township, Cherry Hill, NJ | Public Safety Improvements | $550,000 | Adler (NJ) | Lautenberg; Menendez |
| DOJ | COPS—LE Tech | Cheyenne River Sioux Tribe, Eagle Butte, SD | Cheyenne River Sioux Tribe Emergency Dispatching System | $200,000 | | Johnson; Thune |
| DOJ | COPS—LE Tech | Choctaw Nation, Durant, OK | Public Safety Communications Project | $250,000 | Boren | |
| DOJ | COPS—LE Tech | City and County of San Francisco Police Department, San Francisco, CA | COMPSTAT | $1,000,000 | Pelosi | |
| DOJ | COPS—LE Tech | City of Alexandria Police Department, Alexandria, KY | Kentucky Data Interoperability Project | $200,000 | | McConnell; Bunning |
| DOJ | COPS—LE Tech | City of Allentown, Allentown, PA | Allentown Radio Encryption | $300,000 | | Casey |
| DOJ | COPS—LE Tech | City of Auburn, Auburn, WA | Valley Cities Public Safety Wireless Regional Broadband Network | $200,000 | Smith (WA) | |
| DOJ | COPS—LE Tech | City of Bay St. Louis Police Department, Bay St. Louis, MS | Help I.D. Our Children | $20,000 | Taylor | |
| DOJ | COPS—LE Tech | City of Bayonne, Bayonne, NJ | Bayonne Law Enforcement Project | $150,000 | Sires | Lautenberg; Menendez |
| DOJ | COPS—LE Tech | City of Beaver Falls Police Department, Beaver Falls, PA | Police Firing Range Equipment | $300,000 | Altmire | |

## COMMERCE, JUSTICE, SCIENCE—Continued

[Congressionally Directed Spending Items]

| Agency | Account | Recipient | Title | Amount | Requester(s) | |
|---|---|---|---|---|---|---|
| | | | | | House | Senate |
| DOJ | COPS—LE Tech | City of Bell Gardens Police Department, Bell Gardens, CA | Gunshot Location System Acquisition and Surveillance Infrastructure | $500,000 | Roybal-Allard | |
| DOJ | COPS—LE Tech | City of Belzoni, Belzoni, MS | Police Technology Upgrades | $170,000 | Thompson (MS) | Cochran; Wicker |
| DOJ | COPS—LE Tech | City of Benton, Benton, KY | City of Benton Public Safety Communication Equipment | $35,000 | | McConnell |
| DOJ | COPS—LE Tech | City of Bethlehem, Bethlehem, PA | Multi-Jurisdiction Public Safety Camera Project | $100,000 | | Specter |
| DOJ | COPS—LE Tech | City of Billings, Billings, MT | Public Safety Radio System Upgrades | $500,000 | | Tester; Baucus |
| DOJ | COPS—LE Tech | City of Birmingham, Birmingham, AL | Gunshot Location System Expansion Project | $200,000 | Davis (AL) | |
| DOJ | COPS—LE Tech | City of Bridgeport, Bridgeport, CT | Public Safety Technology Enhancements | $375,000 | | Lieberman |
| DOJ | COPS—LE Tech | City of Brockton Police Department, Brockton, MA | Gunshot Location System Acquisition | $200,000 | Lynch | |
| DOJ | COPS—LE Tech | City of Buda, Buda, TX | Police Technology and Equipment | $50,000 | Doggett | |
| DOJ | COPS—LE Tech | City of Buffalo Police Department, Buffalo, NY | Surveillance Cameras | $360,000 | Slaughter; Higgins | Schumer; Gillibrand |
| DOJ | COPS—LE Tech | City of Cedar Rapids, Cedar Rapids, IA | Emergency Communications Center Equipment | $200,000 | Loebsack | |
| DOJ | COPS—LE Tech | City of Cerritos, Cerritos, CA | Public Safety Technology Improvements | $200,000 | Sanchez, Linda | |
| DOJ | COPS—LE Tech | City of Chisholm, Chisholm, MN | Communications Upgrade | $200,000 | Oberstar | Klobuchar |
| DOJ | COPS—LE Tech | City of Clarksburg Police Department, Clarksburg, WV | Law Enforcement Technology & Equipment | $100,000 | Mollohan | |
| DOJ | COPS—LE Tech | City of Cleveland, Office of the Mayor, Cleveland, OH | 800 MHz Radio System | $250,000 | Fudge; Kucinich | Voinovich; Brown, Sherrod |
| DOJ | COPS—LE Tech | City of Clifton, Clifton, NJ | Police Technology Enhancement Project | $400,000 | Pascrell | Lautenberg; Menendez |
| DOJ | COPS—LE Tech | City of College Park, College Park, GA | Law Enforcement Video Patrol | $500,000 | Lewis (GA) | Chambliss |
| DOJ | COPS—LE Tech | City of Colorado Springs Police Department, Colorado Springs, CO | Police Technology Enhancement | $400,000 | | Udall, Mark; Bennet |
| DOJ | COPS—LE Tech | City of Columbiana, Columbiana, OH | Communication Dispatch Upgrade Project | $150,000 | Wilson (OH) | |
| DOJ | COPS—LE Tech | City of Countryside Police Department, Countryside, IL | Law Enforcement Equipment / Technology Upgrades | $135,000 | Lipinski | |
| DOJ | COPS—LE Tech | City of Dothan, Dothan, AL | Digital In-Car Cameras and Technological Advances | $150,000 | Bright | |
| DOJ | COPS—LE Tech | City of Duluth Police Department, Duluth, MN | Forensic Technology Task Force Project | $200,000 | Oberstar | Klobuchar; Franken |
| DOJ | COPS—LE Tech | City of Elizabeth Police Department, Elizabeth, NJ | Gun Detection Technology System | $375,000 | Payne; Sires | Lautenberg; Menendez |
| DOJ | COPS—LE Tech | City of Fairmont Police Department, Fairmont, WV | Law Enforcement Technology & Equipment | $50,000 | Mollohan | |
| DOJ | COPS—LE Tech | City of Fayetteville, Fayetteville, AR | Simulcast System for Public Safety Communication | $600,000 | | Pryor; Lincoln |
| DOJ | COPS—LE Tech | City of Flint, Flint, MI | City of Flint Interoperable Communications Project | $500,000 | Kildee | Levin; Stabenow |
| DOJ | COPS—LE Tech | City of Fort Smith Police Department, Fort Smith, AR | River Valley Mobile Data Network | $400,000 | | Pryor; Lincoln |
| DOJ | COPS—LE Tech | City of Fresno, Fresno, CA | Law Enforcement Equipment | $300,000 | | Feinstein |
| DOJ | COPS—LE Tech | City of Garden Grove, Garden Grove, CA | Law Enforcement Technology Assistance | $140,000 | Sanchez, Loretta | |
| DOJ | COPS—LE Tech | City of Gardena, Gardena, CA | Emergency Operations Center Equipment & Technology | $300,000 | Waters | |
| DOJ | COPS—LE Tech | City of Gary, Gary, IN | Law Enforcement Equipment | $500,000 | Visclosky | |
| DOJ | COPS—LE Tech | City of Gillett, Gillett, AR | Police & Court Upgrades | $50,000 | Berry | |
| DOJ | COPS—LE Tech | City of Glendale, Glendale, AZ | Digital Evidence Data System | $500,000 | Pastor (AZ) | |
| DOJ | COPS—LE Tech | City of Granville Police Department, Granville, WV | Law Enforcement Technology & Equipment | $50,000 | Mollohan | |
| DOJ | COPS—LE Tech | City of Guadalupe, Guadalupe, CA | Police Department Technology Equipment and Upgrades | $200,000 | Capps | |
| DOJ | COPS—LE Tech | City of Hammond, Hammond, IN | Law Enforcement Equipment | $500,000 | Visclosky | |
| DOJ | COPS—LE Tech | City of Hampton, Hampton, VA | Police Mobile Field Reporting Project | $150,000 | Nye; Scott (VA) | |
| DOJ | COPS—LE Tech | City of Hartford, Hartford, CT | Gunshot Location System | $400,000 | Larson (CT) | Dodd; Lieberman |
| DOJ | COPS—LE Tech | City of Hayward Police Department, Hayward, CA | Emergency Communications Upgrades | $585,000 | Stark | |
| DOJ | COPS—LE Tech | City of Hobart, Hobart, IN | Law Enforcement Equipment | $175,000 | Visclosky | |

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|---|---|---|---|---|---|---|
| DOJ | COPS—LE Tech | City of Holladay, Holladay, UT | Gang Prevention Initiative | $170,000 | Matheson | Bennett |
| DOJ | COPS—LE Tech | City of Hollywood, Hollywood, FL | Law Enforcement Technology | $250,000 | Wasserman Schultz | |
| DOJ | COPS—LE Tech | City of Hot Springs Police Department, Hot Springs, AR | In-Car Video Acquisition | $250,000 | Ross | Pryor; Lincoln |
| DOJ | COPS—LE Tech | City of Indianapolis, Indianapolis, IN | Public Safety, Interrogation, and Crime Scene Investigation Equipment | $200,000 | Carson (IN) | Lugar |
| DOJ | COPS—LE Tech | City of Inglewood, Inglewood, CA | Law Enforcement Technology Upgrades and Infrastructure Improvements | $100,000 | Waters | Boxer |
| DOJ | COPS—LE Tech | City of Jackson Police Department, Jackson, TN | Records Management System Upgrade Project | $365,000 | Tanner | |
| DOJ | COPS—LE Tech | City of Jersey City, Jersey City, NJ | Comprehensive Communication System | $350,000 | Rothman (NJ); Sires | Lautenberg; Menendez |
| DOJ | COPS—LE Tech | City of Kannapolis, Kannapolis, NC | Kannapolis and Concord Regional Radio Upgrade | $150,000 | Kissell; Watt | Burr; Hagan |
| DOJ | COPS—LE Tech | City of Keyser Police Department, Keyser, WV | Law Enforcement Technology & Equipment | $50,000 | Mollohan | |
| DOJ | COPS—LE Tech | City of Las Cruces, Las Cruces, NM | Police Department East Mesa Substation Equipment | $300,000 | Teague | |
| DOJ | COPS—LE Tech | City of Longview, Longview, WA | Regional 911 Dispatch Improvements | $200,000 | Baird | Murray; Cantwell |
| DOJ | COPS—LE Tech | City of Luling Police Department, Luling, TX | Police Technology and Equipment | $50,000 | Doggett | |
| DOJ | COPS—LE Tech | City of Milford, Milford, CT | Public Safety Emergency Communications and Operations System | $500,000 | DeLauro | Dodd; Lieberman |
| DOJ | COPS—LE Tech | City of Monterey Park, Monterey Park, CA | Online Police Reporting System | $35,000 | Schiff | |
| DOJ | COPS—LE Tech | City of Mountain View, Mountain View, CA | Emergency Operations Center Equipment & Technology | $80,000 | Eshoo | |
| DOJ | COPS—LE Tech | City of Mountlake Terrace, Mountlake Terrace, WA | Emergency Services Equipment Project | $300,000 | Inslee | Murray |
| DOJ | COPS—LE Tech | City of Muncie, Muncie, IN | MPD Enhanced Technology Initiative | $200,000 | | Lugar |
| DOJ | COPS—LE Tech | City of Newport, Newport, RI | Newport COPS Technology | $365,000 | Kennedy | Reed; Whitehouse |
| DOJ | COPS—LE Tech | City of Parkersburg Division of Police, Parkersburg, WV | Law Enforcement Technology & Equipment | $100,000 | Mollohan | |
| DOJ | COPS—LE Tech | City of Pasadena, Pasadena, CA | Emergency Operations Center Technology | $350,000 | Schiff | |
| DOJ | COPS—LE Tech | City of Philadelphia, Philadelphia, PA | Crime Prevention Cameras | $250,000 | | Specter; Casey |
| DOJ | COPS—LE Tech | City of Phoenix, Phoenix, AZ | Phoenix Electronic Evidence Collection and Preservation Project | $500,000 | Pastor (AZ); Mitchell | |
| DOJ | COPS—LE Tech | City of Phoenix, Phoenix, AZ | Rapid Criminal Identification Project | $500,000 | Pastor (AZ); Mitchell | |
| DOJ | COPS—LE Tech | City of Pine Bluff Police Department, Pine Bluff, AR | Gun Detection Technology System | $250,000 | | Pryor; Lincoln |
| DOJ | COPS—LE Tech | City of Pittsburgh, Pittsburgh, PA | CrimeWatch Neighborhood Camera Security Systems | $1,000,000 | | Specter; Casey |
| DOJ | COPS—LE Tech | City of Pompano Beach, Pompano Beach, FL | Security Technology for Public Infrastructure | $100,000 | Klein (FL); Deutch | |
| DOJ | COPS—LE Tech | City of Ranson, Ranson, WV | Crime Tracking/Reporting Initiative | $435,000 | | Rockefeller |
| DOJ | COPS—LE Tech | City of Rialto Police Department, Rialto, CA | Police Department Surveillance Cameras | $200,000 | Baca | |
| DOJ | COPS—LE Tech | City of Rivesville Police Department, Rivesville, WV | Law Enforcement Technology & Equipment | $50,000 | Mollohan | |
| DOJ | COPS—LE Tech | City of Riviera Beach, Riviera Beach, FL | Law Enforcement Technology Improvement Project | $250,000 | Hastings (FL); Klein (FL) | |
| DOJ | COPS—LE Tech | City of Rochester, Rochester, NH | Equipment for the Rochester Police Department | $135,000 | | Shaheen |
| DOJ | COPS—LE Tech | City of Rockville, Rockville, MD | Police Technology Upgrade Project | $400,000 | Van Hollen; Edwards (MD) | Cardin |
| DOJ | COPS—LE Tech | City of Saginaw Police Department, Saginaw, MI | Gunshot Location System Acquisition | $500,000 | Kildee | Levin; Stabenow |
| DOJ | COPS—LE Tech | City of Salisbury, Salisbury, MD | Public Safety Communications Equipment | $500,000 | Kratovil | |
| DOJ | COPS—LE Tech | City of San Diego, San Diego, CA | Public Safety Technology Initiative | $200,000 | Davis (CA) | Boxer |
| DOJ | COPS—LE Tech | City of San Gabriel, San Gabriel, CA | Public Safety Video Surveillance in City Parks | $180,000 | Schiff | |
| DOJ | COPS—LE Tech | City of San Jose, San Jose, CA | In-Field Data Management and Identification Technology | $700,000 | Honda; Lofgren, Zoe | Boxer |
| DOJ | COPS—LE Tech | City of San Marcos, San Marcos, TX | Regional Tactical Operations Command Center Equipment | $400,000 | Doggett | |
| DOJ | COPS—LE Tech | City of Shelbyville, Shelbyville, IN | Shelbyville 800 MHz Radio System | $200,000 | | Lugar |
| DOJ | COPS—LE Tech | City of Signal Hill, Signal Hill, CA | Emergency Operations Center Communication System | $400,000 | Richardson | |
| DOJ | COPS—LE Tech | City of Smithville Police Department, Smithville, TX | Police Technology | $50,000 | Doggett | |
| DOJ | COPS—LE Tech | City of South Pasadena, South Pasadena, CA | Interoperable Communications Equipment and Computer Forensic Software | $85,000 | Schiff | |
| DOJ | COPS—LE Tech | City of Sumter Police Department, Sumter, SC | Police Technology Upgrades | $1,000,000 | Spratt; Clyburn | |
| DOJ | COPS—LE Tech | City of Tempe, Tempe, AZ | Public Safety Communications Interoperability | $400,000 | Mitchell | |

## COMMERCE, JUSTICE, SCIENCE—Continued

[Congressionally Directed Spending Items]

| Agency | Account | Recipient | Title | Amount | Requester(s) | |
|---|---|---|---|---|---|---|
| | | | | | House | Senate |
| DOJ | COPS—LE Tech | City of Terra Alta Police Department, Terra Alta, WV | Law Enforcement Technology & Equipment | $50,000 | Mollohan | |
| DOJ | COPS—LE Tech | City of Triadelphia Police Department, Triadelphia, WV | Law Enforcement Technology & Equipment | $50,000 | Mollohan | |
| DOJ | COPS—LE Tech | City of Valparaiso, Valparaiso, IN | Law Enforcement Equipment | $230,000 | Visclosky | |
| DOJ | COPS—LE Tech | City of Warren Police Department, Warren, MI | Law Enforcement Technology Upgrades | $100,000 | Levin | |
| DOJ | COPS—LE Tech | City of Wheeling Police Department, Wheeling, WV | Law Enforcement Technology & Equipment | $100,000 | Mollohan | |
| DOJ | COPS—LE Tech | Clark County, Las Vegas, NV | Justice Information Sharing System | $200,000 | Berkley; Titus | |
| DOJ | COPS—LE Tech | Cobb County Government, Marietta, GA | Cobb County Regional Communications Interoperability Network | $350,000 | Scott (GA) | Chambliss; Isakson |
| DOJ | COPS—LE Tech | Colquitt County Sheriff, Moultrie, GA | In-Car Camera Systems | $45,000 | Marshall | |
| DOJ | COPS—LE Tech | Commerce City, Commerce City, CO | Interoperable Communications Equipment | $400,000 | Perlmutter | Udall, Mark; Bennet |
| DOJ | COPS—LE Tech | Cottonwood Heights Police Department, Cottonwood Heights, UT | Crime Prevention Technology | $150,000 | | Bennett |
| DOJ | COPS—LE Tech | County of Arlington, Arlington, VA | Public Safety Radio Equipment | $200,000 | Moran (VA) | |
| DOJ | COPS—LE Tech | County of Columbus, Whiteville, NC | Emergency Communications System | $400,000 | McIntyre | |
| DOJ | COPS—LE Tech | County of DeKalb, Decatur, GA | Ballistic Identification Laboratory Equipment | $400,000 | Johnson (GA); Scott (GA) | |
| DOJ | COPS—LE Tech | County of Fluvanna, Palmyra, VA | Public Safety Communications System | $350,000 | Perriello | Webb; Warner |
| DOJ | COPS—LE Tech | County of Forrest, Hattiesburg, MS | Southern Regional Law Enforcement Initiative | $630,000 | Taylor | Cochran; Wicker |
| DOJ | COPS—LE Tech | County of Fresno, Fresno, CA | Regional Data Interoperability | $675,000 | Costa | Boxer |
| DOJ | COPS—LE Tech | County of Merced, Merced, CA | Interoperability Project | $165,000 | Cardoza | |
| DOJ | COPS—LE Tech | County of Montgomery, Christiansburg, VA | New River Valley Emergency System | $600,000 | Boucher | |
| DOJ | COPS—LE Tech | County of Nelson, Lovingston, VA | Public Safety Land Mobile Radio and Interoperable Communications System | $200,000 | Perriello | Webb; Warner |
| DOJ | COPS—LE Tech | County of Oakland, Pontiac, MI | Courts and Law Enforcement Management System | $700,000 | Levin | Levin; Stabenow |
| DOJ | COPS—LE Tech | County of Orange, Orlando, FL | Public Safety Radio System Upgrade | $300,000 | Kosmas; Grayson | Nelson, Bill |
| DOJ | COPS—LE Tech | County of Oswego, Oswego, NY | Interoperable Emergency Communications System | $350,000 | Owens | Schumer |
| DOJ | COPS—LE Tech | County of Prince George's, Office of Homeland Security, Largo, MD | Enhancements to Computer Aided Dispatch System | $900,000 | Hoyer; Van Hollen; Edwards (MD) | |
| DOJ | COPS—LE Tech | County of Santa Clara Office of the District Attorney, San Jose, CA | District Attorney Wire Tap Room Project | $1,250,000 | Honda | |
| DOJ | COPS—LE Tech | County of Seminole, Sanford, FL | Radio Communications Upgrade for Law Enforcement | $250,000 | Kosmas | |
| DOJ | COPS—LE Tech | County of Stanislaus, Modesto, CA | Regional Operability for Public Safety Communications | $200,000 | Cardoza | Feinstein |
| DOJ | COPS—LE Tech | County of Yolo, Woodland, CA | Yolo Emergency Communications System Improvements | $1,000,000 | Thompson (CA) | Feinstein; Boxer |
| DOJ | COPS—LE Tech | Coventry Police Department, Coventry, RI | Enhanced Mobile Communications Equipment | $150,000 | Langevin | |
| DOJ | COPS—LE Tech | Cumberland Police Department, Cumberland, RI | Law Enforcement Technology & Equipment | $40,000 | Kennedy | Reed; Whitehouse |
| DOJ | COPS—LE Tech | Dakota County, Hastings, MN | Criminal Justice Integration Information Network Enhancements | $600,000 | McCollum | Klobuchar; Franken |
| DOJ | COPS—LE Tech | Delaware State Police, Dover, DE | In-Car Camera System for Delaware State Police Patrol Cars | $400,000 | | Carper; Kaufman |
| DOJ | COPS—LE Tech | Delaware State Police, Dover, DE | Safety Equipment for Delaware State Police | $550,000 | | Carper; Kaufman |
| DOJ | COPS—LE Tech | Delaware State University, Dover, DE | Campus Video 9-1-1 Project | $400,000 | | Carper; Kaufman |
| DOJ | COPS—LE Tech | Department of Oregon State Police, Salem, OR | Mobile Data Terminal System | $500,000 | | Wyden; Merkley |
| DOJ | COPS—LE Tech | Dixie State College of Utah, St. George, UT | Cybercrime Detection and Computer Support Training | $400,000 | | Bennett |
| DOJ | COPS—LE Tech | Dona Ana County Sheriff's Office, Las Cruces, NM | Countywide Simulcast Radio Initiative | $500,000 | | Udall, Tom |
| DOJ | COPS—LE Tech | East Bay Regional Communications System Authority, Dublin, CA | East Bay Regional Communications System | $1,000,000 | Stark; McNerney | Feinstein; Boxer |
| DOJ | COPS—LE Tech | El Paso County Sheriffs Office, El Paso, TX | Border Crime Enhancements | $250,000 | Rodriguez | Cornyn |
| DOJ | COPS—LE Tech | Fayette County, Uniontown, PA | Public Safety Equipment Upgrade | $400,000 | Critz | Specter; Casey |

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|---|---|---|---|---|---|---|
| DOJ | COPS—LE Tech | Floodwood Police Department, Floodwood, MN | Communication Technology | $30,000 | Oberstar | |
| DOJ | COPS—LE Tech | Floyd County Sheriff, New Albany, IN | Communications Equipment | $500,000 | Hill | |
| DOJ | COPS—LE Tech | Fort Madison Police Department, Fort Madison, IA | Police Equipment | $80,000 | Loebsack | |
| DOJ | COPS—LE Tech | Gallatin County, Bozeman, MT | Mobile Data Improvement Program | $650,000 | | Tester; Baucus |
| DOJ | COPS—LE Tech | Grayson County Sheriff's Office, Independence, VA | Communications Upgrade Project | $300,000 | Boucher | |
| DOJ | COPS—LE Tech | Green Bay Police Department, Green Bay, WI | Green Bay Police Department Mobile Technology | $75,000 | Kagen | Kohl |
| DOJ | COPS—LE Tech | Greenbrier County Commission, Lewisburg, WV | Prevention Resource Officer Program | $170,000 | Rahall | |
| DOJ | COPS—LE Tech | Grimes County Sheriff, Anderson, TX | Law Enforcement Technology | $100,000 | Edwards (TX) | |
| DOJ | COPS—LE Tech | Gwinnett County Police Department, Lawrenceville, GA | Gwinnett County Police Department Technology Improvement | $150,000 | Johnson (GA) | Chambliss |
| DOJ | COPS—LE Tech | Harrisburg Area Community College, Harrisburg, PA | Shumaker Public Safety Center Equipment | $200,000 | Holden | |
| DOJ | COPS—LE Tech | Harrison County Sheriff, Cadiz, OH | Critical Communication Infrastructure Upgrade | $100,000 | Space | |
| DOJ | COPS—LE Tech | Hart County Fiscal Court, Munfordville, KY | Hart County Law Enforcement Technology Upgrades | $40,000 | | McConnell |
| DOJ | COPS—LE Tech | Haywood County, Waynesville, NC | Public Safety Radio Network Upgrade | $400,000 | Shuler | |
| DOJ | COPS—LE Tech | Hennepin County, Minneapolis, MN | Radio Consoles for Sheriff's 911 Dispatch Center | $500,000 | | Klobuchar; Franken |
| DOJ | COPS—LE Tech | Hidalgo County Sheriff's Office, Edinburg, TX | Digital Radio System | $1,500,000 | | Hutchison |
| DOJ | COPS—LE Tech | Idaho State Police, Meridian, ID | Idaho State Police Participation in Criminal Information Sharing Alliance Network | $200,000 | | Crapo; Risch |
| DOJ | COPS—LE Tech | Interagency Communications Interoperability System Joint Powers Authority, Glendale, CA | Interagency Communications Interoperability System | $200,000 | | Feinstein |
| DOJ | COPS—LE Tech | Interoperability Montana—Local Gov. Association, Helena, MT | Big Sky 11 Consortium Public Safety Interoperable Radio System Expansion | $150,000 | | Tester; Baucus |
| DOJ | COPS—LE Tech | Iowa State Patrol, Des Moines, IA | Digital Video Camera/Computer Upgrade | $200,000 | | Harkin; Grassley |
| DOJ | COPS—LE Tech | Iowa State University, Ames, IA | Forensic Science Testing and Evaluation Laboratory | $1,000,000 | | Harkin; Grassley |
| DOJ | COPS—LE Tech | Jasper County Sheriff, Monticello, GA | Replace In-Car Video Cameras | $70,000 | Marshall | |
| DOJ | COPS—LE Tech | Jeanerette City Marshal's Office, Jeanerette, LA | Community Policing | $110,000 | Melancon | |
| DOJ | COPS—LE Tech | Jefferson County Board of Commissioners, Louisville, GA | Emergency Dispatch System Upgrade and Enhancement Project | $250,000 | Barrow | |
| DOJ | COPS—LE Tech | Jefferson County Sheriff's Office, Louisville, KY | Mobile Data Terminal Systems | $375,000 | Yarmuth | |
| DOJ | COPS—LE Tech | Johnson County Emergency Communications Center, Olathe, KS | Computer Aided Dispatch Interoperability System | $200,000 | Moore (KS) | |
| DOJ | COPS—LE Tech | Jones County Sheriff, Gray, GA | In Car Computers | $95,000 | Marshall | |
| DOJ | COPS—LE Tech | Juneau Police Department, Juneau, AK | Technology Upgrades | $500,000 | Young (AK) | |
| DOJ | COPS—LE Tech | Lackawanna County, Scranton, PA | Public Safety Radio System Upgrade | $500,000 | Kanjorski | Specter; Casey |
| DOJ | COPS—LE Tech | Lake County Sheriff's Department, Crown Point, IN | Law Enforcement Equipment | $500,000 | Visclosky | |
| DOJ | COPS—LE Tech | Lansdale Borough Police Department, Lansdale, PA | Radio Communications Interoperability Project | $210,000 | Schwartz | |
| DOJ | COPS—LE Tech | Las Vegas Metropolitan Police Department, Las Vegas, NV | Major Crime Scene Response Vehicle | $700,000 | | Reid |
| DOJ | COPS—LE Tech | Las Vegas Metropolitan Police Department, Las Vegas, NV | Mobile Field Reporting | $300,000 | Berkley; Titus | |
| DOJ | COPS—LE Tech | Laurens County Sheriff, Dublin, GA | Investigative and Record Management Technology | $20,000 | Marshall | |
| DOJ | COPS—LE Tech | Lehigh County, Allentown, PA | Lehigh Valley Regional Crime Center | $400,000 | | Specter; Casey |
| DOJ | COPS—LE Tech | Leominster Police Department, Leominster, MA | Leominster and Chester Computer and Communications Upgrades | $250,000 | Olver | |
| DOJ | COPS—LE Tech | Lexington Police Department, Lexington, MA | Diamond Middle School Security Project | $250,000 | Markey (MA) | |
| DOJ | COPS—LE Tech | Lorain County Sheriff, Elyria, OH | Law Enforcement Digital Radio Project | $300,000 | Sutton | |
| DOJ | COPS—LE Tech | Madison Police Department, Madison, WI | Madison Police Department Communications Upgrade | $400,000 | | Kohl |
| DOJ | COPS—LE Tech | Maine Warden Service, Augusta, ME | Rural Search and Rescue Equipment | $200,000 | Michaud | |
| DOJ | COPS—LE Tech | Marinette County Communication and Dispatch Center, Marinette, WI | Public Safety Communications | $195,000 | Kagen | |
| DOJ | COPS—LE Tech | McAdoo Police Department, McAdoo, PA | Patrol Equipment | $100,000 | Holden | |
| DOJ | COPS—LE Tech | McHenry County, Woodstock, IL | Law Enforcement Technology | $100,000 | Bean | |
| DOJ | COPS—LE Tech | Medina County Sheriffs Office, Hondo, TX | Mobile Data Systems | $150,000 | Rodriguez | |

## COMMERCE, JUSTICE, SCIENCE—Continued

**[Congressionally Directed Spending Items]**

| Agency | Account | Recipient | Title | Amount | Requester(s) | |
|---|---|---|---|---|---|---|
| | | | | | House | Senate |
| DOJ | COPS—LE Tech | Michigan State Police, East Lansing, MI | Equipment & Technology | $250,000 | Stupak | |
| DOJ | COPS—LE Tech | Millcreek Township Police Department, Erie, PA | Mobile Data Terminals | $100,000 | Dahlkemper | |
| DOJ | COPS—LE Tech | Milton Township, Lake Milton, OH | Technology and Equipment Upgrade | $75,000 | Wilson (OH) | |
| DOJ | COPS—LE Tech | Milwaukee Police Department, Milwaukee, WI | Milwaukee Police Department In-Squad Cameras | $100,000 | | Kohl |
| DOJ | COPS—LE Tech | Mission Police Department, Mission, TX | Law Enforcement Equipment for Pharr, Palmview and Mission Police Departments | $200,000 | Cuellar | |
| DOJ | COPS—LE Tech | Monroe County Sheriff's Department, Clarendon, AR | Law Enforcement Technology & Equipment | $90,000 | Berry | |
| DOJ | COPS—LE Tech | Morrisville Borough, Morrisville, PA | Police Communications | $155,000 | Murphy, Patrick | |
| DOJ | COPS—LE Tech | Mount Kisco Police Department, Mount Kisco, NY | Police Communications Center Equipment & Infrastructure | $120,000 | Hall (NY) | |
| DOJ | COPS—LE Tech | Municipality of Guaynabo, Guaynabo, PR | Surveillance System | $250,000 | Pierluisi | |
| DOJ | COPS—LE Tech | Navajo County Sheriff Office, Holbrook, AZ | Mobile Data Terminals | $150,000 | Kirkpatrick (AZ) | |
| DOJ | COPS—LE Tech | Nevada Department of Public Safety, Carson City, NV | Nevada Statewide Computer Aided Dispatch Project | $250,000 | Berkley; Titus | Reid; Ensign |
| DOJ | COPS—LE Tech | New York State Sheriff's Association, Albany, NY | Law Enforcement Visual Intelligence Technology | $200,000 | Owens | |
| DOJ | COPS—LE Tech | Newton County Sheriff, Covington, GA | In Car Computers | $40,000 | Marshall | |
| DOJ | COPS—LE Tech | North Central Wisconsin Regional Planning Commission, Wausau, WI | North Central Wisconsin Communications System | $150,000 | | Kohl |
| DOJ | COPS—LE Tech | North Central Wisconsin Regional Planning Commission, Wausau, WI | North East Wisconsin Public Safety Communication (NEWCOM) Regional Radio System Narrowbanding | $500,000 | Obey | |
| DOJ | COPS—LE Tech | North Texas Interoperable Communications Coalition, Euless, TX | North Texas Interoperable Communications Regional System Upgrade | $250,000 | | Cornyn |
| DOJ | COPS—LE Tech | Office of the Mineral County Sheriff, Keyser, WV | Law Enforcement Technology & Equipment | $50,000 | Mollohan | |
| DOJ | COPS—LE Tech | Oglala Sioux Tribe, Pine Ridge, SD | Emergency Response Upgrades | $800,000 | | Johnson |
| DOJ | COPS—LE Tech | Oklahoma Department of Public Safety, Oklahoma City, OK | Statewide Public Safety Communications System | $500,000 | | Inhofe |
| DOJ | COPS—LE Tech | Oklahoma District Attorneys Council, Oklahoma City, OK | District Attorneys Security and Technology Project | $600,000 | | Inhofe |
| DOJ | COPS—LE Tech | Olive Branch Police Department, Olive Branch, MS | Enhanced Response Initiative | $270,000 | Childers | |
| DOJ | COPS—LE Tech | Onondaga County, Syracuse, NY | Interoperable Emergency Communications | $350,000 | Maffei | |
| DOJ | COPS—LE Tech | Orange County District Attorney, Santa Ana, CA | Advanced Technology for Cold Case Investigations | $300,000 | Sanchez, Loretta | |
| DOJ | COPS—LE Tech | Pacifica Police Department, Pacifica, CA | Police Dispatch Consolidation—North San Mateo County | $300,000 | Speier | |
| DOJ | COPS—LE Tech | Passaic County Sheriff's Department, Wayne, NJ | Passaic Valley Water Commission's Security Upgrade Initiative | $400,000 | Rothman (NJ); Pascrell | Lautenberg; Menendez |
| DOJ | COPS—LE Tech | Pendleton County Commission, Franklin, WV | Emergency Radio Communications | $1,500,000 | | Rockefeller |
| DOJ | COPS—LE Tech | Philander Smith College, Little Rock, AR | Technology/Security Infrastructure Upgrade | $250,000 | | Pryor; Lincoln |
| DOJ | COPS—LE Tech | Pierce County Sheriff's Office, Tacoma, WA | Pierce County First Responders Radio System Infrastructure Project | $1,250,000 | Dicks; Smith (WA) | Murray; Cantwell |
| DOJ | COPS—LE Tech | Pima County Sheriff's Department, Tucson, AZ | PCWIN Countywide Public Safety Emergency Communications System | $200,000 | Pastor (AZ); Giffords | |
| DOJ | COPS—LE Tech | Prince George's County, Upper Marlboro, MD | Management Accountability Meeting (CompStat) | $500,000 | | Cardin |
| DOJ | COPS—LE Tech | Providence Department of Public Safety, Providence, RI | Law Enforcement Technology & Equipment | $1,200,000 | Kennedy; Langevin | Reed; Whitehouse |
| DOJ | COPS—LE Tech | Red Bank Police Department, Red Bank, NJ | Red Bank Police Department Communication Center | $100,000 | | Lautenberg; Menendez |
| DOJ | COPS—LE Tech | Roane County Government, Kingston, TN | Emergency Dispatch Radio Upgrades | $200,000 | Davis (TN) | |
| DOJ | COPS—LE Tech | Rochester Police Department, Rochester, NH | Law Enforcement Technology | $200,000 | Shea-Porter | |
| DOJ | COPS—LE Tech | Rockdale County Sheriffs Office, Conyers, GA | Law Enforcement Mobile Data Network | $150,000 | Johnson (GA) | Chambliss; Isakson |
| DOJ | COPS—LE Tech | Rockland County Office of Fire & Emergency Services, Pomona, NY | Public Safety Interoperable Communications Network | $250,000 | Lowey; Hall (NY) | Gillibrand |
| DOJ | COPS—LE Tech | Rogers County Sheriff's Office, Claremore, OK | Mobile Deputy | $100,000 | Boren | Inhofe |
| DOJ | COPS—LE Tech | Rosebud Sioux Tribe, Rosebud, SD | Rosebud Sioux Tribe Emergency Dispatching System | $200,000 | | Johnson; Thune |
| DOJ | COPS—LE Tech | Rusk County Sheriff's Department, Ladysmith, WI | Law Enforcement Visual Intelligence | $1,000,000 | Obey | |

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|---|---|---|---|---|---|---|
| DOJ | COPS—LE Tech | San Antonio Police Department, San Antonio, TX | Police Technology Improvements | $250,000 | Rodriguez | |
| DOJ | COPS—LE Tech | San Pablo Police Department, San Pablo, CA | Gunshot Location System | $400,000 | Miller, George | |
| DOJ | COPS—LE Tech | Seguin Police Department, Seguin, TX | Law Enforcement Equipment for Shertz, Cibolo, Seguin, Marion Police Departments | $200,000 | Cuellar | |
| DOJ | COPS—LE Tech | Snohomish County Sheriff's Office, Everett, WA | Automated Field Reporting Infrastructure Improvement Project | $200,000 | Larsen (WA); Inslee | Murray; Cantwell |
| DOJ | COPS—LE Tech | Snohomish Regional Drug Task Force, Everett, WA | Multi-State Drug Trafficking Prevention Program | $300,000 | Larsen (WA) | |
| DOJ | COPS—LE Tech | Somerset County, Skowhegan, ME | Communications Equipment Upgrade | $350,000 | Michaud | Collins, Snowe |
| DOJ | COPS—LE Tech | South Burlington Police Department, South Burlington, VT | Police Facility Technology Enhancement | $250,000 | Welch | |
| DOJ | COPS—LE Tech | South Carolina Judicial Department, Columbia, SC | South Carolina Courts Statewide Electronic Filing Initiative | $200,000 | | Graham |
| DOJ | COPS—LE Tech | SouthCom Emergency Dispatch, Matteson, IL | SouthCom VoIP Private Branch Exchange Upgrades | $225,000 | Jackson (IL) | |
| DOJ | COPS—LE Tech | Southeast Connecticut Police Communications Group, Stonington, CT | Regional Police Radio Study | $120,000 | Courtney | Dodd; Lieberman |
| DOJ | COPS—LE Tech | Southwick Police Department, Southwick, MA | Emergency Agencies Enhanced Communications System | $200,000 | Olver | |
| DOJ | COPS—LE Tech | St. Louis County, Duluth, MN | St. Louis County Public Safety Interoperability for Law Enforcement | $500,000 | | Klobuchar; Franken |
| DOJ | COPS—LE Tech | St. Martin Parish Sheriff, St. Martinville, LA | CIT Program | $190,000 | Melancon | Vitter |
| DOJ | COPS—LE Tech | Stark Council of Governments, Canton, OH | Radio Purchasing and Reprogramming Project | $400,000 | Boccieri | |
| DOJ | COPS—LE Tech | Suffolk County Sheriff, Riverhead, NY | Mobile Data Terminals | $100,000 | Bishop (NY) | |
| DOJ | COPS—LE Tech | Sullivan County Commission, Sullivan, IN | Emergency Response System Upgrades | $400,000 | Ellsworth | Lugar |
| DOJ | COPS—LE Tech | Susquehanna County 911, Montrose, PA | Public Safety Radio System | $550,000 | Carney | Casey |
| DOJ | COPS—LE Tech | Switzerland County Emergency Management, Vevay, IN | Emergency Management Equipment | $100,000 | Hill | |
| DOJ | COPS—LE Tech | Texarkana Police Department, Texarkana, AR | Alternate Emergency Operations Center | $500,000 | | Pryor; Lincoln |
| DOJ | COPS—LE Tech | Texas State Technical College Waco, Waco, TX | Security Enhancements | $350,000 | Edwards (TX) | |
| DOJ | COPS—LE Tech | Town of Carolina Beach, Carolina Beach, NC | Communications Enhancements | $135,000 | McIntyre | |
| DOJ | COPS—LE Tech | Town of Davie, Davie, FL | Law Enforcement Technology | $500,000 | Wasserman Schultz; Klein (FL) | |
| DOJ | COPS—LE Tech | Town of Enfield, Enfield, CT | Radio Communications Improvement Project | $750,000 | Courtney | Dodd; Lieberman |
| DOJ | COPS—LE Tech | Town of Greenburgh, White Plains, NY | Police Department Communications Equipment | $60,000 | Lowey | |
| DOJ | COPS—LE Tech | Town of Hammonton, Hammonton, NJ | Police Equipment Upgrades | $200,000 | | Lautenberg; Menendez |
| DOJ | COPS—LE Tech | Town of Kouts, Kouts, IN | Law Enforcement Equipment | $45,000 | Visclosky | |
| DOJ | COPS—LE Tech | Town of Mamaroneck, Mamaroneck, NY | Police Department Equipment | $100,000 | Lowey | |
| DOJ | COPS—LE Tech | Town of North Andover, North Andover, MA | Police Communications Equipment Upgrades | $200,000 | Tierney | |
| DOJ | COPS—LE Tech | Town of Pelham, Pelham, NY | Police Department Equipment | $50,000 | Lowey | |
| DOJ | COPS—LE Tech | Town of Porter, Porter, IN | Law Enforcement Equipment | $230,000 | Visclosky | |
| DOJ | COPS—LE Tech | Town of Stratford, Stratford, CT | Police Department Computer Aided Dispatch and Record Management Systems Upgrade | $500,000 | DeLauro | Dodd; Lieberman |
| DOJ | COPS—LE Tech | Town of Trumbull, Trumbull, CT | Regional Communications Center for Trumbull, Monroe and Easton | $300,000 | Himes | Dodd; Lieberman |
| DOJ | COPS—LE Tech | Township of Maplewood, Maplewood, NJ | Maplewood Law Enforcement Project | $300,000 | | Lautenberg; Menendez |
| DOJ | COPS—LE Tech | Township of Saddle Brook, Saddle Brook, NJ | Communications Equipment and Community Alerting System | $150,000 | Rothman (NJ) | |
| DOJ | COPS—LE Tech | Township of Teaneck Police Department, Teaneck, NJ | Technology Upgrades for Police Cars | $200,000 | Rothman (NJ) | |
| DOJ | COPS—LE Tech | Township of Weehawken, Weehawken, NJ | Law Enforcement Project | $100,000 | Sires | |
| DOJ | COPS—LE Tech | Trumbull County, Warren, OH | Northeast Ohio Regional Integrated Justice Information System | $500,000 | Ryan (OH) | |
| DOJ | COPS—LE Tech | Union City, Union City, NJ | Union City Law Enforcement Project | $400,000 | Sires | Lautenberg; Menendez |
| DOJ | COPS—LE Tech | University of Arkansas at Monticello, Monticello, AR | Emergency Communications System | $500,000 | Ross | Pryor; Lincoln |
| DOJ | COPS—LE Tech | University of Texas at El Paso, El Paso, TX | Law Enforcement Intelligence Analysis | $800,000 | Reyes | |
| DOJ | COPS—LE Tech | Upper Peninsula 15 County Consortium, Marquette, MI | Upper Peninsula 15 County Consortium Interoperable Communications | $750,000 | | Levin; Stabenow |
| DOJ | COPS—LE Tech | Utah County Major Crimes Task Force, Orem, UT | Utah Law Enforcement Technology Improvement Initiative | $915,000 | | Bennett |
| DOJ | COPS—LE Tech | Valencia County Sheriff, Los Lunas, NM | Community Safety Equipment | $300,000 | Teague; Heinrich | |

## COMMERCE, JUSTICE, SCIENCE—Continued

[Congressionally Directed Spending Items]

| Agency | Account | Recipient | Title | Amount | Requester(s) | |
|---|---|---|---|---|---|---|
| | | | | | House | Senate |
| DOJ | COPS—LE Tech | Vermont Association of Chiefs of Police, South Burlington, VT | Equipment Support for Local Police Departments | $100,000 | | Sanders |
| DOJ | COPS—LE Tech | Vermont Department of Public Safety, Waterbury, VT | Mobile Data Project | $500,000 | | Leahy |
| DOJ | COPS—LE Tech | Vermont Department of States Attorneys and Sheriffs, Montpelier, VT | Equipment Support for Sheriffs' Departments | $100,000 | | Sanders |
| DOJ | COPS—LE Tech | Vermont State Police, Waterbury, VT | Mobile Video Project | $100,000 | | Sanders |
| DOJ | COPS—LE Tech | Vienna Police Department, Vienna, VA | Digital In-car Camera Project | $95,000 | Connolly (VA) | |
| DOJ | COPS—LE Tech | Village of Brookfield Police Department, Brookfield, IL | Law Enforcement Equipment / Technology Upgrades | $65,000 | Lipinski | |
| DOJ | COPS—LE Tech | Village of Dobbs Ferry, Dobbs Ferry, NY | Police Department Portable Radios | $50,000 | Lowey | |
| DOJ | COPS—LE Tech | Village of Homewood, Homewood, IL | Surveillance Cameras | $350,000 | Jackson (IL) | |
| DOJ | COPS—LE Tech | Village of Larchmont, Larchmont, NY | Police Department Equipment | $50,000 | Lowey | |
| DOJ | COPS—LE Tech | Village of Lincolnwood, Lincolnwood, IL | Community Policing | $75,000 | Schakowsky | |
| DOJ | COPS—LE Tech | Village of Ossining, Ossining, NY | Police Department Equipment | $60,000 | Lowey | |
| DOJ | COPS—LE Tech | Village of Pelham Manor, Pelham Manor, NY | Police Department Equipment | $60,000 | Lowey | |
| DOJ | COPS—LE Tech | Village of Rye Brook, Rye Brook, NY | Police Department Equipment | $50,000 | Lowey | |
| DOJ | COPS—LE Tech | Village of South Holland, South Holland, IL | Emergency Warning System | $90,000 | Jackson (IL) | |
| DOJ | COPS—LE Tech | Village of Wilmette, Wilmette, IL | 911 Dispatch Center Upgrades | $250,000 | Schakowsky | |
| DOJ | COPS—LE Tech | Vineland Police Department, Vineland, NJ | Gun Detection Technology System | $375,000 | | Lautenberg; Menendez |
| DOJ | COPS—LE Tech | Virgin Islands Police Department, St. Croix, VI | Modernization of Surveillance Camera System | $500,000 | Christensen | |
| DOJ | COPS—LE Tech | Warminster Township Police Department, Warminster, PA | Police Radio Upgrades | $510,000 | Murphy, Patrick | |
| DOJ | COPS—LE Tech | Warrick County, Boonville, IN | Warrick County Interoperable Communications | $200,000 | | Lugar |
| DOJ | COPS—LE Tech | Washoe County Sheriff's Office, Reno, NV | Police Equipment | $425,000 | | Reid |
| DOJ | COPS—LE Tech | Wayne County Prosecutor's Office, Detroit, MI | Go Green Technology & Equipment | $350,000 | Conyers; Dingell | Levin; Stabenow |
| DOJ | COPS—LE Tech | Wichita Police Department, Wichita, KS | In-Car Cameras for Police Vehicles | $600,000 | | Roberts |
| DOJ | COPS—LE Tech | Will County, Joliet, IL | Will County Sheriff's Department | $250,000 | | Durbin |
| DOJ | COPS—LE Tech | Yavapai County Sheriff, Prescott, AZ | Radio Communication Standardization | $400,000 | Kirkpatrick (AZ) | |
| DOJ | COPS—LE Tech | Yonkers Police Department, Yonkers, NY | Police Department Equipment and Training | $425,000 | Lowey | |
| DOJ | OJP—Byrne | 14th Judicial District, District Attorney's Office, Manchester, TN | Drug and Violent Crime Task Force | $300,000 | Davis (TN) | Alexander |
| DOJ | OJP—Byrne | 14th Judicial District, Durham, NC | New Life Job Court | $200,000 | Price (NC) | |
| DOJ | OJP—Byrne | 9th Judicial District, Koochiching County, International Falls, MN | DUI/Substance Abuse Court | $250,000 | Oberstar | |
| DOJ | OJP—Byrne | A Better LA, Los Angeles, CA | Crime Reduction Program | $200,000 | Waters | |
| DOJ | OJP—Byrne | A Child Is Missing, Inc, Ft. Lauderdale, FL | A Child is Missing Expansion | $150,000 | Norton | |
| DOJ | OJP—Byrne | Above The Rim Inc., Newark, NJ | Coach/Mentor Program | $260,000 | Payne | Lautenberg; Menendez |
| DOJ | OJP—Byrne | Acadiana Criminalistics Laboratory, New Iberia, LA | Forensic Laboratory Equipment | $275,000 | | Vitter |
| DOJ | OJP—Byrne | ACCESS, Dearborn, MI | Youth and Family Services Center | $1,000,000 | | Levin; Stabenow |
| DOJ | OJP—Byrne | Advanced Science and Technology Adjudication Resource Center, Inc., Washington, DC | Initiative to Deploy Judges Trained in Forensic Science and Technology Law | $500,000 | | Mikulski |
| DOJ | OJP—Byrne | Alabama Department of Forensics, Montgomery, AL | Forensic Equipment, Support and Capacity Enhancement | $3,000,000 | | Shelby |
| DOJ | OJP—Byrne | Alabama Department of Public Safety, Montgomery, AL | Operation Swordphish Project | $3,000,000 | | Shelby; Sessions |
| DOJ | OJP—Byrne | Alabama District Attorneys Association, Montgomery, AL | Computer Forensic, Victim Restitution, and Drug Prevention Initiatives | $4,300,000 | | Shelby |
| DOJ | OJP—Byrne | Alamo Area Rape Crisis Center (dba The Rape Crisis Center), San Antonio, TX | Comprehensive Services for Sexual Assault Survivors | $400,000 | Gonzalez | |
| DOJ | OJP—Byrne | Aliviane, Inc., El Paso, TX | Border Institute of Excellence | $400,000 | Reyes; Rodriguez | |

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|---|---|---|---|---|---|---|
| DOJ | OJP—Byrne | Allegheny County, Pittsburgh, PA | Mobile Crime Scene Unit | $500,000 | | Specter |
| DOJ | OJP—Byrne | Arkansas State Police, Little Rock, AR | Police Body Armor Acquisition | $300,000 | | Pryor, Lincoln |
| DOJ | OJP—Byrne | Atlantic County Sheriff's Office, Mays Landing, NJ | Atlantic County Law Enforcement Street Crimes Task Force | $250,000 | | Lautenberg; Menendez |
| DOJ | OJP—Byrne | Autauga County Sheriff's Department, Prattville, AL | Law Enforcement Visual Intelligence Technology Upgrades | $400,000 | Bright | |
| DOJ | OJP—Byrne | Baltimore City Mayor's Office Of Employment Development, Baltimore, MD | Re-Entry Center at the Northwest One-Stop Career Center | $500,000 | | Cardin |
| DOJ | OJP—Byrne | Baltimore City Police Department, Baltimore, MD | Crime Laboratory Improvements | $1,500,000 | Ruppersberger | Mikulski |
| DOJ | OJP—Byrne | Baltimore City Police Department, Baltimore, MD | Gun Violence Reduction Initiative | $1,000,000 | Ruppersberger | Mikulski |
| DOJ | OJP—Byrne | Belmont County Sheriff, St. Clairsville, OH | Communications Dispatch | $85,000 | Wilson (OH) | |
| DOJ | OJP—Byrne | Bergen Community College, Paramus, NJ | Center for Suburban Criminal Justice | $100,000 | Rothman (NJ) | Lautenberg; Menendez |
| DOJ | OJP—Byrne | Blackstone Valley River Rescue Committee, Cumberland, RI | River Rescue Equipment | $50,000 | Kennedy | |
| DOJ | OJP—Byrne | Bolivar County Board of Supervisors, Cleveland, MS | Sheriff Department Response Improvement and Upgrade Project | $100,000 | | Cochran; Wicker |
| DOJ | OJP—Byrne | Bonner County, Sandpoint, ID | Idaho Cooperative Agencies' Wireless Interoperable Network | $200,000 | | Crapo; Risch |
| DOJ | OJP—Byrne | Border Area Mental Health Services, Inc., Silver City, NM | Jail Diversion Project | $200,000 | | Bingaman; Udall, Tom |
| DOJ | OJP—Byrne | Boyd Law School, Las Vegas, NV | Kids' Court School | $300,000 | | Reid |
| DOJ | OJP—Byrne | Buckeye Ranch, Inc., Grove City, OH | Visitation and Exchange Program | $300,000 | Kilroy | |
| DOJ | OJP—Byrne | Bucks County Community College, Newtown, PA | Public Safety Training Center | $985,000 | Murphy, Patrick | |
| DOJ | OJP—Byrne | Caddo Parish District Attorney, Shreveport, LA | Northwest Louisiana Sexual Predator Task Force | $250,000 | | Vitter |
| DOJ | OJP—Byrne | California State Department of Justice, Bureau of Narcotics Enforcement, Sacramento, CA | California Department of Justice Digital Forensic Evidence Laboratories | $500,000 | | Feinstein |
| DOJ | OJP—Byrne | California State Department of Justice, Sacramento, CA | Cold Hit Outcome Project | $750,000 | Schiff | |
| DOJ | OJP—Byrne | California State Department of Justice, Sacramento, CA | Gang Suppression Enforcement Program in Santa Clara | $350,000 | Honda | |
| DOJ | OJP—Byrne | Camden County Sheriff's Office, Camden, NJ | Situation Awareness Tools for Crime Response | $225,000 | Andrews | |
| DOJ | OJP—Byrne | Canton Police Department, Canton, OH | Gang Intervention and Drug Enforcement Task Force | $150,000 | Boccieri | |
| DOJ | OJP—Byrne | Cape Girardeau County Sheriff's Office, Cape Girardeau, MO | Missouri Sheriff's Methamphetamine Relief Team | $1,700,000 | | Bond |
| DOJ | OJP—Byrne | CARE Law Program, Carson City, NV | Retired and Senior Volunteer Program | $100,000 | | Reid |
| DOJ | OJP—Byrne | Carson City, Carson City, NV | Courthouse and Juvenile Facilities Security Upgrades | $300,000 | | Reid |
| DOJ | OJP—Byrne | CASA de Maryland, Inc., Langley Park, MD | Langley Park Community-Based Crime Prevention Initiative | $750,000 | Van Hollen | Mikulski; Cardin |
| DOJ | OJP—Byrne | Cedar City Police Department/Safety Solutions Coalition, Cedar City, UT | Prescription Drug and Over the Counter Drug Abuse Strategic Education and Empowerment Project | $300,000 | | Bennett |
| DOJ | OJP—Byrne | Center for Court Innovation, New York, NY | Tompkins County Drug Courts Enhancement Project | $100,000 | Arcuri; Hinchey | |
| DOJ | OJP—Byrne | Center for Women Policy Studies, Washington, DC | National Institute on State Policy on Trafficking of Women and Girls | $500,000 | Pastor (AZ); Woolsey | Cantwell |
| DOJ | OJP—Byrne | Center Point, Inc., San Rafael, CA | Rehabilitation and Social Support Services | $300,000 | Woolsey | |
| DOJ | OJP—Byrne | Charlotte-Mecklenburg Police Department, Charlotte, NC | Gang of One & Police Activities League—Youth Initiative | $400,000 | Watt; Kissell | Burr; Hagan |
| DOJ | OJP—Byrne | Cheyenne River Sioux Tribe, Eagle Butte, SD | Justice System | $1,000,000 | | Johnson; Thune |
| DOJ | OJP—Byrne | Cheyenne River Sioux Tribe, Eagle Butte, SD | Tribal Law Enforcement | $400,000 | Herseth Sandlin | |
| DOJ | OJP—Byrne | Children's Hospital of the King's Daughters, Norfolk, VA | Comprehensive Child Abuse Treatment Services | $400,000 | Nye; Scott (VA) | Webb; Warner |
| DOJ | OJP—Byrne | CHRIS Kids, Atlanta, GA | Transitionz for Youth | $300,000 | Lewis (GA) | |
| DOJ | OJP—Byrne | Chrysalis Changing Lives Through Jobs, Los Angeles, CA | Ex-Offender and Homeless Job Training Initiative | $300,000 | Roybal-Allard | |
| DOJ | OJP—Byrne | Citizens for New York City, New York, NY | Community Crime Stoppers | $250,000 | Crowley | |
| DOJ | OJP—Byrne | City and County of San Francisco, Department on the Status of Women, San Francisco, CA | San Francisco Human Trafficking Prosecution and Victim Support Project | $750,000 | Pelosi | |
| DOJ | OJP—Byrne | City of Atlanta Police Department, Atlanta, GA | Atlanta Safety Partnerships and Community Policing | $200,000 | Lewis (GA) | |
| DOJ | OJP—Byrne | City of Boulder, Boulder, NV | Regional Law Enforcement Training Facility | $500,000 | | Reid |
| DOJ | OJP—Byrne | City of Denton, Denton, TX | Regional Public Safety Training Facility Technology & Equipment | $300,000 | | Hutchison; Cornyn |
| DOJ | OJP—Byrne | City of Denver, Denver, CO | Gang Suppression | $500,000 | | Udall, Mark; Bennet |
| DOJ | OJP—Byrne | City of Detroit, Detroit, MI | Project Safe Haven | $400,000 | Kilpatrick (MI); Conyers | Levin; Stabenow |

## COMMERCE, JUSTICE, SCIENCE—Continued

[Congressionally Directed Spending Items]

| Agency | Account | Recipient | Title | Amount | Requester(s) | |
|---|---|---|---|---|---|---|
| | | | | | House | Senate |
| DOJ | OJP—Byrne | City of Eagan, Eagan, MN | Public Safety Center Equipment | $100,000 | | Klobuchar |
| DOJ | OJP—Byrne | City of Eagle Pass, Eagle Pass, TX | Police Technology Enhancements | $500,000 | Rodriguez | |
| DOJ | OJP—Byrne | City of East Providence, East Providence, RI | Public Safety Mobile Data Terminals | $200,000 | Kennedy | Reed; Whitehouse |
| DOJ | OJP—Byrne | City of Glendale, Glendale, CA | Foothill Regional Forensic DNA LAB | $1,000,000 | Schiff | |
| DOJ | OJP—Byrne | City of Great Falls, Great Falls, MT | Police Department Emergency Equipment Replacement | $100,000 | | Tester; Baucus |
| DOJ | OJP—Byrne | City of Greenville, Greenville, NC | Pitt County Regional Family Justice Center | $200,000 | Butterfield | Hagan |
| DOJ | OJP—Byrne | City of Henderson, Henderson, NV | Regional Public Safety Training Facility | $600,000 | Titus | Reid |
| DOJ | OJP—Byrne | City of High Point, High Point, NC | Domestic Violence Initiative | $200,000 | | Hagan |
| DOJ | OJP—Byrne | City of High Point, High Point, NC | Job Training and Placement Services for Offenders and Ex-Offenders | $200,000 | Watt | |
| DOJ | OJP—Byrne | City of Houston, Houston, TX | Forensic DNA Backlog Reduction | $250,000 | Jackson Lee (TX); Green, Al; Green, Gene | |
| DOJ | OJP—Byrne | City of Jacksonville, Jacksonville, FL | Jacksonville Journey Anti-Violence Initiative | $250,000 | Brown, Corrine | |
| DOJ | OJP—Byrne | City of Laredo, Laredo, TX | Laredo Police Safe Borders Initiative | $1,200,000 | | Hutchison |
| DOJ | OJP—Byrne | City of Madison Police Department, Madison, WI | Crime Prevention Program | $200,000 | Baldwin | |
| DOJ | OJP—Byrne | City of Manchester, Manchester, NH | Equipment for the Manchester Police Department | $300,000 | | Shaheen |
| DOJ | OJP—Byrne | City of Monroe Police Department, Monroe, LA | Chemical, Biological, Radiological, Nuclear, and Explosive (CBRNE) Incident Response Vehicle | $125,000 | | Vitter |
| DOJ | OJP—Byrne | City of Morgantown Police Department, Morgantown, WV | Equipment and Technology Integration | $250,000 | Mollohan | |
| DOJ | OJP—Byrne | City of Nacogdoches, Nacogdoches, TX | Firearms/Use-of-Force Training Facilities Initiative | $100,000 | | Cornyn |
| DOJ | OJP—Byrne | City of New Haven, New Haven, CT | Northeast Regional Law Enforcement Training | $300,000 | DeLauro | Dodd; Lieberman |
| DOJ | OJP—Byrne | City of Newton, Newton, MA | Communications Tower | $300,000 | Frank (MA) | Cornyn; Kerry |
| DOJ | OJP—Byrne | City of Pascagoula, Pascagoula, MS | City of Pascagoula Police Department Document Imaging System | $100,000 | | Cochran; Wicker |
| DOJ | OJP—Byrne | City of Peoria, Peoria, IL | Drug Intervention Program | $100,000 | | Durbin |
| DOJ | OJP—Byrne | City of Philadelphia, Philadelphia, PA | Philadelphia Youth Violence Reduction Partnership | $1,000,000 | Fattah | Specter; Casey |
| DOJ | OJP—Byrne | City of Providence, Providence, RI | Predictive Policing Initiative | $500,000 | Kennedy | Reed; Whitehouse |
| DOJ | OJP—Byrne | City of Racine, Racine, WI | Racine Gang Crime Diversion Program | $150,000 | | Kohl |
| DOJ | OJP—Byrne | City of Stockton, Stockton, CA | Operation Peacekeeper Gang Outreach Program | $100,000 | McNerney; Cardoza | |
| DOJ | OJP—Byrne | City of Taylorsville, Taylorsville, UT | Police Technology | $250,000 | | Bennett |
| DOJ | OJP—Byrne | City of Torrance, Torrance, CA | South Bay Regional Forensic DNA Lab | $200,000 | Harman | |
| DOJ | OJP—Byrne | City of Tucson, Tucson, AZ | Drug Trafficking Suppression Initiative | $450,000 | Giffords | |
| DOJ | OJP—Byrne | City of Vicksburg, Vicksburg, MS | Vicksburg Police Technology Upgrades | $100,000 | | Cochran; Wicker |
| DOJ | OJP—Byrne | City of Warwick, Warwick, RI | Warwick Police Vehicles | $300,000 | | Reed |
| DOJ | OJP—Byrne | City of Waukegan, Waukegan, IL | Waukegan Police Department | $450,000 | | Durbin |
| DOJ | OJP—Byrne | City of West Covina, West Covina, CA | Police Emergency Response System | $200,000 | Chu | |
| DOJ | OJP—Byrne | City of Yonkers, Yonkers, NY | WAVE drug sweep | $525,000 | Engel | Schumer; Gillibrand |
| DOJ | OJP—Byrne | City University of New York-York College, Jamaica, NY | Science, Engineering, Mathematics, and Aerospace Academy | $350,000 | Meeks (NY) | |
| DOJ | OJP—Byrne | Clackamas County, Oregon City, OR | Clackamas County Interagency Poly-Drug Enforcement and Treatment Initiative | $400,000 | Blumenauer; Schrader | Wyden; Merkley |
| DOJ | OJP—Byrne | Claflin University, Orangeburg, SC | Claflin Certified Forensics Laboratory | $1,720,000 | Clyburn | Graham |
| DOJ | OJP—Byrne | Claiborne County Sheriff, Port Gibson, MS | Law Enforcement Programs | $200,000 | Thompson (MS) | |
| DOJ | OJP—Byrne | Clay County Sheriff's Office, Green Cove Springs, FL | Law Enforcement Improvement Initiatives | $300,000 | Brown, Corrine | |
| DOJ | OJP—Byrne | Commonwealth of the Northern Mariana Islands—The Judiciary, Saipan, MP | Personnel, Systems Upgrade & Training | $400,000 | Sablan | |

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| DOJ | OJP—Byrne | Communities in Schools of the San Fernando Valley and Greater Los Angeles, North Hills, CA | Fighting Gang Violence through Female Empowerment | $400,000 | Berman | |
| DOJ | OJP—Byrne | Communities In Schools, Lewisburg, WV | At-Risk Youth Dropout Prevention Program | $3,000,000 | | Rockefeller |
| DOJ | OJP—Byrne | Community Legal Services of Mid-Florida, Orlando, FL | Free Legal Services for Victims of Crime and Abuse | $200,000 | Grayson | |
| DOJ | OJP—Byrne | Connecticut Commission on Child Protection, Hartford, CT | KidsVoice At-Risk Children Services | $350,000 | Courtney; DeLauro | Dodd; Lieberman |
| DOJ | OJP—Byrne | Connecticut State University System, Hartford, CT | Family Justice Center | $300,000 | | Dodd; Lieberman |
| DOJ | OJP—Byrne | County of Armstrong, Kittanning, PA | Public Safety Radio Network Upgrade | $450,000 | Dahlkemper; Critz | Casey; Specter |
| DOJ | OJP—Byrne | County of Los Angeles Sheriff's Department, Monterey Park, CA | Rape Kit Backlog Reduction Program | $725,000 | Schiff | |
| DOJ | OJP—Byrne | County of Mercer, Trenton, NJ | County-Wide Public Safety Radio Communications Project | $300,000 | Holt | Lautenberg; Menendez |
| DOJ | OJP—Byrne | County of Monterey, Salinas, CA | Street and Anti-Gang Project | $500,000 | Farr | Feinstein; Boxer |
| DOJ | OJP—Byrne | County of Multnomah District Attorney, Portland, OR | Financial and Elder Abuse Prosecution Project | $200,000 | Wu; Blumenauer | Wyden; Merkley |
| DOJ | OJP—Byrne | County of San Diego, San Diego, CA | Criminal Justice Information Technology Infrastructure Compatibility Project | $300,000 | Davis (CA) | |
| DOJ | OJP—Byrne | County of Santa Clara, Office of the Sheriff, San Jose, CA | Law Enforcement Training Initiative | $500,000 | Lofgren, Zoe | |
| DOJ | OJP—Byrne | County of Suffolk District Attorney, Hauppauge, NY | Prosecute Gangs Transporting and Selling Illegal Firearms | $200,000 | Bishop (NY) | |
| DOJ | OJP—Byrne | County of Ventura Sheriffs Department, Ventura, CA | Sexual Assault Felony Enforcement (SAFE) Team Task Force | $500,000 | Capps | Boxer |
| DOJ | OJP—Byrne | County of Washington, Hillsboro, OR | Reentry Mentors | $200,000 | Wu | Wyden; Merkley |
| DOJ | OJP—Byrne | Criminal Justice Institute, Little Rock, AR | Arkansas Illicit Drug Initiative | $800,000 | | Pryor; Lincoln |
| DOJ | OJP—Byrne | Criminal Justice Institute, Little Rock, AR | Rural Executive Management Institute | $900,000 | Berry; Snyder | Pryor; Lincoln |
| DOJ | OJP—Byrne | Crystal Judson Family Justice Center, Tacoma, WA | Domestic Violence Response Project | $750,000 | Dicks; Smith (WA) | Murray; Cantwell |
| DOJ | OJP—Byrne | Cuyahoga County Board of County Commissioners, Cleveland, OH | Prisoner Re-entry Program | $300,000 | Fudge; Kucinich; Sutton | Voinovich; Brown, Sherrod |
| DOJ | OJP—Byrne | Daviess County Fiscal Court, Owensboro, KY | Daviess County Detention Center Security Upgrades | $200,000 | | Bunning |
| DOJ | OJP—Byrne | Dawson County Sheriff's Office, Glendive, MT | Law Enforcement Equipment Upgrades | $150,000 | | Tester; Baucus |
| DOJ | OJP—Byrne | Disability Rights Vermont, Inc., Montpelier, VT | Vermont Communications Support Project | $100,000 | | Sanders |
| DOJ | OJP—Byrne | Diverse and Resilient, Inc., Milwaukee, WI | Intimate Partner Violence Response Program | $200,000 | Baldwin | |
| DOJ | OJP—Byrne | Domestic Abuse Project of Delaware County, Inc., Media, PA | Emergency Shelter Program for Domestic Violence Victims | $75,000 | Sestak | |
| DOJ | OJP—Byrne | Downriver Community Conference, Southgate, MI | Downriver Mutual Aid System Preparedness V | $750,000 | | Levin; Stabenow |
| DOJ | OJP—Byrne | DuPage County, Wheaton, IL | DuPage County Department of Probation & Court Services | $150,000 | | Durbin |
| DOJ | OJP—Byrne | EAC, Inc., Brooklyn, NY | Treatment Alternatives for Safer Communities | $300,000 | Clarke | |
| DOJ | OJP—Byrne | East Bay Community Law Center, Berkeley, CA | Clean Slate Clinic for Community Re-entry & Reintegration | $250,000 | Lee (CA) | |
| DOJ | OJP—Byrne | East Brunswick Township, East Brunswick, NJ | Communications Upgrade | $300,000 | Holt | |
| DOJ | OJP—Byrne | East Central University, Ada, OK | Campus Safety and Security Enhancement Program | $300,000 | | Inhofe |
| DOJ | OJP—Byrne | East Stroudsburg University, East Stroudsburg, PA | Cyber Crime and Forensics Institute | $300,000 | Kanjorski | |
| DOJ | OJP—Byrne | Eau Claire County, Eau Claire, WI | Achieving Employment for Eau Claire County Treatment Court Participants | $75,000 | | Kohl |
| DOJ | OJP—Byrne | Employment Opportunity & Training Center of Northeastern Pennsylvania, Scranton, PA | Lackawanna County Women's Transition Program | $200,000 | Kanjorski | Casey |
| DOJ | OJP—Byrne | England Police Department, England, AR | Crime Prevention Activities | $150,000 | Berry | |
| DOJ | OJP—Byrne | Family Service League, Inc., Huntington, NY | Fresh Start: A Gang Prevention Program | $500,000 | | Schumer; Gillibrand |
| DOJ | OJP—Byrne | Father's Day Rally Committee, Inc., Philadelphia, PA | Project Life Line II | $500,000 | Fattah | |
| DOJ | OJP—Byrne | Fayette County Commonwealth, Lexington, KY | Domestic Violence Prevention Monitoring System | $875,000 | Chandler | |
| DOJ | OJP—Byrne | Fighting Back Partnership, Vallejo, CA | Solano County Parolee Re-Entry Program | $300,000 | Miller, George | |
| DOJ | OJP—Byrne | First Step, Plymouth, MI | Wayne County Sexual Assault Nurse Examiner Program | $600,000 | Dingell | |
| DOJ | OJP—Byrne | Frankford Special Services District, Philadelphia, PA | Frankford Safety Ambassador Program | $200,000 | Brady (PA) | |
| DOJ | OJP—Byrne | Franklin County Sheriff, Greenfield, MA | TRIAD Senior Citizen Safety Program | $145,000 | Olver | |
| DOJ | OJP—Byrne | Fulton County, Atlanta, GA | Highway Narcotics Interdiction Team | $200,000 | | Chambliss |
| DOJ | OJP—Byrne | George County Regional Correctional Facility, Lucedale, MS | Facility Equipment Upgrade | $100,000 | | Cochran |

## COMMERCE, JUSTICE, SCIENCE—Continued

[Congressionally Directed Spending Items]

| Agency | Account | Recipient | Title | Amount | Requester(s) | |
|---|---|---|---|---|---|---|
| | | | | | House | Senate |
| DOJ | OJP—Byrne | Glenville State College, Glenville, WV | Anti-Recidivism Prisoner Education Program | $650,000 | Mollohan | |
| DOJ | OJP—Byrne | Glenville State College, Glenville, WV | Electronic Crimes Education and Training Program | $800,000 | Mollohan | |
| DOJ | OJP—Byrne | Grambling State University, Grambling, LA | Creating Honorable Opportunities that Involve Community, Education, and Service (CHOICES) | $200,000 | | Landrieu |
| DOJ | OJP—Byrne | Hamilton County, Chattanooga, TN | Hamilton County Regional Law Enforcement Center | $600,000 | | Alexander |
| DOJ | OJP—Byrne | Harbor House of Central Florida, Orlando, FL | Harbor House Domestic Violence Assistance Program | $350,000 | Grayson | |
| DOJ | OJP—Byrne | Harris County Sheriff's Office, Houston, TX | Contract Aviation For Law Enforcement | $200,000 | Green, Al | |
| DOJ | OJP—Byrne | Heartland Family Service, Inc., Council Bluffs, IA | Residential Methamphetamine Treatment in Southwestern Iowa Program | $600,000 | | Harkin; Grassley |
| DOJ | OJP—Byrne | Helena Police Department, Helena, MT | Law Enforcement Equipment | $250,000 | | Tester; Baucus |
| DOJ | OJP—Byrne | Helena Regional Airport Authority, Helena, MT | Rocky Mountain Emergency Services Training Facility | $300,000 | | Baucus |
| DOJ | OJP—Byrne | Hidalgo County Sheriff, Edinburg, TX | Radio Communication Project | $100,000 | | Cornyn |
| DOJ | OJP—Byrne | Holmes County Commissioners, Millersburg, OH | Communications Towers for Public Safety | $450,000 | Space | |
| DOJ | OJP—Byrne | Holmes County Sheriff Department, Lexington, MS | Law Enforcement Programs | $200,000 | Thompson (MS) | |
| DOJ | OJP—Byrne | Homestretch, Falls Church, VA | Homelessness and Domestic Violence Programs | $600,000 | Moran (VA) | |
| DOJ | OJP—Byrne | Honolulu Police Department, Honolulu, HI | Asia-Pacific Economic Cooperation (APEC) | $5,000,000 | | Inouye; Akaka |
| DOJ | OJP—Byrne | Hope Center, Inc., Houston, TX | Project David | $300,000 | Jackson Lee (TX) | |
| DOJ | OJP—Byrne | Howard County Government, Ellicott City, MD | Howard County Family Justice Center | $900,000 | Cummings; Sarbanes | Mikulski; Cardin |
| DOJ | OJP—Byrne | Hurley Medical Center, Flint, MI | Sexual Assault Assistance -- Forensic Nurse Examiner Program | $625,000 | Kildee | |
| DOJ | OJP—Byrne | Idaho Department of Correction, Boise, ID | NCOMS Medical and Mental Health Sharing Software Development | $200,000 | | Crapo; Risch |
| DOJ | OJP—Byrne | Idaho State Police, Meridian, ID | Western Regional Microanalysis/Trace Analysis Forensic Laboratory | $200,000 | | Crapo; Risch |
| DOJ | OJP—Byrne | Independent Development Enterprise Alliance, Portland, OR | Project Clean Slate | $450,000 | | Wyden; Merkley |
| DOJ | OJP—Byrne | Institute for the Study and Practice of Nonviolence, Providence, RI | Nonviolence Streetworkers | $300,000 | Kennedy; Langevin | Reed; Whitehouse |
| DOJ | OJP—Byrne | Iowa Central Community College, Fort Dodge, IA | Iowa Central Law Enforcement Training Center | $200,000 | | Harkin; Grassley |
| DOJ | OJP—Byrne | Iowa Legal Aid, Des Moines, IA | Health and Law Project | $400,000 | | Harkin |
| DOJ | OJP—Byrne | Iowa State University, Ames, IA | ISEAGE: Internet-Scale Event and Attack Generation Environment | $200,000 | | Harkin; Grassley |
| DOJ | OJP—Byrne | Jackson State University, Jackson, MS | National Center for Biodefense Communications (NCBC) | $1,000,000 | | Cochran; Wicker |
| DOJ | OJP—Byrne | Jacksonville State University, Jacksonville, AL | Cybersecurity Training Project | $200,000 | | Sessions |
| DOJ | OJP—Byrne | Jefferson County Sheriff, Fayette, MS | Law Enforcement Programs | $200,000 | Thompson (MS) | |
| DOJ | OJP—Byrne | Jefferson County Sheriff's Office, Oskaloosa, KS | Northeast Kansas Regional AFIS | $600,000 | | Brownback; Roberts |
| DOJ | OJP—Byrne | Jefferson Parish Sheriff's Office, Harvey, LA | Cops and Clergy | $350,000 | Cao | |
| DOJ | OJP—Byrne | Johnson County Board of Commissioners, Wrightsville, GA | Law Enforcement Equipment | $200,000 | Barrow | |
| DOJ | OJP—Byrne | Johnson County Sheriff, Cleburne, TX | Stop the Offender Program | $200,000 | Edwards (TX) | |
| DOJ | OJP—Byrne | Juneau Police Department, Juneau, AK | Law Enforcement Training | $100,000 | Young (AK) | |
| DOJ | OJP—Byrne | Kane County Sheriff's Office, St. Charles, IL | Special Victims Unit | $200,000 | Foster | |
| DOJ | OJP—Byrne | Kansas City Police Department, Kansas City, MO | Gun Shot Location Technology System | $300,000 | Cleaver | |
| DOJ | OJP—Byrne | Kansas Regional Community Policing Institute at Wichita State University, Wichita, KS | Research and Development, and Training | $290,000 | | Brownback; Roberts |
| DOJ | OJP—Byrne | Kauai and Hawaii Counties Police Departments, Lihue and Hilo, HI | Law Enforcement Personnel and Technology | $3,200,000 | | Inouye |
| DOJ | OJP—Byrne | King County Sheriff's Office, Seattle, WA | King County Sheriff's Office Gang Intervention Initiative | $400,000 | | Murray; Cantwell |
| DOJ | OJP—Byrne | Laraway Youth and Family Services, Inc., Johnson, VT | Youth Services Program | $200,000 | | Leahy |
| DOJ | OJP—Byrne | Lawrence County Sheriff's Office, Monticello, MS | Technology Upgrade | $100,000 | | Cochran |

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| DOJ | OJP—Byrne | Lincoln/Lancaster County Child Advocacy Center, Inc., Lincoln, NE | Program to Help to Child Victims of Abuse | $250,000 | | Nelson, Ben |
| DOJ | OJP—Byrne | Local Initiatives Support Corporation, New York, NY | Community Safety Initiative | $200,000 | Conyers; Langevin; Oberstar | Cochran |
| DOJ | OJP—Byrne | Los Angeles Police Department, Los Angeles, CA | Rape Kit Backlog Elimination Program | $725,000 | Schiff | |
| DOJ | OJP—Byrne | Lower Brule Sioux Tribe, Lower Brule, SD | Court Services Project | $200,000 | | Thune |
| DOJ | OJP—Byrne | Lower Makefield Township Police Department, Yardley, PA | Bucks County Security Threat Group | $500,000 | Murphy, Patrick | |
| DOJ | OJP—Byrne | Luzerne County Commissioners, Wilkes-Barre, PA | Reentry Program | $500,000 | Kanjorski | |
| DOJ | OJP—Byrne | Macomb County Prosecutor's Office, Mt. Clemens, MI | Law Enforcement and Court Paperless Technology Program | $400,000 | Levin | |
| DOJ | OJP—Byrne | Major Cities Chiefs of Police Association, Salt Lake City, UT | National Crime Map Expansion | $300,000 | | Bennett |
| DOJ | OJP—Byrne | Makah Tribe, Neah Bay, WA | Neah Bay Public Safety Corrections Facility | $110,000 | Dicks | Murray |
| DOJ | OJP—Byrne | Marion County, Salem, OR | Student Opportunities Achieve Results | $400,000 | Schrader | Wyden; Merkley |
| DOJ | OJP—Byrne | Marshall County Family Resource Network, Moundsville, WV | Sanford Center At-Risk Youth Program | $100,000 | Mollohan | |
| DOJ | OJP—Byrne | Marshall University, Huntington, WV | Computer Forensics Initiative | $785,000 | | Rockefeller |
| DOJ | OJP—Byrne | Marshall University, Huntington, WV | Forensics Science Center DNA Laboratory | $4,325,000 | | Rockefeller |
| DOJ | OJP—Byrne | Maryland Crime Victims Resource Center, Upper Marlboro, MD | Legal Services for Victims of Crime | $500,000 | | Mikulski; Cardin |
| DOJ | OJP—Byrne | Maryland Department of Labor, Licensing and Regulation, Baltimore, MD | Mortgage Fraud Enforcement Teams | $500,000 | Cummings; Edwards (MD); Ruppersberger; Van Hollen | Mikulski; Cardin |
| DOJ | OJP—Byrne | Maryland Department of State Police, Annapolis, MD | Gang Elimination Task Force | $1,000,000 | Ruppersberger | |
| DOJ | OJP—Byrne | Massachusetts Office for Victim Assistance, Boston, MA | Sexual Assault Nurse Examiner Program | $700,000 | McGovern | Kerry |
| DOJ | OJP—Byrne | Maui Economic Opportunity, Wailuku, HI | Being Empowered and Safe Together Reintegration Program | $750,000 | Hirono | Akaka |
| DOJ | OJP—Byrne | McLean County, Bloomington, IL | McLean County Court Services | $250,000 | Halvorson | Durbin |
| DOJ | OJP—Byrne | Melrose Alliance Against Violence, Melrose, MA | Breaking the Cycle of Domestic Violence Through Community Collaboration | $85,000 | Markey (MA) | |
| DOJ | OJP—Byrne | Methodist University, Fayetteville, NC | Cyber Security Education and Training Program | $250,000 | Etheridge; Kissell; McIntyre | Burr; Hagan |
| DOJ | OJP—Byrne | Metropolitan Crime Commission, New Orleans, LA | Support, Personnel and Equipment | $500,000 | | Vitter |
| DOJ | OJP—Byrne | Metropolitan Organization to Counter Sexual Assault, Kansas City, MO | Meeting the Expanding Demand for Sexual Violence Services in the Greater Kansas City Area: MOCSA's Responsibility and Response | $400,000 | Cleaver; Moore (KS) | Bond |
| DOJ | OJP—Byrne | Middle Tennessee State University, Murfreesboro, TN | Forensic Investigations | $660,000 | Gordon (TN) | |
| DOJ | OJP—Byrne | Middlesex Community College, Lowell, MA | Regional Crime Analysis Resource Center | $800,000 | Markey (MA); Tierney; Tsongas | Kerry |
| DOJ | OJP—Byrne | Middlesex Sheriff's Office, Medford, MA | Facility Security Improvement Project | $90,000 | Markey (MA) | |
| DOJ | OJP—Byrne | Milwaukee Safe & Sound, Milwaukee, WI | Project Enhancements | $500,000 | | Kohl |
| DOJ | OJP—Byrne | Mississippi Center for Police & Sheriffs, Raymond, MS | Domestic Violence Prevention & Prosecution | $235,000 | | Cochran; Wicker |
| DOJ | OJP—Byrne | Mississippi State University, Department of Computer Science and Engineering, Starkville, MS | Law Enforcement Intelligence Gathering and Analysis | $1,000,000 | | Cochran; Wicker |
| DOJ | OJP—Byrne | Mississippi State University, Starkville, MS | Cyber Crime Initiative and National Consortium for Digital Forensics Training | $1,565,000 | | Cochran; Wicker |
| DOJ | OJP—Byrne | Missoula YWCA, Missoula, MT | Battered Women and Children's Shelter | $750,000 | | Tester; Baucus |
| DOJ | OJP—Byrne | Monroe County Department of Public Safety, Rochester, NY | Sex Offender GPS Surveillance Program | $300,000 | | Schumer; Gillibrand |
| DOJ | OJP—Byrne | Monroe County Prosecutor, Monroe, MI | Paperless Records Management System and Automated Workflow | $250,000 | Dingell | |
| DOJ | OJP—Byrne | Montana State University—Billings, Billings, MT | Academic and Workforce Development Program at the Montana Women's Prison | $350,000 | | Tester; Baucus |
| DOJ | OJP—Byrne | Montana Supreme Court, Helena, MT | Montana Drug Courts | $300,000 | | Tester; Baucus |
| DOJ | OJP—Byrne | Montgomery County Department of Correction and Rehabilitation, Rockville, MD | Offender Employment Project | $200,000 | Van Hollen | Cardin |
| DOJ | OJP—Byrne | Montrose County, Montrose, CO | Justice Center Equipment Upgrades | $200,000 | | Udall, Mark; Bennet |
| DOJ | OJP—Byrne | Mothers In Charge, Philadelphia, PA | Peer Care Support 16 | $95,000 | Brady (PA) | |
| DOJ | OJP—Byrne | Municipality of Anchorage, Anchorage, AK | Domestic Violence Prevention Project | $350,000 | | Murkowski; Begich |
| DOJ | OJP—Byrne | Municipality of Anchorage, Anchorage, AK | Sexual Assault Forensic Nursing Services | $400,000 | | Murkowski; Begich |
| DOJ | OJP—Byrne | Nashville Drug Court, Nashville, TN | Drug Court Recidivism Prevention and Rehabilitation Programs | $500,000 | | Alexander |
| DOJ | OJP—Byrne | Nassau County Police Department, Mineola, NY | Operation Street Sweeper Program | $500,000 | McCarthy (NY) | Schumer |

## COMMERCE, JUSTICE, SCIENCE—Continued

[Congressionally Directed Spending Items]

| Agency | Account | Recipient | Title | Amount | Requester(s) | |
|---|---|---|---|---|---|---|
| | | | | | House | Senate |
| DOJ | OJP—Byrne | National Council of Juvenile and Family Court Judges, Reno, NV | Child Abuse Training for Judicial Personnel and Practitioners | $350,000 | Conyers; Honda; Kanjorski; Lofgren, Zoe | Reid; Ensign; Specter; Bennett; Landrieu; Brown, Sherrod |
| DOJ | OJP—Byrne | National Council of Juvenile and Family Court Judges, Reno, NV | Judicial Training, Research, and Technical Assistance Project | $150,000 | Berkley; Conyers; Fattah; Honda; Kanjorski; Lofgren, Zoe; Pastor (AZ); Reyes; Ruppersberger | Reid; Ensign; Landrieu; Bennett; Brown, Sherrod |
| DOJ | OJP—Byrne | National Crime Victim Law Institute, Portland, OR | Crime Victims' Rights Enforcement Project in Oregon | $400,000 | | Wyden; Merkley |
| DOJ | OJP—Byrne | National Crime Victim Law Institute, Portland, OR | Legal Advocacy for Crime Victims (Nationwide) | $2,500,000 | | Feinstein; Bennett |
| DOJ | OJP—Byrne | National District Attorneys Association (NDAA), Alexandria, VA | State and Local Prosecutor Training Program | $500,000 | Spratt; Bishop (GA); Holt; Kratovil; Rothman (NJ); Ruppersberger | Graham; Alexander; Hagan; Kerry; Landrieu; Lincoln; Pryor |
| DOJ | OJP—Byrne | National Judicial College, Reno, NV | Judicial Education and Scholarships for Judges | $500,000 | | Reid; Ensign |
| DOJ | OJP—Byrne | Native American Law Enforcement Summit, Minneapolis, MN | Indian Crime Awareness Research and Evaluation | $375,000 | | Franken |
| DOJ | OJP—Byrne | New Castle County Police Department, New Castle, DE | New Castle County Police Department Technology Improvements | $150,000 | | Carper; Kaufman |
| DOJ | OJP—Byrne | New Directions for Youth, Inc., North Hollywood, CA | Community Technology Center | $100,000 | Sherman | |
| DOJ | OJP—Byrne | New Jersey Association of School Resource Officers, Fort Lee, NJ | SPEAK UP Hotline Outreach and Public Education | $250,000 | Rothman (NJ) | Lautenberg; Menendez |
| DOJ | OJP—Byrne | New Jersey Institute of Technology, Newark, NJ | User-Authenticating Personalized Weapon | $350,000 | Pascrell; Payne | Lautenberg; Menendez |
| DOJ | OJP—Byrne | New Mexico Administrative Office of the Courts, Santa Fe, NM | Drug Court Program | $250,000 | | Bingaman; Udall, Tom |
| DOJ | OJP—Byrne | New Mexico Coalition for Sexual Assault Programs, Albuquerque, NM | Evaluation and Plan for the Legal Needs of Sexual Assault Victims | $150,000 | Heinrich | |
| DOJ | OJP—Byrne | New Mexico Corrections Department, Santa Fe, NM | Prisoner Reentry Initiative | $250,000 | | Bingaman; Udall, Tom |
| DOJ | OJP—Byrne | New Mexico Department of Public Safety, Santa Fe, NM | Auto Theft Task Force | $650,000 | | Bingaman |
| DOJ | OJP—Byrne | New Mexico Sheriff and Police Athletic League, Albuquerque, NM | Anti-Gang and Mentorship Program | $200,000 | Lujan | Bingaman; Udall, Tom |
| DOJ | OJP—Byrne | New Orleans Crime Coalition, New Orleans, LA | Violent Crime Reduction Initiative | $1,000,000 | Cao | Landrieu; Vitter |
| DOJ | OJP—Byrne | New York City Outward Bound, Bronx, NY | Building Strong Minds & Strong Bodies for At-Risk Youth | $100,000 | | Gillibrand |
| DOJ | OJP—Byrne | Newberry College, Newberry, SC | Forensics Chemistry Program Technology and Equipment | $500,000 | Spratt | Graham |
| DOJ | OJP—Byrne | Newburgh City Police, Newburgh, NY | Patrol Operations Upgrade | $75,000 | Hinchey | |
| DOJ | OJP—Byrne | North Carolina Coalition to Prevent Domestic Violence, Durham, NC | Improving Responses to Domestic Violence | $320,000 | Price (NC) | |
| DOJ | OJP—Byrne | North Carolina Sheriffs' Association, Inc., Raleigh, NC | Sheriffs Training and Technical Assistance | $500,000 | Butterfield; Kissell; Miller (NC); Watt | Hagan |
| DOJ | OJP—Byrne | North Lawndale Employment Network, Chicago, IL | U-Turn Permitted | $250,000 | Davis (IL) | |
| DOJ | OJP—Byrne | Northern Virginia Gang Task Force, Leesburg, VA | Pursuit and Prevention of Gang-Related Crimes | $1,000,000 | Connolly (VA) | Webb; Warner |
| DOJ | OJP—Byrne | Northwest Family Services, Inc., Alva, OK | Outreach Prevention and Community | $100,000 | | Inhofe |
| DOJ | OJP—Byrne | Nye County, Pahrump, NV | Jail Security Enhancements | $600,000 | | Reid |
| DOJ | OJP—Byrne | Oakhurst Outreach, White Sulphur Springs, WV | Transitional Living | $350,000 | | Rockefeller |
| DOJ | OJP—Byrne | Office of the Attorney General of Virginia, Richmond, VA | Virginia Triad Crime Prevention for Senior Citizens | $100,000 | | Webb; Warner |
| DOJ | OJP—Byrne | Office of the Attorney General, Topeka, KS | DNA Database Advancements | $300,000 | Moore (KS) | |
| DOJ | OJP—Byrne | Office of the Queens County District Attorney, Kew Gardens, NY | Combating Financial Exploitation of the Elderly | $250,000 | | Schumer |
| DOJ | OJP—Byrne | Oglala Sioux Tribe, Pine Ridge, SD | Department of Public Safety | $1,000,000 | Herseth Sandlin | Johnson |
| DOJ | OJP—Byrne | Ohio Attorney General, Columbus, OH | BCI&I Computer Crimes Unit—Technology Expansion to Combat Serious Crimes | $350,000 | Driehaus; Kilroy | Brown, Sherrod |
| DOJ | OJP—Byrne | Ohio Attorney General, Columbus, OH | Fugitive Safe Surrender | $500,000 | Driehaus; Kucinich | Brown, Sherrod |
| DOJ | OJP—Byrne | Ohio-West Virginia YMCA, Parsons, WV | Institute for IDEAS | $200,000 | Mollohan | |
| DOJ | OJP—Byrne | Oklahoma State Bureau of Investigation, Oklahoma City, OK | Oklahoma Participation in the Criminal Information Sharing Alliance Network | $300,000 | | Inhofe |
| DOJ | OJP—Byrne | Oklahoma State University—Center for Health Sciences, Tulsa, OK | Forensic Science Equipment | $500,000 | | Inhofe |

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| DOJ | OJP—Byrne | Oregon Department of Justice, Criminal Justice Division, Salem, OR | Child Pornography Investigation and Prosecution Team | $1,000,000 | | Wyden; Merkley |
| DOJ | OJP—Byrne | Partnership of African American Churches, Institute, WV | Empowering Communities | $300,000 | | Rockefeller |
| DOJ | OJP—Byrne | Partnership of Community Resources, Minden, NV | Western Nevada Coalition for Substance Abuse Prevention | $500,000 | | Reid |
| DOJ | OJP—Byrne | Passage Home, Inc., Raleigh, NC | Greening Our Community with Jobs and Affordable Housing | $550,000 | Etheridge | |
| DOJ | OJP—Byrne | Peach County Family Connection, IAC., Inc., Fort Valley, GA | Community Empowerment and Services Program | $75,000 | Bishop (GA) | |
| DOJ | OJP—Byrne | Pegasus Research Foundation, Little Rock, AR | Nationwide Pegasus Program | $200,000 | Snyder | Cochran; Wicker; Pryor; Lincoln |
| DOJ | OJP—Byrne | Pemberton Township, Pemberton, NJ | Youth Against Gang Program | $200,000 | | Lautenberg; Menendez |
| DOJ | OJP—Byrne | Pennsylvania Coalition Against Rape, Enola, PA | HERO Project Media Campaign | $250,000 | | Casey |
| DOJ | OJP—Byrne | Pennyrile Narcotics Task Force, Hopkinsville, KY | Law Enforcement Equipment and Training | $250,000 | | McConnell; Bunning |
| DOJ | OJP—Byrne | Philadelphia District Attorney's Office, Philadelphia, PA | District Attorney's Response Team | $200,000 | Brady (PA) | Specter |
| DOJ | OJP—Byrne | Phoenix Academy of Dallas, Dallas, TX | Adolescent Drug Prevention and Treatment For Area Youth | $250,000 | Johnson, Eddie Bernice | Cornyn |
| DOJ | OJP—Byrne | Phoenix House, Austin, TX | Adolescent Substance Abuse Treatment and Recovery Services for Williamson County Youth | $750,000 | | Hutchison |
| DOJ | OJP—Byrne | Phoenix House, Santa Fe Springs, CA | Drug Treatment for Women | $300,000 | Napolitano | |
| DOJ | OJP—Byrne | Phoenix House, Springfield, MA | Clinical Management System Enhancement | $500,000 | Neal | |
| DOJ | OJP—Byrne | Phoenix House, Springfield, MA | Drug Treatment Enhancement Initiative for Western Massachusetts | $700,000 | | Kerry |
| DOJ | OJP—Byrne | Polk County, Des Moines, IA | Jail Diversion Program | $150,000 | Boswell | Harkin; Grassley |
| DOJ | OJP—Byrne | Potter County, Roulette, PA | Community Re-entry Project | $100,000 | | Specter; Casey |
| DOJ | OJP—Byrne | Ramsey County Attorney, St. Paul, MN | Runaway Intervention Project | $200,000 | McCollum | Klobuchar; Franken |
| DOJ | OJP—Byrne | Ramsey County Community Corrections, St. Paul, MN | Young Adult Offender Transitions Project | $200,000 | | Franken |
| DOJ | OJP—Byrne | Rape, Abuse, & Incest National Network, Washington, DC | Hotline Services Expansion | $450,000 | Norton; Cleaver; Conyers; Costa; Grijalva; Maloney; Moran (VA); Payne; Rothman (NJ); Ruppersberger; Sutton; Wasserman Schultz | Pryor; Bond; Dodd; Kerry; Lieberman; Boxer; Lincoln; Menendez; Hagan; Kaufman; Gillibrand |
| DOJ | OJP—Byrne | Resurrection Health Care, Chicago, IL | Psychiatric Services Expansion | $200,000 | | Burris |
| DOJ | OJP—Byrne | Rhode Island Commission on Prejudice and Bias, Providence, RI | Hate Crimes/Civil Rights Training and Education: Law Enforcement and Our Schools | $50,000 | | Whitehouse |
| DOJ | OJP—Byrne | Rhode Island Family Court, Providence, RI | Family Treatment Drug Court | $350,000 | | Reed; Whitehouse |
| DOJ | OJP—Byrne | Richmond County District Attorney, Staten Island, NY | Criminal Enforcement Support Team | $90,000 | McMahon | |
| DOJ | OJP—Byrne | RiverStone Health, Billings, MT | Community Crisis Center Operations | $500,000 | | Tester; Baucus |
| DOJ | OJP—Byrne | Rockland Family Shelter, Inc., New City, NY | Domestic Violence Law Project | $125,000 | Engel | |
| DOJ | OJP—Byrne | Rocky Mountain Supercomputing Centers, Inc., Butte, MT | Simulation and Visualization Technology Upgrades | $1,500,000 | | Tester; Baucus |
| DOJ | OJP—Byrne | Roger Williams University, Bristol, RI | Center for Forensics, Applied Networking and Security | $680,000 | Kennedy | |
| DOJ | OJP—Byrne | Roosevelt PAL, Roosevelt, NY | Before and After School Program | $175,000 | McCarthy (NY) | |
| DOJ | OJP—Byrne | Rose Brooks Center, Kansas City, MO | Outreach Therapy Program | $400,000 | Cleaver | Bond |
| DOJ | OJP—Byrne | Rosebud Sioux Tribe, Rosebud, SD | Justice System | $1,000,000 | Herseth Sandlin | Johnson |
| DOJ | OJP—Byrne | Roseland CeaseFire Project Inc., Chicago, IL | Violence Prevention Programs | $500,000 | | Burris |
| DOJ | OJP—Byrne | S.H.A.R.E., Inc., Fort Morgan, CO | Morgan County Domestic Violence Program | $300,000 | Markey (CO) | |
| DOJ | OJP—Byrne | Sacramento County Sheriff's Department, Sacramento, CA | School Resource Officer Program | $200,000 | Matsui | |
| DOJ | OJP—Byrne | Safe Streets Campaign, Tacoma, WA | Pierce County Regional Gang Prevention Initiative | $1,000,000 | Dicks; Smith (WA) | Murray; Cantwell |
| DOJ | OJP—Byrne | Sam Houston State University, Huntsville, TX | Regional Crime Lab | $2,750,000 | | Hutchison; Cornyn |
| DOJ | OJP—Byrne | San Diego Second Chance Program, San Diego, CA | Prisoner Reentry Employment Program | $900,000 | Filner | |
| DOJ | OJP—Byrne | San Diego Superior Court, San Diego, CA | San Diego Superior Court Case Management System | $1,000,000 | | Feinstein |
| DOJ | OJP—Byrne | San Francisco District Attorney's Office, San Francisco, CA | San Francisco Bay Area Environmental Justice Law Enforcement Project | $200,000 | Pelosi | |
| DOJ | OJP—Byrne | Sandoval County, Bernalillo, NM | Restorative Justice Program | $150,000 | | Bingaman; Udall, Tom |
| DOJ | OJP—Byrne | Santa Clara University, Santa Clara, CA | Training Law Enforcement and Service Providers to Work Effectively with Victims of Trauma | $350,000 | Honda | |

## COMMERCE, JUSTICE, SCIENCE—Continued

[Congressionally Directed Spending Items]

| Agency | Account | Recipient | Title | Amount | Requester(s) | |
|---|---|---|---|---|---|---|
| | | | | | House | Senate |
| DOJ | OJP—Byrne | Schenectady County District Attorney, Schenectady, NY | Upstate NY Law Enforcement/Forensic Science Integration Project | $400,000 | Murphy (NY); Tonko | Schumer |
| DOJ | OJP—Byrne | Schuylkill Women in Crisis, Pottsville, PA | Maintaining Effectiveness of Collaborative Community Response to Domestic Violence | $100,000 | Holden | |
| DOJ | OJP—Byrne | Sheriff's Office of Cook County, Chicago, IL | Reentry Program at Cook County Jail | $350,000 | Davis (IL); Gutierrez; Quigley; Rush | Durbin |
| DOJ | OJP—Byrne | Simon Wiesenthal Center, New York, NY | Tools for Tolerance | $1,000,000 | | Schumer; Boxer; Gillibrand |
| DOJ | OJP—Byrne | Sojourner Family Peace Center, Milwaukee, WI | Milwaukee Family Justice Center | $150,000 | | Kohl |
| DOJ | OJP—Byrne | Sonoma County Water Agency, Santa Rosa, CA | Youth Ecology Corps | $250,000 | Woolsey; Thompson (CA) | |
| DOJ | OJP—Byrne | South Brunswick Police Department, Monmouth Junction, NJ | 911 Trunkline Replacement | $200,000 | Holt | Lautenberg; Menendez |
| DOJ | OJP—Byrne | South Royalton Legal Clinic, S Royalton, VT | Legal Assistance Program for the Underserved | $100,000 | | Sanders |
| DOJ | OJP—Byrne | Southern Illinois University, Carbondale, IL | Veterans Legal Assistance Program | $250,000 | | Durbin |
| DOJ | OJP—Byrne | Southern Methodist University, Dallas, TX | Effective Strategies for Protecting Women from Sexual Coercion and Assault | $1,000,000 | | Hutchison |
| DOJ | OJP—Byrne | Spokane County Sheriff's Office, Spokane, WA | Regional First Responders | $500,000 | | Murray; Cantwell |
| DOJ | OJP—Byrne | St. Joseph's University, Philadelphia, PA | Institute for Violence Research and Prevention | $750,000 | Brady (PA) | Specter |
| DOJ | OJP—Byrne | St. Louis Metropolitan Police Department, St. Louis, MO | Security Upgrades for Area Stations | $200,000 | Clay | |
| DOJ | OJP—Byrne | St. Thomas University, Miami Gardens, FL | Human Trafficking Initiative | $250,000 | Wasserman Schultz; Meek (FL) | |
| DOJ | OJP—Byrne | Standing Rock Sioux Tribe, Fort Yates, ND | Juvenile Prevention Services | $500,000 | | Dorgan; Conrad |
| DOJ | OJP—Byrne | Standing Rock Sioux Tribe, Fort Yates, ND | Tribal Justice Center | $300,000 | Pomeroy | |
| DOJ | OJP—Byrne | State Appellate Defender Office, Detroit, MI | Michigan Criminal Justice Improvement Project | $800,000 | Conyers | |
| DOJ | OJP—Byrne | State of Alaska, Juneau, AK | Domestic Violence Sexual Assault Prevention | $500,000 | Young (AK) | Murkowski |
| DOJ | OJP—Byrne | State of Alaska, Juneau, AK | Rural Drug and Alcohol Interdiction and Prosecution | $500,000 | Young (AK) | Murkowski |
| DOJ | OJP—Byrne | State of Iowa, Department of Public Health, Des Moines, IA | Jail-Based Substance Abuse Treatment | $1,200,000 | | Harkin |
| DOJ | OJP—Byrne | State of Iowa, Office of Drug Control Policy, Des Moines, IA | Drug Endangered Children | $300,000 | Boswell | Harkin; Grassley |
| DOJ | OJP—Byrne | State of Iowa, Office of Drug Control Policy, Des Moines, IA | Meth & Other Drug Enforcement | $1,500,000 | Braley (IA) | Harkin; Grassley |
| DOJ | OJP—Byrne | State of Maine, Augusta, ME | Department of Public Safety Crime Lab Project | $200,000 | Michaud | |
| DOJ | OJP—Byrne | Stearns County, St. Cloud, MN | Felony Domestic Violence Court | $300,000 | | Klobuchar |
| DOJ | OJP—Byrne | Stevenson University, Owings Mills, MD | Cyber Forensics Curriculum | $775,000 | Sarbanes | Mikulski |
| DOJ | OJP—Byrne | Stop It Now!, Northampton, MA | Helpline Extension | $400,000 | Neal | Kerry |
| DOJ | OJP—Byrne | Suffolk County District Attorney, Hauppauge, NY | Project Persist | $750,000 | Israel | |
| DOJ | OJP—Byrne | Suffolk County Police Department, Hauppauge, NY | Gun, Gang and Heroin Suppression Initiative | $200,000 | | Gillibrand |
| DOJ | OJP—Byrne | Sul Ross State University; Texas State University System, Alpine, TX | Center for Digital Forensics Training and Research | $250,000 | Rodriguez | |
| DOJ | OJP—Byrne | Tahirih Justice Center, Falls Church, VA | Immigrant Women and Girls Legal Services | $900,000 | Moran (VA); Jackson Lee (TX) | |
| DOJ | OJP—Byrne | TASC, Inc., Chicago, IL | Indigenous Community Connections and Aftercare | $200,000 | Davis (IL) | |
| DOJ | OJP—Byrne | Texas State University—San Marcos, San Marcos, TX | Advanced Law Enforcement Rapid Response Training | $1,500,000 | Paul; Cuellar; Edwards (TX); Gonzalez; Johnson, Eddie Bernice | |
| DOJ | OJP—Byrne | Toledo Police Department, Toledo, OH | Officer Training | $400,000 | Kaptur | |
| DOJ | OJP—Byrne | Township of Nutley, Nutley, NJ | Police and Emergency Services Interoperability Equipment Upgrade | $275,000 | Pascrell | Lautenberg; Menendez |
| DOJ | OJP—Byrne | Troy University, Troy, AL | Computer Forensics Institute and Lab | $600,000 | | Shelby |
| DOJ | OJP—Byrne | Tulsa Public Schools, Tulsa, OK | Campus Police Force | $100,000 | | Inhofe |
| DOJ | OJP—Byrne | Turning Point, Inc., Minneapolis, MN | Phoenix Program—Assisting Battered Women | $400,000 | Ellison | |
| DOJ | OJP—Byrne | Turning the Hearts Center, Chula Vista, CA | Youth and Family Empowerment Program | $300,000 | Filner | |

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| DOJ | OJP—Byrne | UNC Greensboro, Greensboro, NC | Project PREVENT: Preventing Violence against Women and Children by Engaging Information Technology | $300,000 | | Hagan |
| DOJ | OJP—Byrne | Unified Government of Kansas City, Kansas City, KS | Separation of Youth from Adults in the Justice System | $200,000 | Moore (KS) | Brownback; Roberts |
| DOJ | OJP—Byrne | United Tribes Technical College, Bismarck, ND | Tribal Law Enforcement Training | $1,000,000 | | Dorgan; Conrad |
| DOJ | OJP—Byrne | University of Arkansas at Little Rock, Little Rock, AR | Higher Education for Prisoners Project | $300,000 | Snyder | |
| DOJ | OJP—Byrne | University of Arkansas at Little Rock, Little Rock, AR | Juvenile Justice Center | $500,000 | Snyder | Pryor; Lincoln |
| DOJ | OJP—Byrne | University of Detroit/Mercy, Detroit, MI | Cyber Crime Training | $400,000 | Kilpatrick (MI); Conyers | Levin; Stabenow |
| DOJ | OJP—Byrne | University of Illinois at Chicago, Chicago, IL | Ceasefire Program | $500,000 | Davis (IL) | Durbin |
| DOJ | OJP—Byrne | University of Maryland College Park, College Park, MD | Center for the Study of Crime and Conflict | $1,000,000 | Ruppersberger; Edwards (MD) | |
| DOJ | OJP—Byrne | University of Maryland Public Safety Training and Technical Assistance Program, Greenbelt, MD | Joint County Gang Task Force | $2,500,000 | Hoyer; Van Hollen; Edwards (MD) | |
| DOJ | OJP—Byrne | University of Memphis, Memphis, TN | Memphis-Shelby County Operation Safe Community | $500,000 | Cohen | Alexander |
| DOJ | OJP—Byrne | University of Mississippi, Oxford, MS | National Center for Justice and the Rule of Law | $2,000,000 | | Cochran; Wicker |
| DOJ | OJP—Byrne | University of North Dakota, Grand Forks, ND | Native Americans Into Law | $300,000 | Pomeroy | Dorgan; Conrad |
| DOJ | OJP—Byrne | University of Southern Mississippi, Hattiesburg, MS | Indoor Cannabis Eradication Technical Support | $250,000 | | Cochran; Wicker |
| DOJ | OJP—Byrne | University of Southern Mississippi, Hattiesburg, MS | Mississippi Automated System Project | $1,450,000 | | Cochran; Wicker |
| DOJ | OJP—Byrne | University of Southern Mississippi, Hattiesburg, MS | Mississippi Rural Law Enforcement Training | $300,000 | | Cochran; Wicker |
| DOJ | OJP—Byrne | University of Tennessee, Knoxville, TN | Law Enforcement Innovation Center | $500,000 | | Alexander |
| DOJ | OJP—Byrne | Urban League of Long Island, Hempstead, NY | Stop the Violence Campaign | $250,000 | Israel | |
| DOJ | OJP—Byrne | Utica Police Department, Utica, NY | Law Enforcement Applications for Policing in Cyber Space | $500,000 | Arcuri | Schumer |
| DOJ | OJP—Byrne | Verdugo Workforce Investment Board, Glendale, CA | Smart Grid Technology Job Training for At-Risk Youth | $100,000 | Schiff | |
| DOJ | OJP—Byrne | Vermont Department of Fish and Wildlife, Waterbury, VT | Equipment Support for Rural Law Enforcement Officers | $100,000 | | Sanders |
| DOJ | OJP—Byrne | Vermont Department of Public Safety, Waterbury, VT | Vermont Drug Task Force | $1,000,000 | | Leahy |
| DOJ | OJP—Byrne | Vermont Department of States Attorneys and Sheriffs, St. Albans, VT | Model Special Investigative Unit | $850,000 | | Leahy |
| DOJ | OJP—Byrne | Vermont Legal Aid, Inc., Burlington, VT | Vermont Employment Law Project | $100,000 | | Sanders |
| DOJ | OJP—Byrne | Veterans Outreach Center, Inc., Rochester, NY | Veterans Alternative to Incarceration Program | $200,000 | Maffei | Schumer; Gillibrand |
| DOJ | OJP—Byrne | Victims for Justice, Anchorage, AK | Victims Services Program | $500,000 | Young (AK) | |
| DOJ | OJP—Byrne | Village of Franklin Park, Franklin Park, IL | Police Department Facilities Enhancements | $400,000 | Quigley | |
| DOJ | OJP—Byrne | Violence Prevention Coalition of SW Colorado, Durango, CO | Creating Healthy Communities and Violence Prevention Campaign in Rural Southwest Colorado | $320,000 | Salazar | |
| DOJ | OJP—Byrne | Virginia Community Action Re-Entry System, Inc., Richmond, VA | PAPIS: Virginia for Reentry | $80,000 | | Webb; Warner |
| DOJ | OJP—Byrne | Visiting Nurse Association, Omaha, NE | Comprehensive Home Visitation Services to Young, At-Risk Mothers | $565,000 | | Nelson, Ben |
| DOJ | OJP—Byrne | Voices for Children Foundation, Inc., Parkersburg, WV | CASA Program | $100,000 | Mollohan | |
| DOJ | OJP—Byrne | Wakulla County Board of County Commissioners, Crawfordville, FL | Smith Creek Communication Unification | $165,000 | Boyd | |
| DOJ | OJP—Byrne | Warren County Fiscal Court, Bowling Green, KY | Emergency Management Agency Improvements | $100,000 | | McConnell |
| DOJ | OJP—Byrne | Washington Association of Sheriffs & Police Chiefs, Lacey, WA | Preventing Armed Confrontations between Police Officers and the Public | $250,000 | Inslee; Smith (WA) | |
| DOJ | OJP—Byrne | Washington County Sheriff's Department, Greenville, MS | Law Enforcement Programs | $200,000 | Thompson (MS) | |
| DOJ | OJP—Byrne | Washington DC Police Foundation, Washington, DC | Metropolitan Police Department Tactical Village | $1,000,000 | Norton | |
| DOJ | OJP—Byrne | Wayne Gomes Youth Baseball Diversity Foundation, Hampton, VA | Baseball Initiative for At-Risk Youth | $75,000 | Scott (VA) | |
| DOJ | OJP—Byrne | Web Wise Kids, Santa Ana, CA | Broward County Youth Internet Safety & Digital Citizenship Project | $400,000 | Wasserman Schultz | |
| DOJ | OJP—Byrne | West Valley City, West Valley, UT | Salt Lake Area Chiefs Alliance Forensic/DNA Lab and Evidence Processing Facility | $750,000 | | Bennett |
| DOJ | OJP—Byrne | West Virginia State Police, South Charleston, WV | Undercover Officer Safety Transmitters & Law Enforcement Technology | $1,000,000 | Mollohan; Rahall | |
| DOJ | OJP—Byrne | West Virginia University, Morgantown, WV | Forensic Science and Identification Program | $4,000,000 | | Rockefeller |
| DOJ | OJP—Byrne | West Virginia University, Morgantown, WV | Identification Technology Research and Transition Center | $500,000 | Mollohan | |
| DOJ | OJP—Byrne | West Virginia University, Morgantown, WV | Technology Design Initiative | $1,000,000 | Mollohan | |

## COMMERCE, JUSTICE, SCIENCE—Continued

[Congressionally Directed Spending Items]

| Agency | Account | Recipient | Title | Amount | Requester(s) | |
|---|---|---|---|---|---|---|
| | | | | | House | Senate |
| DOJ | OJP—Byrne | Westfield State College, Westfield, MA | Law Enforcement Training Program in Southbridge, MA | $600,000 | Neal | Kerry |
| DOJ | OJP—Byrne | Westside Health Authority, Chicago, IL | Prisoner Reentry Center | $300,000 | Davis (IL) | |
| DOJ | OJP—Byrne | White Earth Reservation Tribal Council, White Earth, MN | Police Radio Improvement | $800,000 | Peterson | Klobuchar; Franken |
| DOJ | OJP—Byrne | White Pine County, Ely, NV | Public Safety Project | $400,000 | | Reid |
| DOJ | OJP—Byrne | Wilmington Department of Police, Wilmington, DE | Police Weapons Range Improvement | $1,425,000 | | Carper; Kaufman |
| DOJ | OJP—Byrne | Winona State University, Winona, MN | National Child Protection Training Center | $500,000 | | Klobuchar; Franken |
| DOJ | OJP—Byrne | Winona State University, Winona, MN | Training for Child Protection Personnel | $400,000 | Walz | |
| DOJ | OJP—Byrne | Winston County Sheriff's Office, Louisville, MS | Technology Upgrade and Personnel | $100,000 | | Cochran; Wicker |
| DOJ | OJP—Byrne | Wisconsin Alliance for Children and Families, Milwaukee, WI | Road to Opportunity Project | $500,000 | Obey | |
| DOJ | OJP—Byrne | Wisconsin Community Services, Milwaukee, WI | Wisconsin Driver Program | $100,000 | Moore (WI) | |
| DOJ | OJP—Byrne | Women's Center, Vienna, VA | Domestic Violence Program | $200,000 | Moran (VA); Connolly (VA) | |
| DOJ | OJP—Byrne | World Vision, Inc-Appalachia, Philippi, WV | Strengthening Fatherhood in West Virginia | $100,000 | Mollohan | |
| DOJ | OJP—Byrne | Yakima County, Yakima, WA | Violent Crimes Task Force | $750,000 | | Murray; Cantwell |
| DOJ | OJP—Byrne | YWCA Dayton, Dayton, OH | Domestic Violence Shelter | $300,000 | | Brown, Sherrod |
| DOJ | OJP—Byrne | YWCA Kankakee, Kankakee, IL | Comprehensive At-Risk Youth Violence Prevention Initiative | $400,000 | Halvorson | |
| DOJ | OJP—Byrne | YWCA Lake County, Waukegan, IL | Project SUCCEED At-Risk Youth Initiative | $200,000 | Bean | |
| DOJ | OJP—Byrne | YWCA of Greater Cincinnati, Cincinnati, OH | Domestic Violence Protection Program | $200,000 | | Brown, Sherrod |
| DOJ | OJP—Byrne | YWCA of Greater Los Angeles, Los Angeles, CA | Sexual Assault Crisis Services | $350,000 | Harman | |
| DOJ | OJP—Byrne | YWCA of Hawaii Island, Hilo, HI | YWCA of Hawaii Island and the YWCA of Kauai's Sexual Assault Response Services | $400,000 | Hirono | Akaka |
| DOJ | OJP—Byrne | YWCA Pueblo, Pueblo, CO | Domestic Violence Prevention for Youth Pueblo | $300,000 | Salazar | |
| DOJ | OJP—Byrne | YWCA Quincy, Quincy, IL | Domestic Violence Assistance Initiative | $400,000 | Hare | |
| DOJ | OJP—Byrne | YWCA Tucson, Tucson, AZ | Comprehensive Services for Victims of Domestic Abuse and their Children | $300,000 | Grijalva; Giffords | |
| DOJ | OJP—Byrne | ZERO TO THREE National Center for Infants, Toddlers, and Families, Cherokee, NC | Cherokee Court Team for Maltreated Infants and Toddlers | $300,000 | | Hagan |
| DOJ | OJP—Byrne | ZERO TO THREE, Des Moines, IA | Des Moines Court Team for Maltreated Infants and Toddlers | $300,000 | Boswell | Harkin; Grassley |
| DOJ | OJP—Byrne | ZERO TO THREE, New Orleans, LA | Orleans Parish Court Team for Maltreated Infants and Toddlers | $300,000 | | Landrieu |
| DOJ | OJP—Byrne | ZERO TO THREE, White Earth, MN | White Earth Court Team for Maltreated Infants and Toddlers | $200,000 | | Klobuchar; Franken |
| DOJ | OJP—Byrne | ZERO TO THREE: National Center for Infants, Toddlers, and Families, Washington, DC | Forrest County Court Team for Maltreated Infants and Toddlers | $200,000 | | Cochran; Wicker |
| DOJ | OJP—JJ | 180 Turning Lives Around, Inc., Hazlet, NJ | Child and Teen Violence Reduction and Treatment Expansion | $500,000 | Pallone; Holt | Lautenberg; Menendez |
| DOJ | OJP—JJ | 92nd Street Y, New York, NY | Education Outreach Initiative for At-Risk Youth | $400,000 | Maloney | |
| DOJ | OJP—JJ | Academy for Urban School Leadership, Chicago, IL | Youth Violence Prevention Program | $450,000 | | Durbin |
| DOJ | OJP—JJ | ACCESS—Arab Community Center for Economic and Social Services, Dearborn, MI | ACCESS Youth Center | $200,000 | Dingell | |
| DOJ | OJP—JJ | Alcohol and Substance Abuse Prevention Council of Saratoga County, Inc., Saratoga Springs, NY | Saratoga County Youth Court | $40,000 | Murphy (NY) | |
| DOJ | OJP—JJ | Ali Forney Center, New York, NY | 24/7 Drop-in Center for Homeless LGBT Youth | $400,000 | Nadler (NY) | |
| DOJ | OJP—JJ | American Gold Shield, Cranbury, NJ | High School Drug and Violence Prevention Project | $200,000 | Pallone; Rothman (NJ) | Lautenberg; Menendez |
| DOJ | OJP—JJ | American School for the Deaf, West Hartford, CT | Behavioral Support Services for At-Risk, Deaf, and Hard of Hearing Students | $500,000 | Larson (CT) | |
| DOJ | OJP—JJ | Amigos del Museo del Barrio, New York, NY | El Museo in the Classroom | $100,000 | Rangel; Maloney; Serrano | |
| DOJ | OJP—JJ | An Achievable Dream, Inc., Newport News, VA | An Achievable Dream Academy | $400,000 | Scott (VA) | Webb; Warner |

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| DOJ | OJP—JJ | ARISE Foundation, North Palm Beach, FL | Life-Management Skills Intervention/Re-entry Program for High Risk Youth | $300,000 | Hastings (FL); Klein (FL); Meek (FL); Wasserman Schultz | Nelson, Bill |
| DOJ | OJP—JJ | Artists Collective, Hartford, CT | Delinquency Prevention Program | $500,000 | Larson (CT) | Dodd; Lieberman |
| DOJ | OJP—JJ | AS220, Providence, RI | AS220 Labs | $200,000 | | Reed |
| DOJ | OJP—JJ | Asbury Speight Community Development Corporation, Fort Gaines, GA | At-Risk Youth Program | $75,000 | Bishop (GA) | |
| DOJ | OJP—JJ | Baltimore Chesapeake Bay Outward Bound Center, Baltimore, MD | Outward Bound At-Risk Youth Development Program | $1,000,000 | | Mikulski; Cardin |
| DOJ | OJP—JJ | Baltimore City Public School System, Baltimore, MD | Youth Intervention Initiative | $850,000 | Ruppersberger; Cummings | |
| DOJ | OJP—JJ | Bardavon 1869 Opera House, Inc. (UCCC), Poughkeepsie, NY | In-School Residency and Community Outreach Support for At-Risk Youth | $100,000 | Hinchey | |
| DOJ | OJP—JJ | Beloved Community and Family Services, Chicago, IL | Total Family Project | $400,000 | Rush | |
| DOJ | OJP—JJ | Benton/Iowa County Decategorization Project, Marengo, IA | After-School Program and Functional Family Therapy Initiative | $400,000 | Boswell | |
| DOJ | OJP—JJ | Big Brothers Big Sisters New Mexico Consortium, Santa Fe, NM | Youth Mentoring Initiative | $200,000 | | Bingaman; Udall, Tom |
| DOJ | OJP—JJ | Big Brothers Big Sisters of Essex, Hudson & Union Counties, Newark, NJ | Comprehensive Mentoring Program | $400,000 | Payne; Rothman (NJ); Sires | Lautenberg; Menendez |
| DOJ | OJP—JJ | Boat People SOS, Inc., Philadelphia, PA | BPSOS Asian Youth Anti-Violence and Leadership Program | $100,000 | Brady (PA) | |
| DOJ | OJP—JJ | Bolder Options, Rochester, MN | Bolder Options Rochester Expansion | $100,000 | | Klobuchar; Franken |
| DOJ | OJP—JJ | Boys & Girls Club of Burlington, Burlington, VT | Early Promise Program | $150,000 | | Leahy |
| DOJ | OJP—JJ | Boys & Girls Club of Harlem, Inc., New York, NY | Youth Leadership & Mentoring Program | $250,000 | Rangel | |
| DOJ | OJP—JJ | Boys & Girls Clubs in New Jersey, Morristown, NJ | Gang Prevention Through Targeted Outreach | $250,000 | | Lautenberg; Menendez |
| DOJ | OJP—JJ | Boys & Girls Clubs of Boston, Boston, MA | Franklin Hill Club | $75,000 | Capuano | |
| DOJ | OJP—JJ | Boys & Girls Clubs of Town of Wallkill, Circleville, NY | Taking Back Youth Project at the Boys & Girls Clubs of Town of Wallkill, Pine Bush & Sullivan County | $250,000 | Hinchey | |
| DOJ | OJP—JJ | Boys & Girls Clubs, Honolulu, HI | Outreach to Youth in Isolated and Rural Communities Phase 2: Building a Technology Bridge | $1,500,000 | | Inouye |
| DOJ | OJP—JJ | Boys and Girls Club of Leech Lake Area, Cass Lake, MN | Tribal Youth Development At-Risk Program | $350,000 | Oberstar | Klobuchar |
| DOJ | OJP—JJ | Boys and Girls Club of Monmouth County (BFCM), Asbury Park, NJ | Expansion of Boys & Girls Clubs | $300,000 | Pallone | |
| DOJ | OJP—JJ | Boys and Girls Club of Pharr, Pharr, TX | At-Risk Youth and Education Initiative | $250,000 | Hinojosa | |
| DOJ | OJP—JJ | Boys Town Nebraska, Omaha, NE | Boys Town Day School | $250,000 | | Nelson, Ben |
| DOJ | OJP—JJ | Brighton Park Neighborhood Council, Chicago, IL | Counseling and Violence Prevention Services | $300,000 | Gutierrez | |
| DOJ | OJP—JJ | Cal Ripken, Sr. Foundation, Baltimore, MD | Cal Ripken, Sr. Foundation At-Risk Youth Mentoring Programs | $1,000,000 | | Mikulski |
| DOJ | OJP—JJ | California State University Sacramento, Sacramento, CA | Young Guardian Scholars Pilot Program | $200,000 | Matsui | |
| DOJ | OJP—JJ | Casa Central, Chicago, IL | After-School Enrichment Program | $350,000 | | Durbin |
| DOJ | OJP—JJ | Chabad of San Jose, Los Gatos, CA | Prevention, Resource, Information and Drug Education Project | $200,000 | Honda | |
| DOJ | OJP—JJ | Chabad of the Valley, Tarzana, CA | Prevention, Resource, Information and Drug Education Project | $100,000 | Sherman | |
| DOJ | OJP—JJ | Chavez County, Roswell, NM | Juvenile Justice Comprehensive Strategy Board | $200,000 | | Bingaman; Udall, Tom |
| DOJ | OJP—JJ | Chicago Jesuit Academy, Chicago, IL | After-School Enrichment Program | $100,000 | | Burris |
| DOJ | OJP—JJ | Child Advocacy Center of North Central Wisconsin, Wausau, WI | Children's Service Society | $500,000 | Obey | |
| DOJ | OJP—JJ | Children's Cabinet, Reno, NV | Adolescent Drug and Alcohol Prevention and Treatment | $175,000 | | Reid |
| DOJ | OJP—JJ | Children's Home + Aid, Granite City, IL | Youth Services Program | $100,000 | Costello | |
| DOJ | OJP—JJ | Children's Media Project, Poughkeepsie, NY | Talking Walls | $35,000 | Hinchey | |
| DOJ | OJP—JJ | Christian Activity Center, East St. Louis, IL | After-School Enrichment Program | $250,000 | | Durbin |
| DOJ | OJP—JJ | City of Alexandria, Alexandria, VA | Youth Building Green | $200,000 | Moran (VA) | Webb; Warner |
| DOJ | OJP—JJ | City of Bridgeport, Bridgeport, CT | Lighthouse After-School Program | $500,000 | Himes | Dodd; Lieberman |
| DOJ | OJP—JJ | City of Brighton, Brighton, CO | Workforce Development for At-Risk Youth | $500,000 | Perlmutter | Udall, Mark; Bennet |
| DOJ | OJP—JJ | City of Charleston, Charleston, SC | Robert Gould Shaw Center | $460,000 | Clyburn | |
| DOJ | OJP—JJ | City of Detroit Department of Health and Wellness Promotion, Detroit, MI | Successful Alliance For Educating Talented Youth (SAFETY) Program | $500,000 | Conyers | |
| DOJ | OJP—JJ | City of East Palo Alto, East Palo Alto, CA | Parolee Reentry Initiative | $470,000 | Eshoo | |
| DOJ | OJP—JJ | City of Fontana, Fontana, CA | Teen Center | $100,000 | Baca | |

## COMMERCE, JUSTICE, SCIENCE—Continued

[Congressionally Directed Spending Items]

| Agency | Account | Recipient | Title | Amount | Requester(s) | |
|---|---|---|---|---|---|---|
| | | | | | House | Senate |
| DOJ | OJP—JJ | City of Huntington Park, Huntington Park, CA | Computers for After-School Program | $200,000 | Roybal-Allard | |
| DOJ | OJP—JJ | City of Hyattsville, Hyattsville, MD | After School/Summer Program for Youth | $100,000 | Hoyer | |
| DOJ | OJP—JJ | City of Iola, Iola, KS | Program for At-Risk Youth | $110,000 | | Roberts |
| DOJ | OJP—JJ | City of Moultrie, Moultrie, GA | R.D. Smith After School Program (RDSASP) | $150,000 | | Chambliss |
| DOJ | OJP—JJ | City of Oakland, Oakland, CA | Restorative Justice | $300,000 | Lee (CA) | |
| DOJ | OJP—JJ | City of Richmond, Richmond, VA | Richmond Public Schools Project Recovery | $200,000 | Scott (VA) | Webb; Warner |
| DOJ | OJP—JJ | City of Rochester, Rochester, NY | After-School Jobs Program for At-Risk Youth | $1,000,000 | | Gillibrand |
| DOJ | OJP—JJ | City of San Fernando Police Department, San Fernando, CA | Youth Leadership Academy | $300,000 | Berman | |
| DOJ | OJP—JJ | City of Seattle, Seattle, WA | Seattle Youth Violence Prevention Initiative | $100,000 | | Murray; Cantwell |
| DOJ | OJP—JJ | City of South Salt Lake, Salt Lake City, UT | Pete Suazo Center At-Risk Youth Program | $200,000 | Matheson | Bennett |
| DOJ | OJP—JJ | City of Waterbury, Waterbury, CT | Waterbury Truancy Clinic | $800,000 | Murphy (CT); DeLauro | Dodd; Lieberman |
| DOJ | OJP—JJ | City Year Greater Philadelphia, Philadelphia, PA | Mentoring and Youth Development Services | $250,000 | Fattah; Schwartz | Specter |
| DOJ | OJP—JJ | Cleveland Botanical Garden, Cleveland, OH | Green Corps Urban Youth Program | $500,000 | Kucinich; Fudge; Sutton | Brown, Sherrod |
| DOJ | OJP—JJ | Communities In Schools of Brunswick County, Inc., Bolivia, NC | Action for Success—Dropout Prevention Project | $300,000 | | Hagan |
| DOJ | OJP—JJ | Community Conferencing Center, Baltimore, MD | Community Conferencing Court Diversion for Juvenile Offenders | $200,000 | | Mikulski |
| DOJ | OJP—JJ | County of Arlington, Arlington, VA | Court Services Juvenile Outreach Program | $500,000 | Moran (VA) | |
| DOJ | OJP—JJ | County of Fairfax, Fairfax, VA | Community-Based Services for At-Risk Youth | $200,000 | Moran (VA) | |
| DOJ | OJP—JJ | County of San Luis Obispo, San Luis Obispo, CA | Anti-Gang Employment Coordinator | $80,000 | Capps | |
| DOJ | OJP—JJ | Crisp County Community Council, Inc., Cordele, GA | Teen Maze | $75,000 | Bishop (GA) | |
| DOJ | OJP—JJ | Crow Creek Sioux Tribe, Fort Thompson, SD | Three Districts Boys & Girls Club | $150,000 | Herseth Sandlin | Johnson |
| DOJ | OJP—JJ | Dakota County Administration Center, Hastings, MN | Juvenile Detention Alternatives Initiatives | $500,000 | McCollum | Klobuchar; Franken |
| DOJ | OJP—JJ | Dance Theatre of Harlem, New York, NY | Harlem smARTS | $150,000 | Rangel | |
| DOJ | OJP—JJ | Dauphin County Human Service Director, Harrisburg, PA | Family Group Conferencing Community Expansion Project | $200,000 | Holden | Casey; Specter |
| DOJ | OJP—JJ | Dave Thomas Foundation for Adoption, Columbus, OH | Every Child Counts | $500,000 | | Brown, Sherrod |
| DOJ | OJP—JJ | Devereux Massachusetts, Rutland, MA | At-Risk Youth Program | $350,000 | McGovern | Kerry |
| DOJ | OJP—JJ | Directing through Recreation, Education, Adventure, and Mentoring (DREAM) Program, Winooski, VT | Expansion of a mentoring program | $200,000 | | Leahy |
| DOJ | OJP—JJ | Dover Police Department, Dover, NH | At-Risk Teen Center | $240,000 | Shea-Porter | |
| DOJ | OJP—JJ | Durham County, Durham, NC | Programs for At-Risk Youth | $400,000 | Price (NC) | |
| DOJ | OJP—JJ | Eastern Connecticut State University, Willimantic, CT | Dual Enrollment Initiative for At-Risk Youth | $200,000 | | Dodd; Lieberman |
| DOJ | OJP—JJ | Eastern Michigan University, Ypsilanti, MI | B. Side Boot Camp: Entrepreneurship Education Program for At-Risk Youth | $300,000 | Dingell; Conyers | Levin; Stabenow |
| DOJ | OJP—JJ | Epworth Village, York, NE | Behavioral Services for At-Risk Youth in Rural Communities | $700,000 | | Nelson, Ben |
| DOJ | OJP—JJ | Every Person Influences Children, Buffalo, NY | Ready, Set, Parent: Newborn Health and Parenting Education | $200,000 | Slaughter | |
| DOJ | OJP—JJ | Fairfax Childhelp Center, Fairfax, VA | Child Advocacy Center | $300,000 | Connolly (VA); Moran (VA) | |
| DOJ | OJP—JJ | Florida Department of Juvenile Justice, Tallahassee, FL | Juvenile Justice Institute at Florida A & M University | $650,000 | Boyd; Brown, Corrine; Hastings (FL) | |
| DOJ | OJP—JJ | Focus: HOPE, Detroit, MI | Youth Safety Initiative | $200,000 | Conyers | Levin; Stabenow |
| DOJ | OJP—JJ | Franciscan Hospital for Children, Brighton, MA | Juvenile Delinquency and Early Intervention Program | $300,000 | Capuano | |
| DOJ | OJP—JJ | Freedom From Unnecessary Negatives, Memphis, TN | Stop the Killing | $400,000 | Cohen | |
| DOJ | OJP—JJ | Friends of the Children Portland, Portland, OR | Child Investment Initiative | $300,000 | Blumenauer | Wyden; Merkley |
| DOJ | OJP—JJ | Friends with Jesus, Inc., Bainbridge, GA | Friendship House | $75,000 | Bishop (GA) | |

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| DOJ | OJP—JJ | Gadsden County School Board, Quincy, FL | Criminal Justice Career Academy | $100,000 | Boyd | |
| DOJ | OJP—JJ | Gang Alternatives Program, Lynwood, CA | Gang Alternatives Program for Southeast Los Angeles County | $150,000 | Sanchez, Linda | |
| DOJ | OJP—JJ | Generations, Inc., Lindenwold, NJ | Progress Around the Schools | $175,000 | Andrews; Rothman (NJ) | Lautenberg; Menendez |
| DOJ | OJP—JJ | Girl Scouts of the USA, New York, NY | Girl Scouts Beyond Bars | $1,000,000 | Kennedy; Ruppersberger | Mikulski |
| DOJ | OJP—JJ | Girl's Incorporated, Hampton, VA | Operation Impact | $200,000 | Scott (VA) | |
| DOJ | OJP—JJ | Growing Power, Inc., Milwaukee, WI | Effective Training for At-Risk Milwaukee Youth | $200,000 | Moore (WI) | |
| DOJ | OJP—JJ | Hathaway-Sycamores Child and Family Services, Pasadena, CA | Stay in School Training for At-Risk Youth | $150,000 | Becerra | |
| DOJ | OJP—JJ | Hawaii Council on Economic Education, Honolulu, HI | Financial Education for At-Risk Youth and Families | $350,000 | | Akaka |
| DOJ | OJP—JJ | Highbridge Community Life Center, Bronx, NY | Highbridge Youth Education Project | $100,000 | Serrano | |
| DOJ | OJP—JJ | HoustonWorks USA, Houston, TX | Juvenile Justice Initiative | $250,000 | Green, Gene; Green, Al; Jackson Lee (TX) | |
| DOJ | OJP—JJ | Huckleberry Youth Programs, San Francisco, CA | Huckleberry Community Assessment and Referral Center (CARC) for San Francisco Non-Violent Juvenile Offenders | $300,000 | Pelosi | |
| DOJ | OJP—JJ | Human Development Commission, Caro, MI | Generations Program | $100,000 | Kildee | |
| DOJ | OJP—JJ | Improved Solutions for Urban Systems, Dayton, OH | Court Involved Drop-Out Youth Re-Engagement | $250,000 | | Voinovich; Brown, Sherrod |
| DOJ | OJP—JJ | i-SAFE, Inc., Carlsbad, CA | Internet Safety Programs | $1,000,000 | Young (AK); Berkley; Carnahan; Herseth Sandlin; Pomeroy | |
| DOJ | OJP—JJ | Karnes Wilson Juvenile Probation Department, Karnes City, TX | JJAEP ELITE Program | $300,000 | Hinojosa | |
| DOJ | OJP—JJ | Kennedy Krieger Institute, Baltimore, MD | Juvenile Delinquency Prevention Program at Fort Meade | $500,000 | Sarbanes | Mikulski |
| DOJ | OJP—JJ | Kenosha Boys & Girls Club, Kenosha, WI | Gang Prevention | $150,000 | | Kohl |
| DOJ | OJP—JJ | Kidsave International, Inc., Culver City, CA | Kidsave Los Angeles Weekend Miracles Program | $100,000 | Watson | |
| DOJ | OJP—JJ | KidsVoice, Pittsburgh, PA | Child Advocacy Program | $200,000 | Doyle | Specter |
| DOJ | OJP—JJ | Lane County Administration, Eugene, OR | Teen Courts Initiative | $500,000 | DeFazio | Wyden; Merkley |
| DOJ | OJP—JJ | LA's BEST, Los Angeles, CA | Connects After School with High School | $600,000 | Becerra | |
| DOJ | OJP—JJ | Latin American Youth Center, Washington, DC | Maryland Multicultural Youth Centers | $750,000 | | Mikulski |
| DOJ | OJP—JJ | Lawrence Hall Youth Services, Chicago, IL | Youth Violence Prevention Program | $450,000 | Quigley | Durbin |
| DOJ | OJP—JJ | Lehman College, Bronx, NY | Public Service Leadership Institute | $200,000 | Serrano | |
| DOJ | OJP—JJ | Los Angeles Centers for Alcohol and Drug Abuse, Santa Fe Springs, CA | After-School Youth Enrichment Services | $50,000 | Napolitano | |
| DOJ | OJP—JJ | Los Angeles County Office of Education, Downey, CA | Pomona and Los Padrinos Juvenile Courts School Court Liaison Program | $150,000 | Napolitano | |
| DOJ | OJP—JJ | Lourdes College, Sylvania, OH | At-Risk Youth Student Success Mentoring Initiative | $500,000 | Kaptur | Brown, Sherrod |
| DOJ | OJP—JJ | Main Line Chinese Culture Center, Radnor, PA | Preparing Philadelphia's Future Global Leaders | $100,000 | Brady (PA) | |
| DOJ | OJP—JJ | Manna House Workshops, New York, NY | Elevating Access to Performing Arts Education for Children by Enhancing our Infrastructure and Enriching Structure | $250,000 | Rangel | |
| DOJ | OJP—JJ | Marian University, Indianapolis, IN | Youth Build Indy Program | $250,000 | Carson (IN) | |
| DOJ | OJP—JJ | Martin Luther King Jr. Freedom Center, Oakland, CA | Nonviolence Leadership Program | $250,000 | Lee (CA) | |
| DOJ | OJP—JJ | Mary Mitchell Family and Youth Center, Inc., Bronx, NY | Programs for At-Risk Youth | $200,000 | Serrano | |
| DOJ | OJP—JJ | Maryland Association of Youth Services Bureaus, Greenbelt, MD | At-Risk Youth Program | $1,000,000 | | Mikulski; Cardin |
| DOJ | OJP—JJ | Mass Mentoring Partnership, Boston, MA | Mentoring Programs for At-Risk Children and Youth | $360,000 | Capuano | Kerry |
| DOJ | OJP—JJ | Matt Garcia Police Athletic League Center, Fairfield, CA | At-Risk Youth Program | $190,000 | Garamendi | Boxer |
| DOJ | OJP—JJ | Men Engaged in Nonviolence, Taos, NM | Crime Prevention Initiative | $200,000 | | Bingaman |
| DOJ | OJP—JJ | Metropolitan Council on Jewish Poverty, New York, NY | Study on At-Risk Teens | $150,000 | Maloney | Schumer; Gillibrand |
| DOJ | OJP—JJ | Mid Valley Family YMCA, Van Nuys, CA | Youth & Teen Outreach Program | $300,000 | Berman | |
| DOJ | OJP—JJ | Moody County Boys and Girls Club, Flandreau, SD | Educational Programs | $100,000 | | Johnson |
| DOJ | OJP—JJ | Mosholu Montefiore Community Center, Bronx, NY | MMCC Co-Op City Youth Center | $375,000 | Engel | Gillibrand |
| DOJ | OJP—JJ | Museum of Chinese in America, New York, NY | Afterschool Program | $100,000 | Velazquez | |
| DOJ | OJP—JJ | Museum of the Moving Image, Astoria, NY | Programs for Youth | $150,000 | Maloney | |

## COMMERCE, JUSTICE, SCIENCE—Continued

[Congressionally Directed Spending Items]

| Agency | Account | Recipient | Title | Amount | Requester(s) | |
|---|---|---|---|---|---|---|
| | | | | | House | Senate |
| DOJ | OJP—JJ | My Turn, Inc., Brockton, MA | Out-of-School Youth Intervention Program | $200,000 | McGovern | |
| DOJ | OJP—JJ | Neighborhood First Program, Inc., Bristol, PA | Expansion of H.A.V.E.N. Program | $180,000 | Murphy, Patrick | |
| DOJ | OJP—JJ | New Mexico Juvenile Justice Continuum, Santa Fe, NM | Statewide Juvenile Justice Initiative | $500,000 | | Bingaman; Udall, Tom |
| DOJ | OJP—JJ | New York Shakespeare Festival (d.b.a. The Public Theater), New York, NY | Shakespeare Initiative for At-Risk Youth | $200,000 | Nadler (NY) | |
| DOJ | OJP—JJ | North Area Athletic & Education Center, Syracuse, NY | Stepping Stones for Your Future | $50,000 | Maffei | |
| DOJ | OJP—JJ | Northern Forest Canoe Trail, Waitsfield, VT | Explorers Program | $300,000 | Arcuri; Michaud; Owens; Pingree (ME); Welch | Leahy; Snowe |
| DOJ | OJP—JJ | Northwest Virginia Regional Gang Task Force, Berryville, VA | Northwest Virginia Regional Gang Task Force | $500,000 | | Webb; Warner |
| DOJ | OJP—JJ | Nuyorican Poets Cafe, New York, NY | Arts Programming for At-Risk Youth | $250,000 | Velazquez | |
| DOJ | OJP—JJ | NYC Outward Bound, Long Island City, NY | Expeditionary Learning | $400,000 | McMahon | |
| DOJ | OJP—JJ | Ohel Children's Home and Family Services, Brooklyn, NY | Violence Prevention Program | $400,000 | Weiner; Engel | |
| DOJ | OJP—JJ | Operation QT, Inc., Paradise Valley, AZ | After School Program | $600,000 | Pastor (AZ) | |
| DOJ | OJP—JJ | Our Children's Homestead, Rockford, IL | Foster Youth Support Program | $200,000 | | Durbin |
| DOJ | OJP—JJ | Overtown Youth Center, Inc., Miami, FL | Youth Programs | $100,000 | Meek (FL) | |
| DOJ | OJP—JJ | Parents Against Addiction, Nitro, WV | Drug Rehabilitation Program | $500,000 | Rahall | |
| DOJ | OJP—JJ | Part of the Solution, Inc., Bronx, NY | After-School Education Program for At-Risk Youth | $50,000 | Serrano | |
| DOJ | OJP—JJ | Patterson Volunteer Committee, Inc., Bronx, NY | Students Against Gun Violence | $50,000 | Serrano | |
| DOJ | OJP—JJ | People United for Sustainable Housing, Buffalo, NY | Programs to Assist At-Risk Youth | $250,000 | Higgins | |
| DOJ | OJP—JJ | Permanent Fund, Montpelier, VT | Mentoring Collaborative | $500,000 | | Leahy |
| DOJ | OJP—JJ | Phoenix Houses of Los Angeles, Inc., Lake View Terrace, CA | Strengthening Family and Mental Health Services for Underserved Youth in Los Angeles County | $500,000 | Sherman; Berman; Roybal-Allard | Boxer |
| DOJ | OJP—JJ | Pinellas County, Clearwater, FL | At-Risk Youth Diversion and Recidivism Prevention Program | $300,000 | Castor (FL) | |
| DOJ | OJP—JJ | Pittsburgh TASK, Pittsburgh, PA | Mobilizing Male Mentors Project | $100,000 | Doyle | |
| DOJ | OJP—JJ | POINT Community Development Corporation, Bronx, NY | Youth Development Program | $250,000 | Serrano | |
| DOJ | OJP—JJ | Police Athletic League, Toledo, OH | Youth Center | $400,000 | Kaptur | |
| DOJ | OJP—JJ | PortSide New York, Brooklyn, NY | Youth Summer Work and Education | $50,000 | Velazquez; Nadler (NY) | |
| DOJ | OJP—JJ | Project Intercept, Inc., Brooklyn, NY | Mentoring—A Drug Prevention Program for At-Risk Youth | $100,000 | Weiner | |
| DOJ | OJP—JJ | Pulaski County Youth Services, Little Rock, AR | Youth Initiative to Encourage Learning and Development | $200,000 | Snyder | |
| DOJ | OJP—JJ | Railroad Street Youth Project, Great Barrington, MA | Berkshire Youth Development Project | $265,000 | Olver | |
| DOJ | OJP—JJ | Randolph County Family Connection, Inc., Cuthbert, GA | After School Program for At-Risk Children | $75,000 | Bishop (GA) | |
| DOJ | OJP—JJ | Red Hook Initiative, Brooklyn, NY | Education Program for At-Risk Youth | $250,000 | Velazquez | |
| DOJ | OJP—JJ | Renaissance EMS, Bronx, NY | At-Risk Youth Program | $100,000 | Serrano | |
| DOJ | OJP—JJ | Restorative Justice for Oakland Youth, Oakland, CA | Restorative Alternatives: Youth Diversion and Re-entry Program | $250,000 | Lee (CA) | |
| DOJ | OJP—JJ | Rhode Island Mentoring Partnership, Warwick, RI | Support for Mentoring Programs | $200,000 | Langevin | |
| DOJ | OJP—JJ | Richmond Police Activities League, Richmond, CA | Changing Habits, Attitudes & Mind Program (CHAMP) | $400,000 | Miller, George | |
| DOJ | OJP—JJ | Roca, Chelsea, MA | Roca Springfield Project | $500,000 | | Kerry |
| DOJ | OJP—JJ | Rock School for Dance Education, Philadelphia, PA | RockReach Program | $250,000 | Andrews; Brady (PA); Fattah | |
| DOJ | OJP—JJ | Sankofa Safe Child Initiative, Chicago, IL | Juvenile Justice Leadership Navigation Project | $150,000 | Davis (IL) | |
| DOJ | OJP—JJ | Save Our Future, Inc., Los Angeles, CA | Mothers On the March After-School Program, Intervention & Enrichment | $300,000 | Watson | |
| DOJ | OJP—JJ | Save The Children, Washington, DC | Juvenile Delinquency Prevention Program | $500,000 | | Pryor; Lincoln |
| DOJ | OJP—JJ | Save the Children, Westport, CT | Arkansas Rural Literacy Program | $400,000 | Berry | |

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|---|---|---|---|---|---|---|
| DOJ | OJP—JJ | Sea Research Foundation, Mystic, CT | Ocean Exploration and Science Education for At-Risk Youth | $1,750,000 | DeLauro; Kennedy, Courtney; Moran (VA) | Dodd; Lieberman |
| DOJ | OJP—JJ | Search to Involve Pilipino Americans, Los Angeles, CA | SIPA Youth Empowerment and Employment Training Institute | $500,000 | Becerra | |
| DOJ | OJP—JJ | SEED School of Maryland, Baltimore, MD | SEED Maryland Student Life Program | $500,000 | Cummings; Edwards (MD); Ruppersberger; Sarbanes | Cardin |
| DOJ | OJP—JJ | SGA Youth & Family Service, Chicago, IL | College Success Initiative | $250,000 | Gutierrez | |
| DOJ | OJP—JJ | SGA Youth & Family Services, Chicago, IL | Roseland College Success Initiative | $250,000 | Jackson (IL) | |
| DOJ | OJP—JJ | Sid Jacobson Jewish Community Center, East Hills, NY | Youth Action After School Program | $100,000 | Ackerman | |
| DOJ | OJP—JJ | Social Service and Community Development Foundation, Inc., Joliet, IL | Hill Memorial Learning Center | $150,000 | Halvorson | |
| DOJ | OJP—JJ | Sound Mental Health, Seattle, WA | Children's Domestic Violence Response Team Program | $280,000 | McDermott | |
| DOJ | OJP—JJ | Soundview Community in Action, Bronx, NY | Outreach Program for At-Risk Youth | $250,000 | Crowley | |
| DOJ | OJP—JJ | South Carolina Afterschool Alliance, Columbia, SC | Disconnected Youth Program | $350,000 | Clyburn | |
| DOJ | OJP—JJ | South Queens Boys & Girls Club, Richmond Hill, NY | After-School Program | $200,000 | Meeks (NY) | |
| DOJ | OJP—JJ | SOWEGA CASA, Inc., Americus, GA | A CASA for Every Child | $75,000 | Bishop (GA) | |
| DOJ | OJP—JJ | Sports & Arts in Schools Foundation, Woodside, NY | At-Risk Youth Program | $300,000 | Towns; Clarke; Maloney; Velazquez | |
| DOJ | OJP—JJ | St. Louis Science Center, St. Louis, Missouri, MO | Youth Exploring Science (YES) | $200,000 | Clay; Carnahan | |
| DOJ | OJP—JJ | Starr Commonwealth, Albion, MI | Technology Upgrades for At-Risk Youth Programs | $250,000 | Schauer | Levin; Stabenow |
| DOJ | OJP—JJ | Suffolk University, Boston, MA | Juvenile Justice Center | $200,000 | Lynch | Kerry |
| DOJ | OJP—JJ | Team Focus, Inc., Tupelo, MS | Mississippi Team Focus Youth Mentoring Program | $200,000 | | Cochran |
| DOJ | OJP—JJ | Team Focus, Morgan, TX | Youth Mentoring Program | $500,000 | | Hutchison |
| DOJ | OJP—JJ | Texas A&M Corpus Christi, Corpus Christi, TX | Adjudicated Youth Program | $270,000 | Ortiz | |
| DOJ | OJP—JJ | The Manor, Jonesville, MI | Children and Family Community Reintegration Program | $300,000 | Schauer | Levin; Stabenow |
| DOJ | OJP—JJ | Thurgood Marshall College Fund, New York, NY | Rebuilding Communities Initiatives through Mentorship and Education | $500,000 | Towns; Butterfield; Hastings (FL); Johnson (GA); Johnson, Eddie Bernice; Meek (FL); Norton | Landrieu; Pryor; Lincoln; Hagan |
| DOJ | OJP—JJ | Tilles Center for the Performing Arts, Greenvale, NY | Stay in School Initiative | $200,000 | Ackerman | |
| DOJ | OJP—JJ | Township of Irvington, Irvington, NJ | Youth Violence Prevention Initiative | $300,000 | | Lautenberg; Menendez |
| DOJ | OJP—JJ | Turnaround for Children, New York, NY | At-Risk Youth Education Programs | $400,000 | Rangel | Schumer |
| DOJ | OJP—JJ | U.S. Dream Academy Mentoring Project, Columbia, MD | Mentoring Project | $250,000 | Cummings | |
| DOJ | OJP—JJ | U.S. Soccer Foundation, Washington, DC | Youth Soccer Gang Prevention Initiative | $200,000 | Roybal-Allard | |
| DOJ | OJP—JJ | Uhlich Children's Advantage Network, Chicago, IL | Violence Prevention and Job Development Program for Youth | $250,000 | Jackson (IL); Quigley | |
| DOJ | OJP—JJ | University of Montana, Missoula, MT | Montana Safe School Center: Trauma-Informed Communities | $500,000 | | Tester; Baucus |
| DOJ | OJP—JJ | University of Northern Iowa, Cedar Falls, IA | Center for Minority Youth Development | $300,000 | Braley (IA) | Harkin; Grassley |
| DOJ | OJP—JJ | Urban Dreams, Des Moines, IA | Urban Children are Really Essential (U-CARE) | $200,000 | Boswell; Braley (IA) | |
| DOJ | OJP—JJ | Urban League of Hudson County, Jersey City, NJ | Project Restore Gang Education and Prevention Program | $400,000 | Payne; Sires | Lautenberg; Menendez |
| DOJ | OJP—JJ | Vermont Department of Children and Families, Waterbury, VT | At-Risk Youth Assistance Program | $800,000 | | Sanders |
| DOJ | OJP—JJ | Vermont Department of Education, Montpelier, VT | Extended Education Programming in Schools | $500,000 | | Sanders |
| DOJ | OJP—JJ | Virginia Early Childhood Foundation, Richmond, VA | Southside/Southwest Virginia School Readiness Initiative | $250,000 | | Webb; Warner |
| DOJ | OJP—JJ | Virginia Foundation for Community College Education, Richmond, VA | Great Expectations Program for Virginia's Foster Youth | $370,000 | | Webb; Warner |
| DOJ | OJP—JJ | Virginia Mentoring Partnership, Richmond, VA | Mentoring Programs for At-Risk Children and Youth | $200,000 | Nye | Webb; Warner |
| DOJ | OJP—JJ | Western Connecticut State University, Danbury, CT | Expanded Building a Bridge to Improve Student Success At-Risk Youth Project | $400,000 | Murphy (CT) | Dodd; Lieberman |
| DOJ | OJP—JJ | William A. Lawson Institute for Peace and Prosperity, Houston, TX | Mentoring Program | $200,000 | Green, Al | |
| DOJ | OJP—JJ | Women's Studio Workshop, Kingston, NY | Cultural Experiences for At-Risk Youth: Hands-On Art (ARTFarm) | $60,000 | Hinchey | |
| DOJ | OJP—JJ | Woonsocket Prevention Coalition, Woonsocket, RI | RI Third Eye Youth Crime Watch | $220,000 | Kennedy | Reed; Whitehouse |
| DOJ | OJP—JJ | YMCA of Greater Houston, Houston, TX | Apartment Outreach Program | $300,000 | Green, Gene | |

## COMMERCE, JUSTICE, SCIENCE—Continued

[Congressionally Directed Spending Items]

| Agency | Account | Recipient | Title | Amount | Requester(s) | |
|---|---|---|---|---|---|---|
| | | | | | House | Senate |
| DOJ | OJP—JJ | YMCA of Metropolitan Hartford, Inc., Hartford, CT | Youth Violence Prevention Initiative | $500,000 | Larson (CT) | |
| DOJ | OJP—JJ | Youngstown State University, Youngstown, OH | YSU SMARTS—Students Motivated by the Arts at the Mahoning County Juvenile Justice Center | $100,000 | Ryan (OH) | |
| DOJ | OJP—JJ | Youth as Possibility, Chicago, IL | At-Risk Youth Programs | $150,000 | Rush | |
| DOJ | OJP—JJ | Youth Policy Institute, Los Angeles, CA | Los Angeles Community Schools Initiative | $400,000 | Becerra | |
| DOJ | OJP—JJ | Youthworks, Bismarck, ND | At Risk Youth Intervention | $600,000 | | Dorgan; Conrad |
| DOJ | OJP—JJ | YWCA Columbus, Columbus, OH | At-Risk Youth Initiative | $250,000 | Kilroy | Voinovich; Brown, Sherrod |
| DOJ | OJP—JJ | YWCA Corpus Christi, Corpus Christi, TX | YW Teen Program | $500,000 | Ortiz; Hinojosa | |
| DOJ | OJP—JJ | YWCA Elgin, Elgin, IL | At-Risk Youth Initiative | $350,000 | Foster | Burris |
| DOJ | OJP—JJ | YWCA Great Lakes Bay Region, Bay City, MI | Empowerment Initiative for At-Risk Youth and Women | $500,000 | Kildee | Levin; Stabenow |
| DOJ | OJP—JJ | YWCA Northern Rhode Island, Woonsocket, RI | Bright Futures Initiative for At-Risk Youth | $750,000 | Kennedy | Reed; Whitehouse |
| DOJ | OJP—JJ | YWCA of Greater Lawrence, Lawrence, MA | Initiative for At-Risk Youth | $300,000 | Tsongas | |
| DOJ | OJP—JJ | YWCA of Mohawk Valley, Utica, NY | Child Advocacy Centers and Support Services, Oneida, Herkimer and Cortland Counties, NY | $450,000 | Arcuri | |
| DOJ | OJP—JJ | YWCA of Salt Lake City, Salt Lake City, UT | Shelter and Residence for Women and Children | $485,000 | | Bennett |
| DOJ | OJP—JJ | YWCA Pueblo, Pueblo, CO | Teen Domestic Violence Prevention Education | $300,000 | | Bennet |
| DOJ | OJP—JJ | YWCA Vermont, Colchester, VT | Initiative for At-Risk Girls | $150,000 | Welch | |
| DOJ | OJP—JJ | YWCA Youngstown, Youngstown, OH | At-Risk Youth Strengthening Initiative | $300,000 | Ryan (OH) | Voinovich; Brown, Sherrod |
| DOJ | OJP—JJ | Zero to Three, Douglasville, GA | Douglas County Court Team for Maltreated Infants and Toddlers | $100,000 | Scott (GA) | Chambliss |
| DOJ | OJP—JJ | Zero to Three, San Francisco, CA | Court Team for Maltreated Infants and Toddlers | $300,000 | Pelosi | |
| NASA | CAS | Anne Arundel County Public Schools, Annapolis, MD | STEM Innovation Incubator | $1,000,000 | Ruppersberger | |
| NASA | CAS | Bay Area Houston Economic Partnership, Houston, TX | Space Alliance Technology Outreach Program | $2,000,000 | Paul | Hutchison; Cornyn |
| NASA | CAS | Baylor University, Waco, TX | Baylor Advanced Composite Materials Research and Baylor Research Innovation Collaborative | $2,300,000 | Edwards (TX) | |
| NASA | CAS | Baylor University, Waco, TX | Space Sciences Consortium | $1,000,000 | | Hutchison |
| NASA | CAS | City of Downey, Downey, CA | Remote Sensing Exhibit | $500,000 | Roybal-Allard | |
| NASA | CAS | College Opportunity Resources for Education, Philadelphia, PA | STEM Scholarship Program | $1,500,000 | Fattah | |
| NASA | CAS | Dallas County Community College District, Dallas, TX | STEM Professions Initiative | $300,000 | Johnson, Eddie Bernice | |
| NASA | CAS | Delaware AeroSpace Education Foundation, Smyrna, DE | Science and Technology Literacy | $175,000 | | Carper; Kaufman |
| NASA | CAS | Dillard University, New Orleans, LA | Dillard University Eighth Grade Initiative | $300,000 | Cao | Landrieu |
| NASA | CAS | Fulton-Montgomery Community College, Johnstown, NY | Center for Engineering and Technology | $400,000 | Tonko | Schumer; Gillibrand |
| NASA | CAS | GEAR UP Collaborative, Philadelphia, PA | Math, Science and Technology Enrichment Program | $2,000,000 | Fattah | |
| NASA | CAS | Glenville State College, Glenville, WV | Center for Teacher Excellence | $10,000,000 | Mollohan | |
| NASA | CAS | Imiloa Astronomy Center, Honolulu, HI | Imiloa Astronomy Center | $2,500,000 | Hirono | Inouye; Akaka |
| NASA | CAS | Marshall Space Flight Center, Huntsville, AL | Advanced Algorithm, Integration, and Maturation | $500,000 | | Shelby |
| NASA | CAS | Marshall Space Flight Center, Huntsville, AL | Development of Characterization Techniques for Advanced High Temperature Materials in Space Launch Applications | $500,000 | Davis (AL) | Shelby |
| NASA | CAS | Marshall Space Flight Center, Huntsville, AL | NASA Space Nuclear Power Systems Research and Development | $500,000 | | Shelby |
| NASA | CAS | Marshall Space Flight Center, Huntsville, AL | Product Lifecycle Management | $500,000 | | Shelby |
| NASA | CAS | Middle Tennessee State University, Murfreesboro, TN | Aviation Safety and Human Factors Research Using Emerging Technologies | $400,000 | Gordon (TN) | |
| NASA | CAS | Middle Tennessee State University, Murfreesboro, TN | Future Aerospace Scientists in Tennessee | $300,000 | Gordon (TN) | |
| NASA | CAS | Mississippi State University, Starkville, MS | Linking Disruptive Manufacturing Research with Manufacturing Industries | $1,250,000 | | Cochran; Wicker |

| | | | | | | |
|---|---|---|---|---|---|---|
| NASA | CAS | Morgan State University, University of Maryland Eastern Shore, and Bowie State University, Baltimore, MD | Chesapeake Information Based Aeronautics Consortium | $3,000,000 | Cummings | Mikulski |
| NASA | CAS | National Commission on Teaching and America's Future, Towson, MD | NASA 21st Century Learning Studios | $300,000 | Sarbanes; Edwards (MD); Ruppersberger | |
| NASA | CAS | National Institute for Aviation Research, Wichita, KS | National Center for Advanced Materials Performance | $950,000 | | Brownback; Roberts |
| NASA | CAS | New Mexico State University, Las Cruces, NM | Science, Engineering, Math, Aerospace Academy | $200,000 | Teague | Bingaman |
| NASA | CAS | North Carolina A&T University, Greensboro, NC | Low-Power Microelectronics for Harsh Environments Encountered in NASA Missions | $200,000 | Miller (NC) | Hagan |
| NASA | CAS | Northern Kentucky University Research Foundation, Highland Heights, KY | STEM Outreach Initiative | $200,000 | | Bunning |
| NASA | CAS | Rochester Area Colleges, Inc., Rochester, NY | Center for Excellence in Math and Science | $500,000 | Slaughter; Maffei | |
| NASA | CAS | Southeast Missouri State University, Cape Girardeau, MO | Missouri NASA Math, Science and Technology Education Enhancement Program | $500,000 | | Bond |
| NASA | CAS | Space Florida, Cape Canaveral, FL | Clean Energy Initiatives | $750,000 | | Nelson, Bill |
| NASA | CAS | Space Florida, Cape Canaveral, FL | Launch Complex-36/46 Infrastructure | $1,650,000 | | Nelson, Bill |
| NASA | CAS | Spelman College, Atlanta, GA | Women in Science and Engineering Program | $100,000 | Johnson (GA); Lewis (GA) | Chambliss; Isakson |
| NASA | CAS | St. Louis Community College, St. Louis, MO | Missouri Challenge | $500,000 | | Bond |
| NASA | CAS | Teach for America, New York, NY | Teach for America STEM Activities | $3,000,000 | | Mikulski |
| NASA | CAS | Tennessee Technological University, Cookeville, TN | STEM Innovation Through Digital Manufacturing | $200,000 | Gordon (TN) | |
| NASA | CAS | Towson University, Coppin State University, and University of Maryland Biotechnology Institute, Towson and Baltimore, MD | Baltimore Excellence in Science Teaching Partnership | $1,000,000 | Ruppersberger | Mikulski |
| NASA | CAS | University of Alabama in Huntsville, Huntsville, AL | Airborne Sensor for Disasters and Environmental Monitoring | $500,000 | | Shelby |
| NASA | CAS | University of Louisville, Louisville, KY | University of Louisville Diagnosing and Mitigating Human Exposure to Radiation | $2,000,000 | | McConnell |
| NASA | CAS | University of Maryland, College Park, MD | University-Assisted K-12 Engineering Education Program | $800,000 | Edwards (MD); Hoyer; Ruppersberger; Sarbanes | Cardin |
| NASA | CAS | University of Massachusetts, Amherst, Amherst, MA | Large Millimeter Telescope | $500,000 | Olver | Kerry |
| NASA | CAS | University of Mississippi, Oxford, MS | National Center for Remote Sensing, Air, and Space Law | $1,400,000 | | Cochran; Wicker |
| NASA | CAS | University of Mississippi, University, MS | Innovative STEM Education | $200,000 | Childers | |
| NASA | CAS | University of North Dakota, Grand Forks, ND | Upper Midwest Aerospace Consortium | $3,000,000 | Pomeroy | Dorgan; Conrad |
| NASA | CAS | University of Northern Iowa, Cedar Falls, IA | National Institute for Early Mathematics and Science Education | $200,000 | Braley (IA) | Harkin; Grassley |
| NASA | CAS | University of Southern Mississippi, Hattiesburg, MS | Transitioning Space Technologies into the Commercial Sector | $1,750,000 | | Cochran; Wicker |
| NASA | CAS | University of Toledo, Toledo, OH | Advanced Photovoltaics Array Testing | $1,000,000 | Kaptur | Voinovich; Brown, Sherrod |
| NASA | CAS | University of Vermont, Burlington, VT | Complex Systems Center | $1,300,000 | | Leahy |
| NASA | CAS | West Virginia University, Morgantown, WV | Automatic Sensor Webs for Scientific Discovery | $500,000 | Mollohan | |
| NASA | CAS | West Virginia University, Morgantown, WV | Aviation Safety Research and Design | $500,000 | Mollohan | |
| NASA | CAS | Wheeling Jesuit University, Wheeling, WV | National Technology Transfer Center | $1,500,000 | | Rockefeller |

## COMMERCE, JUSTICE, SCIENCE

**[Fiscal Year 2009 Project Corrections]**

| Agency | Account | Recipient | Project | Amount | Requester(s) | |
|---|---|---|---|---|---|---|
| | | | | | House | Senate |
| DOJ | COPS—LE Tech | City of Green Bay, Green Bay, WI | Police Department Forensics Equipment | $40,000 | Kagen | |
| DOJ | OJP—Byrne | City of Las Vegas, Las Vegas, NV | Shared Computer Operation for Protection and Enforcement (SCOPE) | $400,000 | | Reid |
| DOJ | COPS—LE Tech | City of Monroe, Monroe, NC | Police Department Interoperable Radio Project | $300,000 | Kissell | |
| DOJ | OJP—JJ | Department of 4-H Youth Development and Family & Consumer Sciences at North Carolina State University, Raleigh, NC | Wake County Gang Prevention Partnership Spanish Language Anti-Gang Campaign | $650,000 | Price | |
| DOJ | OJP—JJ | Identity, Inc., Gaithersburg, MD | Latino Youth Gang Prevention Project | $200,000 | Van Hollen | |
| DOJ | OJP—Byrne | St. Stephen Family Life Center, Louisville, KY | Youth Mentoring Program | $150,000 | Yarmuth | |
| DOJ | OJP—Byrne | University of Louisiana-Lafayette, Lafayette, LA | Early Intervention Program for At-Risk Youth | $800,000 | | Landrieu; Vitter |

## COMMERCE, JUSTICE, SCIENCE

[Fiscal Year 2010 Project Corrections]

| Agency | Account | Recipient | Project | Amount | Requester(s) | |
|---|---|---|---|---|---|---|
| | | | | | House | Senate |
| DOJ | OJP—Byrne | Beaver County Sheriff, Beaver, PA | Law Enforcement Technology and Equipment | $120,000 | Altmire | |
| DOJ | COPS—LE Tech | Elgin Police Department, Elgin, IL | Law Enforcement Technology | $460,000 | Foster | |
| DOJ | OJP—Byrne | Lawrence County Sheriff, New Castle, PA | Law Enforcement Technology and Equipment | $120,000 | Altmire | |
| DOJ | OJP—Byrne | Montana Sheriffs and Peace Officers Association, Helena, MT | Adult Initiatives | $300,000 | | Tester; Baucus |
| DOJ | OJP—Byrne | Texas State University, San Marcos, TX | ALERRT (Advanced Law Enforcement Rapid Response Training) | $1,300,000 | Edwards (TX) | |
| DOJ | COPS—LE Tech | Webb County Sheriff, Laredo, TX | South Texas Emergency Operations Center Equipment | $250,000 | Cuellar | |

COMPARATIVE STATEMENT OF NEW BUDGET AUTHORITY FY 2011

[Amounts in thousands]

| | FY 2010 Enacted | FY 2011 Request | FY 2011 This Bill | This Bill vs Enacted | This Bill vs Request |
|---|---|---|---|---|---|
| TITLE I—DEPARTMENT OF COMMERCE | | | | | |
| International Trade Administration | | | | | |
| Operations and administration | 456,204 | 543,704 | 514,204 | +58,000 | −29,500 |
| Offsetting fee collections | −9,439 | −9,439 | −9,439 | | |
| Direct appropriation | 446,765 | 534,265 | 504,765 | +58,000 | −29,500 |
| Bureau of Industry and Security | | | | | |
| Operations and administration | 85,575 | 81,106 | 78,295 | −7,280 | −2,811 |
| CWC enforcement | 14,767 | 32,000 | 31,680 | +16,913 | −320 |
| Total, Bureau of Industry and Security | 100,342 | 113,106 | 109,975 | +9,633 | −3,131 |
| Economic Development Administration | | | | | |
| Economic development assistance programs | 255,000 | 246,000 | 277,000 | +22,000 | +31,000 |
| Emergency appropriations (Public Law 111–212) | 54,000 | | | −54,000 | |
| Subtotal | 309,000 | 246,000 | 277,000 | −32,000 | +31,000 |
| Salaries and expenses | 38,000 | 40,181 | 40,181 | +2,181 | |
| Total, Economic Development Administration | 347,000 | 286,181 | 317,181 | −29,819 | +31,000 |
| Minority business development | 31,500 | 32,316 | 32,316 | +816 | |
| Economic and Statistical Analysis | 97,255 | 113,200 | 110,000 | +12,745 | −3,200 |
| Bureau of the Census | | | | | |
| Salaries and expenses | 259,024 | 280,364 | 271,364 | +12,340 | −9,000 |
| Periodic censuses and programs | 7,065,707 | 986,359 | 964,059 | −6,101,648 | −22,300 |
| Acquisition workforce capacity and capabilities | | 256 | | | −256 |
| Rescission (Public Law 111–224) | −129,000 | | | +129,000 | |
| Subtotal | 6,936,707 | 986,615 | 964,059 | −5,972,648 | −22,556 |
| Total, Bureau of the Census | 7,195,731 | 1,266,979 | 1,235,423 | −5,960,308 | −31,556 |
| National Telecommunications and Information Administration | | | | | |
| Salaries and expenses | 19,999 | 21,825 | 41,568 | +21,569 | +19,743 |
| Public telecommunications facilities, planning and construction | 20,000 | | 20,000 | | +20,000 |
| Broadband technology opportunities program, administrative expenses | | 23,700 | | | −23,700 |
| Total, National Telecommunications and Information Administration | 39,999 | 45,525 | 61,568 | +21,569 | +16,043 |
| United States Patent and Trademark Office | | | | | |
| Current year fee funding | 1,887,000 | 2,321,724 | 2,262,000 | +375,000 | −59,724 |
| Offsetting fee collections | −1,887,000 | −2,321,724 | −2,262,000 | −375,000 | +59,724 |
| Salaries and expenses (Public Law 111–224) | 129,000 | | | −129,000 | |
| Total, Patent and Trademark Office | 129,000 | | | −129,000 | |
| National Institute of Standards and Technology | | | | | |
| Scientific and technical research and services | 515,000 | 584,500 | 541,246 | +26,246 | −43,254 |
| (Transfer out) | (−9,000) | (−9,000) | (−9,000) | | |
| Industrial technology services | 194,600 | 209,600 | 204,454 | +9,854 | −5,146 |
| Manufacturing Extension Partnerships | (124,700) | (129,700) | (124,700) | | (−5,000) |
| Technology Innovation Program | (69,900) | (79,900) | (69,900) | | (−10,000) |
| Baldridge Performance Excellence Program | | | (9,854) | (+9,854) | (+9,854) |
| Construction of research facilities | 147,000 | 124,800 | 132,000 | −15,000 | +7,200 |
| Working capital fund (by transfer) | (9,000) | (9,000) | (9,000) | | |
| Total, National Institute of Standards and Technology | 856,600 | 918,900 | 877,700 | +21,100 | −41,200 |
| National Oceanic and Atmospheric Administration | | | | | |
| Operations, research, and facilities | 3,305,178 | 3,301,173 | 3,475,460 | +170,282 | +174,287 |
| Emergency appropriations (Public Law 111–212) | 25,000 | | | −25,000 | |
| (by transfer) | (104,600) | (104,600) | (68,000) | (−36,600) | (−36,600) |
| Promote and Develop Fund (transfer out) | (−104,600) | (−104,600) | (−68,000) | (+36,600) | (+36,600) |
| Acquisition workforce capacity and capabilities | | 1,908 | | | −1,908 |
| Coastal zone management transfer | 3,000 | | 3,000 | | +3,000 |
| Subtotal | 3,333,178 | 3,303,081 | 3,478,460 | +145,282 | +175,379 |
| Procurement, acquisition and construction | 1,358,353 | 2,184,091 | 2,002,219 | +643,866 | −181,872 |
| Rescission of emergency funding (Public Law 111–212) | −26,000 | | | +26,000 | |
| Subtotal | 1,332,353 | 2,184,091 | 2,002,219 | +669,866 | −181,872 |
| Pacific coastal salmon recovery | 80,000 | 65,000 | 80,000 | | +15,000 |
| Fisheries disaster relief (emergency) (Public Law 111–212) | 26,000 | | | −26,000 | |
| Fishermen's contingency fund | | 350 | 250 | +250 | −100 |
| Coastal zone management fund | −3,000 | −1,000 | −1,000 | +2,000 | |
| Fisheries finance program account | −6,000 | −8,001 | −8,001 | −2,001 | |
| Total, National Oceanic and Atmospheric Administration | 4,762,531 | 5,543,521 | 5,551,928 | +789,397 | +8,407 |
| Departmental Management | | | | | |
| Salaries and expenses | 58,000 | 65,248 | 64,595 | +6,595 | −653 |
| Acquisition workforce capacity and capabilities | | 1,378 | | | −1,378 |
| Subtotal | 58,000 | 66,626 | 64,595 | +6,595 | −2,031 |
| Renovation and modernization | 22,500 | 17,487 | 5,000 | −17,500 | −12,487 |
| Office of Inspector General | 27,000 | 29,394 | 29,394 | +2,394 | |
| Total, Departmental Management | 107,500 | 113,507 | 98,989 | −8,511 | −14,518 |
| Total, title I, Department of Commerce | 14,114,223 | 8,967,500 | 8,899,845 | −5,214,378 | −67,655 |
| Appropriations | (14,164,223) | (8,967,500) | (8,899,845) | (−5,264,378) | (−67,655) |
| Rescissions | (−129,000) | | | (+129,000) | |
| Emergency appropriations | (105,000) | | | (−105,000) | |
| Rescissions of emergency funding | (−26,000) | | | (+26,000) | |
| (By transfer) | (113,600) | (113,600) | (77,000) | (−36,600) | (−36,600) |
| (Transfer out) | (−113,600) | (−113,600) | (−77,000) | (+36,600) | (+36,600) |

COMPARATIVE STATEMENT OF NEW BUDGET AUTHORITY FY 2011—Continued

[Amounts in thousands]

| | FY 2010 Enacted | FY 2011 Request | FY 2011 This Bill | This Bill vs Enacted | This Bill vs Request |
|---|---|---|---|---|---|
| TITLE II—DEPARTMENT OF JUSTICE | | | | | |
| General Administration | | | | | |
| Salaries and expenses | 118,488 | 212,558 | 145,565 | +27,077 | −66,993 |
| Acquisition workforce capacity and capabilities | | 10,778 | | | −10,778 |
| Subtotal | 118,488 | 223,336 | 145,565 | +27,077 | −77,771 |
| National Drug Intelligence Center | 44,023 | 44,580 | 44,580 | +557 | |
| Justice information sharing technology | 88,285 | 179,785 | 124,585 | +36,300 | −55,200 |
| Tactical law enforcement wireless communications | 206,143 | 207,727 | 207,727 | +1,584 | |
| Total, General Administration | 456,939 | 655,428 | 522,457 | +65,518 | −132,971 |
| Administrative review and appeals | 300,685 | 319,220 | 319,420 | +18,735 | +200 |
| Transfer from immigration examinations fee account | −4,000 | −4,000 | −4,000 | | |
| Direct appropriation | 296,685 | 315,220 | 315,420 | +18,735 | +200 |
| Emergency appropriations (Public Law 111–230) | 2,118 | | | −2,118 | |
| Subtotal | 298,803 | 315,220 | 315,420 | +16,617 | +200 |
| Detention trustee | 1,438,663 | 1,533,863 | 1,533,863 | +95,200 | |
| Emergency appropriations (Public Law 111–230) | 7,000 | | | −7,000 | |
| Subtotal | 1,445,663 | 1,533,863 | 1,533,863 | +88,200 | |
| Office of Inspector General | 84,368 | 88,792 | 88,792 | +4,424 | |
| United States Parole Commission | | | | | |
| Salaries and expenses | 12,859 | 13,582 | 13,582 | +723 | |
| Legal Activities | | | | | |
| Salaries and expenses, general legal activities | 875,097 | 976,389 | 969,989 | +94,892 | −6,400 |
| Emergency appropriations (Public Law 110–230) | 3,862 | | | −3,862 | |
| Emergency appropriations (Public Law 111–212) | 10,000 | | | −10,000 | |
| Subtotal | 888,959 | 976,389 | 969,989 | +81,030 | −6,400 |
| Vaccine injury compensation trust fund | 7,833 | 7,833 | 7,833 | | |
| Antitrust Division, salaries and expenses | 163,170 | 167,028 | 167,028 | +3,858 | |
| Offsetting fee collections—current year | −102,000 | −96,000 | −96,000 | +6,000 | |
| Direct appropriation | 61,170 | 71,028 | 71,028 | +9,858 | |
| United States Attorneys, salaries and expenses | 1,934,003 | 2,041,269 | 2,041,269 | +107,266 | |
| Emergency appropriations (Public Law 110–230) | 9,198 | | | −9,198 | |
| Subtotal | 1,943,201 | 2,041,269 | 2,041,269 | +98,068 | |
| United States Trustee System Fund | 219,250 | 236,435 | 236,435 | +17,185 | |
| Offsetting fee collections | −210,000 | −231,435 | −231,435 | −21,435 | |
| Interest on U.S. securities | −5,000 | −5,000 | −5,000 | | |
| Direct appropriation | 4,250 | | | −4,250 | |
| Foreign Claims Settlement Commission | 2,117 | 2,159 | 2,159 | +42 | |
| Fees and expenses of witnesses | 168,300 | 270,000 | 270,000 | +101,700 | |
| Salaries and expenses, Community Relations Service | 11,479 | 12,606 | 12,606 | +1,127 | |
| Assets forfeiture fund | 20,990 | 20,990 | 20,990 | | |
| Total, Legal Activities | 3,108,299 | 3,402,274 | 3,395,874 | +287,575 | −6,400 |
| United States Marshals Service | | | | | |
| Salaries and expenses | 1,125,763 | 1,180,534 | 1,180,534 | +54,771 | |
| Emergency appropriations (Public Law 111–230) | 29,651 | | | −29,651 | |
| Subtotal | 1,155,414 | 1,180,534 | 1,180,534 | +25,120 | |
| Construction | 26,625 | 26,625 | 26,625 | | |
| Emergency appropriations (Public Law 111–230) | 8,000 | | | −8,000 | |
| Subtotal | 34,625 | 26,625 | 26,625 | −8,000 | |
| Total, United States Marshals Service | 1,190,039 | 1,207,159 | 1,207,159 | +17,120 | |
| National Security Division | | | | | |
| Salaries and expenses | 87,938 | 99,537 | 99,537 | +11,599 | |
| Interagency Law Enforcement | | | | | |
| Interagency crime and drug enforcement | 528,569 | 579,319 | 574,319 | +45,750 | −5,000 |
| Emergency appropriations (Public Law 111–230) | 21,000 | | | −21,000 | |
| Subtotal | 549,569 | 579,319 | 574,319 | +24,750 | −5,000 |
| Federal Bureau of Investigation | | | | | |
| Salaries and expenses | 7,557,556 | 8,083,475 | 8,089,597 | +532,041 | +6,122 |
| Overseas contingency operations | 101,066 | | | −101,066 | |
| Subtotal | 7,658,622 | 8,083,475 | 8,089,597 | +430,975 | +6,122 |
| Emergency appropriations (Public Law 111–230) | 24,000 | | | −24,000 | |
| Subtotal | 7,682,622 | 8,083,475 | 8,089,597 | +406,975 | +6,122 |
| Construction | 239,915 | 181,202 | 130,589 | −109,326 | −50,613 |
| Total, Federal Bureau of Investigation | 7,922,537 | 8,264,677 | 8,220,186 | +297,649 | −44,491 |
| Drug Enforcement Administration | | | | | |
| Salaries and expenses | 2,271,472 | 2,380,008 | 2,380,008 | +108,536 | |
| Diversion control fund | −251,790 | −291,832 | −291,832 | −40,042 | |
| Emergency appropriations (Public Law 111–230) | 33,671 | | | −33,671 | |
| Subtotal | 2,053,353 | 2,088,176 | 2,088,176 | +34,823 | |
| Construction | | 41,941 | 41,941 | +41,941 | |
| Total, Drug Enforcement Administration | 2,053,353 | 2,130,117 | 2,130,117 | +76,764 | |
| Bureau of Alcohol, Tobacco, Firearms and Explosives | | | | | |
| Salaries and expenses | 1,114,772 | 1,162,986 | 1,162,986 | +48,214 | |

COMPARATIVE STATEMENT OF NEW BUDGET AUTHORITY FY 2011—Continued

[Amounts in thousands]

| | FY 2010 Enacted | FY 2011 Request | FY 2011 This Bill | This Bill vs Enacted | This Bill vs Request |
|---|---|---|---|---|---|
| Emergency appropriations (Public Law 111–230) | 37,500 | | | −37,500 | |
| Subtotal | 1,152,272 | 1,162,986 | 1,162,986 | +10,714 | |
| Construction | 6,000 | | | −6,000 | |
| Total, Bureau of Alcohol, Tobacco, Firearms and Explosives | 1,158,272 | 1,162,986 | 1,162,986 | +4,714 | |
| Federal Prison System | | | | | |
| Salaries and expenses | 6,086,231 | 6,533,779 | 6,553,779 | +467,548 | +20,000 |
| Emergency appropriations (Public Law 111–230) | 20,000 | | | −20,000 | |
| Subtotal | 6,106,231 | 6,533,779 | 6,553,779 | +447,548 | +20,000 |
| Buildings and facilities | 99,155 | 269,733 | 269,733 | +170,578 | |
| Federal Prison Industries, incorporated (limitation on administrative expenses) | 2,700 | 2,700 | 2,700 | | |
| Total, Federal Prison System | 6,208,086 | 6,806,212 | 6,826,212 | +618,126 | +20,000 |
| State and Local Law Enforcement Activities | | | | | |
| Office of Violence Against Women: | | | | | |
| Salaries and expenses | | | 17,800 | +17,800 | +17,800 |
| Prevention and prosecution programs | 418,500 | 438,000 | 448,500 | +30,000 | +10,500 |
| Salaries and expenses (by transfer) | | (22,735) | | | (−22,735) |
| Subtotal | 418,500 | 438,000 | 466,300 | +47,800 | +28,300 |
| Office of Justice Programs: | | | | | |
| Salaries and expenses | | | 200,000 | +200,000 | +200,000 |
| Research, evaluation and statistics | 235,000 | 224,300 | 340,000 | +105,000 | +115,700 |
| State and local law enforcement assistance | 1,534,768 | 1,478,500 | 1,651,780 | +117,012 | +173,280 |
| Weed and seed program fund | 20,000 | | | −20,000 | |
| Juvenile justice programs | 423,595 | 289,806 | 506,040 | +82,445 | +216,234 |
| Public safety officers benefits: | | | | | |
| Death benefits | 61,000 | 61,000 | 61,000 | | |
| Disability and education benefits | 9,100 | 16,300 | 16,300 | +7,200 | |
| Subtotal | 70,100 | 77,300 | 77,300 | +7,200 | |
| Total, Office of Justice Programs | 2,283,463 | 2,069,906 | 2,775,120 | +491,657 | +705,214 |
| Community oriented policing services: | | | | | |
| Salaries and expenses | | | 39,000 | +39,000 | +39,000 |
| COPS programs | 791,608 | 690,000 | 542,070 | −249,538 | −147,930 |
| Salaries and expenses (by transfer) | | (40,312) | | | (−40,312) |
| Subtotal | 791,608 | 690,000 | 581,070 | −210,538 | −108,930 |
| OJP, OVW, COPS Salaries and expenses | 213,388 | 279,443 | | −213,388 | −279,443 |
| (transfer out) | | (−63,047) | | | (+63,047) |
| Total, State and Local Law Enforcement Activities | 3,706,959 | 3,477,349 | 3,822,490 | +115,531 | +345,141 |
| Total, title II, Department of Justice | 28,283,684 | 29,736,515 | 29,912,994 | +1,629,310 | +176,479 |
| Appropriations | (28,077,684) | (29,736,515) | (29,912,994) | (+1,835,310) | (+176,479) |
| Emergency appropriations | (206,000) | | | (−206,000) | |
| TITLE III—SCIENCE | | | | | |
| Executive Office of the President | | | | | |
| Office of Science and Technology Policy | 7,000 | 6,990 | 6,990 | −10 | |
| National Aeronautics and Space Administration | | | | | |
| Science | 4,469,000 | 5,005,600 | 5,005,600 | +536,600 | |
| Aeronautics and space research and technology | | 1,151,800 | | | −1,151,800 |
| Aeronautics | 501,000 | | 579,600 | +78,600 | +579,600 |
| Space research and technology | | | 559,000 | +559,000 | +559,000 |
| Exploration | 3,746,300 | 4,263,400 | 3,706,000 | −40,300 | −557,400 |
| Space operations | 6,146,800 | 4,887,700 | 5,247,900 | −898,900 | +360,200 |
| Education | 182,500 | 145,800 | 180,000 | −2,500 | +34,200 |
| Cross-agency support programs | 3,194,000 | 3,107,808 | 3,085,700 | −108,300 | −22,108 |
| Acquisition workforce capacity and capabilities | | 3,592 | | | −3,592 |
| Subtotal | 3,194,000 | 3,111,400 | 3,085,700 | −108,300 | −25,700 |
| Construction and environmental compliance and remediation | 448,300 | 397,300 | 508,700 | +60,400 | +111,400 |
| Office of Inspector General | 36,400 | 37,000 | 37,500 | +1,100 | +500 |
| Total, National Aeronautics and Space Administration | 18,724,300 | 19,000,000 | 18,910,000 | +185,700 | −90,000 |
| National Science Foundation | | | | | |
| Research and related activities | 5,549,920 | 5,950,830 | 5,881,080 | +331,160 | −69,750 |
| Defense function | 68,000 | 68,000 | 68,000 | | |
| Subtotal | 5,617,920 | 6,018,830 | 5,949,080 | +331,160 | −69,750 |
| Major research equipment and facilities construction | 117,290 | 165,190 | 157,190 | +39,900 | −8,000 |
| Education and human resources | 872,760 | 892,000 | 900,000 | +27,240 | +8,000 |
| Agency operations and award management | 300,000 | 327,190 | 319,190 | +19,190 | −8,000 |
| Aquisition workforce capacity and capabilities | | 2,000 | | | −2,000 |
| Subtotal | 300,000 | 329,190 | 319,190 | +19,190 | −10,000 |
| National Science Board | 4,540 | 4,840 | 4,840 | +300 | |
| Office of Inspector General | 14,000 | 14,350 | 14,700 | +700 | +350 |
| Total, National Science Foundation | 6,926,510 | 7,424,400 | 7,345,000 | +418,490 | −79,400 |
| Total, title III, Science | 25,657,810 | 26,431,390 | 26,261,990 | +604,180 | −169,400 |
| TITLE IV—RELATED AGENCIES | | | | | |
| Commission on Civil Rights | 9,400 | 9,400 | 9,400 | | |
| Equal Employment Opportunity Commission | | | | | |
| Salaries and expenses | 367,303 | 385,303 | 355,303 | −12,000 | −30,000 |
| State and local assistance | | | 30,000 | +30,000 | +30,000 |

COMPARATIVE STATEMENT OF NEW BUDGET AUTHORITY FY 2011—Continued

[Amounts in thousands]

| | FY 2010 Enacted | FY 2011 Request | FY 2011 This Bill | This Bill vs Enacted | This Bill vs Request |
|---|---|---|---|---|---|
| Total, Equal Employment Opportunity Commission | 367,303 | 385,303 | 385,303 | +18,000 | |
| International Trade Commission | 81,860 | 87,000 | 87,000 | +5,140 | |
| Payment to the Legal Services Corporation | 420,000 | 435,000 | 440,000 | +20,000 | +5,000 |
| Marine Mammal Commission | 3,250 | 3,000 | 3,500 | +250 | +500 |
| Office of the U.S. Trade Representative | 47,826 | 48,257 | 48,000 | +174 | −257 |
| State Justice Institute | 5,131 | 5,411 | 6,273 | +1,142 | +862 |
| Commission on Wartime Relocation and Internment of Latin Americans of Japanese Descent | | | 1,700 | +1,700 | +1,700 |
| Total, title IV, Related Agencies | 934,770 | 973,371 | 981,176 | +46,406 | +7,805 |
| TITLE V—GENERAL PROVISIONS | | | | | |
| Rescissions | −531,200 | −690,528 | −2,740,578 | −2,209,378 | −2,050,050 |
| Grand total | 68,459,287 | 55,418,248 | 63,315,427 | −5,143,860 | −2,102,821 |
| Appropriations | (68,733,421) | (66,108,776) | (66,056,005) | (−2,677,416) | (−52,771) |
| Overseas contingency operations | (101,066) | | | (−101,066) | |
| Emergency appropriations | (311,000) | | | (−311,000) | |
| Rescissions | (−660,200) | (−690,528) | (−2,740,578) | (−2,080,378) | (−2,050,050) |
| Rescissions of emergency funding | (−26,000) | | | (+26,000) | |
| (By transfer) | (113,600) | (176,647) | (77,000) | (−36,600) | (−99,647) |
| (Transfer out) | (−113,600) | (−176,647) | (−77,000) | (+36,600) | (+99,647) |

## BUDGET AUTHORITY TOTAL--WITH COMPARISONS

The total new budget (obligational) authority for fiscal year 2011 provided in the bill, with comparisons to the fiscal year 2010 amount and the 2011 budget estimates follow:

(In thousands of dollars)

| | |
|---|---|
| New budget (obligational) authority, fiscal year 2010 | $ 68,459,287 |
| Budget estimates of new (obligational) authority, fiscal year 2011 | 65,418,248 |
| Bill, fiscal year 2011 | 63,315,427 |
| Bill compared with: | |
| New budget (obligational) authority, fiscal year 2010 | -5,143,860 |
| Budget estimates of new (obligational) authority, fiscal year 2011 | -2,102,821 |

## DIVISION C—DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2011

Following is an explanation of the effects of Division C, which makes appropriations for the Department of Defense for fiscal year 2011. As provided in Section 4 of the consolidated bill, this explanatory statement shall have the same effect with respect to the allocation of funds and the implementation of this division as if it were a joint explanatory statement of a committee of conference.

The recommendation in the Department of Defense Appropriations Act, 2011, incorporates some of the provisions of the Senate-reported version of the bill (S. 3800). The language and allocations set forth in Senate Report 111–295 should be complied with unless specifically addressed to the contrary in the accompanying bill and explanatory statement.

Funding levels for appropriations by account, and comparisons to last year's levels and the budget request, can be found in the table at the end of this division.

### DEFINITION OF PROGRAM, PROJECT, AND ACTIVITY

For the purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177) as amended by the Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987 (Public Law 100–119) and by the Budget Enforcement Act of 1990 (Public Law 101–508), the term program, project, and activity for appropriations contained in this Act shall be defined as the most specific level of budget items identified in the Department of Defense Appropriations Act, 2011, the related classified annexes and explanatory statements, and the P–1 and R–1 budget justification documents as subsequently modified by congressional action. The following exception to the above definition shall apply: for the military personnel and the operation and maintenance accounts, for which the term ''program, project, and activity'' is defined as the appropriations accounts contained in the Department of Defense Appropriations Act.

At the time the President submits his budget for fiscal year 2012, the Department of Defense is directed to transmit to the congressional defense committees budget justification documents to be known as the ''M–1'' and ''O–1'' which shall identify, at the budget activity, activity group, and subactivity group level, the amounts requested by the President to be appropriated to the Department of Defense for military personnel and operation and maintenance in any budget request, or amended budget request, for fiscal year 2012.

### CLASSIFIED ANNEX

Adjustments to classified programs are addressed in the accompanying classified annex.

### CONGRESSIONAL SPECIAL INTEREST ITEMS

Items for which additional funds have been provided as shown in the project level tables or in paragraphs using the phrase ''only for'' or ''only to'' are congressional special interest items for purposes of the Base for Reprogramming (DD Form 1414). Each of these items must be carried on the DD Form 1414 at the stated amount, as specifically addressed in these materials.

### REPROGRAMMING GUIDANCE

The Department of Defense is directed to continue following the reprogramming guidance for acquisition accounts as specified in the report accompanying the House version of the fiscal year 2008 Department of Defense Appropriations bill (H.R. 110–279). For operation and maintenance accounts, the Department of Defense shall continue to follow the reprogramming guidelines specified title II of this statement. The dollar threshold for reprogramming funds shall remain at $15,000,000 for operation and maintenance; $20,000,000 for procurement; and $10,000,000 for research, development, test and evaluation.

Also, the Under Secretary of Defense, Comptroller, is directed to continue to provide the congressional defense committees quarterly, spreadsheet-based DD Form 1416 reports for service and defense-wide accounts in titles I, II, III and IV of this Act. Reports for titles III and IV shall comply with guidance specified in the statement of managers accompanying the Department of Defense Appropriations Act, 2006. The Department shall continue to follow the limitation that prior approval reprogrammings are set at either the specified dollar threshold or 20 percent of the procurement or research, development, test and evaluation line, whichever is less. These thresholds are cumulative from the base for reprogramming value as modified by any adjustments. Therefore, if the combined value of transfers into or out of an operation and maintenance (O–1), procurement (P–1) or a research, development, test and evaluation (R–1) line exceed the identified threshold, the Department of Defense must submit a prior approval reprogramming to the congressional defense committees. In addition, guidelines on the application of prior approval reprogramming procedures for congressional special interest items are established elsewhere in this statement.

### FUNDING INCREASES

The funding increases outlined in the tables for each appropriation account shall be provided only for the specific purposes indicated in the tables.

### ADMINISTRATIVE FEES

For contracts in the amount greater than the simplified acquisition threshold, the Secretary of Defense may not retain any fee or charge in excess of the actual cost (or estimated cost if the actual cost is not known) of entering into and administering the contract or other agreement under which the order is filled. In no event may the administrative fee or charge retained for such contracts exceed five percent of the funds appropriated, unless approved by the service acquisition executive concerned. Such approvals shall be reported to the Committees on Appropriations of the House and the Senate not later than 30 days after approval.

### INNOVATIVE PROCUREMENT AND RESEARCH FUNDS

The recommendation includes an additional $60,000,000 for innovative procurement efforts and $439,200,000 for innovative research and development activities. A wide variety of valuable equipment, services and good ideas that can contribute to improving defense capabilities may never be fielded or developed due to a lack of funding. The additional funding provided in this Act is intended to capture some of these items, with an emphasis on small business activities.

Within the research and development accounts it is directed that not less than $128,000,000 ($32,000,000 for each military department and Defense-Wide) shall be made available only for Phase III Small Business Innovative Research (SBIR) projects to transition ideas into projects that support acquisition programs. In addition, not less than $40,000,000 of Defense-Wide funds shall be available only for unsolicited proposals which will be unique in nature. Projects shall be awarded based on an assessment of the benefits defined as enhancing military capability, accelerating the delivery of military capability, reducing the cost of weapons systems either fielded or under development, or improving the quality of life for service personnel. The maximum value of each project awarded with this funding shall not exceed $4,000,000. Projects may be awarded in connection with equipment items, software and services consistent with the criteria noted above.

Procurements shall be competitively awarded based on current law and regulations. Procurements shall also be awarded based on an assessment of the benefits defined as enhancing military capability, accelerating the delivery of military capability, reducing the cost of weapons systems or improving the quality of life for service personnel.

It is directed that the overall guidance for the execution of this funding shall be established by the Under Secretary of Defense (Acquisition Technology & Logistics) (USD (AT&L)). Funds available to the military departments shall be administered by the military departments' civilian acquisition executives. Funds available for Defense-Wide activities, including unsolicited proposals, shall be administered by the USD (AT&L). Included in the funding allocated to the USD (AT&L) is $3,200,000 for the management and administration of the program.

The USD (AT&L) shall provide a report to the congressional defense committees not later than 30 days after enactment of this Act that provides a detailed description of overarching guidance for these initiative funds. The military departments' civilian acquisition executives and the USD (AT&L) shall also provide a report to the congressional defense committees not later than 90 days after enactment of this Act, and at the close of each quarter of the fiscal year thereafter, listing the projects that have been awarded with this funding, separately listing the projects, procurements for small businesses and unsolicited proposals. These reports shall also indicate the criteria used to award projects and procurements to include the expected benefits as noted above, and the estimated savings, if any, that the projects and procurements may generate.

## TITLE I—MILITARY PERSONNEL

For Military Personnel, funds are to be available for fiscal year 2011, as follows:

[in thousands of dollars]:

| M-1 | --- | Budget Request | Recommendation |
|---|---|---|---|
| --- | --- | --- | --- |
| | MILITARY PERSONNEL, ARMY | | |
| --- | --- | --- | --- |
| --- | BA-1: PAY AND ALLOWANCES OF OFFICERS | --- | --- |
| --- | BASIC PAY | 6,392,861 | 6,392,861 |
| --- | RETIRED PAY ACCRUAL | 2,088,308 | 2,088,308 |
| --- | BASIC ALLOWANCE FOR HOUSING | 1,854,718 | 1,854,718 |
| --- | BASIC ALLOWANCE FOR SUBSISTENCE | 255,925 | 255,925 |
| --- | INCENTIVE PAYS | 97,698 | 97,698 |
| --- | SPECIAL PAYS | 300,939 | 300,939 |
| --- | ALLOWANCES | 198,601 | 198,601 |
| --- | SEPARATION PAY | 61,798 | 61,798 |
| --- | SOCIAL SECURITY TAX | 487,469 | 487,469 |
| --- | TOTAL, BA-1 | 11,738,317 | 11,738,317 |
| --- | --- | --- | --- |
| --- | BA-2: PAY AND ALLOWANCES OF ENLISTED PERSONNEL | --- | --- |
| --- | BASIC PAY | 13,682,488 | 13,682,488 |
| --- | RETIRED PAY ACCRUAL | 4,470,859 | 4,470,859 |
| --- | BASIC ALLOWANCE FOR HOUSING | 4,395,850 | 4,395,850 |
| --- | INCENTIVE PAYS | 102,851 | 102,851 |
| --- | SPECIAL PAYS | 1,269,047 | 1,129,047 |
| --- | Enlistment Bonuses - Excess to Requirement | --- | -40,000 |
| --- | Re-enlistment Bonuses - Excess to Requirement | --- | -100,000 |
| --- | ALLOWANCES | 806,471 | 806,471 |
| --- | SEPARATION PAY | 255,127 | 255,127 |
| --- | SOCIAL SECURITY TAX | 1,046,710 | 1,046,710 |
| --- | TOTAL, BA-2 | 26,029,403 | 25,889,403 |
| --- | --- | --- | --- |
| --- | BA-3: PAY AND ALLOWANCES OF CADETS | --- | --- |
| --- | ACADEMY CADETS | 74,773 | 74,773 |
| --- | TOTAL, BA-3 | 74,773 | 74,773 |
| --- | --- | --- | --- |
| --- | BA-4: SUBSISTENCE OF ENLISTED PERSONNEL | --- | --- |
| --- | BASIC ALLOWANCE FOR SUBSISTENCE | 1,313,309 | 1,313,309 |
| --- | SUBSISTENCE-IN-KIND | 817,691 | 817,691 |
| --- | FAMILY SUBSISTENCE SUPPLEMENTAL ALLOWANCE | 748 | 748 |
| --- | TOTAL, BA-4 | 2,131,748 | 2,131,748 |
| --- | --- | --- | --- |
| --- | BA-5: PERMANENT CHANGE OF STATION TRAVEL | --- | --- |
| --- | ACCESSION TRAVEL | 202,699 | 202,699 |
| --- | TRAINING TRAVEL | 142,749 | 142,749 |
| --- | OPERATIONAL TRAVEL | 494,937 | 494,937 |
| --- | ROTATIONAL TRAVEL | 674,831 | 674,831 |
| --- | SEPARATION TRAVEL | 198,439 | 198,439 |
| --- | TRAVEL OF ORGANIZED UNITS | 12,137 | 12,137 |
| --- | NON-TEMPORARY STORAGE | 12,639 | 12,639 |
| --- | TEMPORARY LODGING EXPENSE | 38,931 | 38,931 |
| --- | TOTAL, BA-5 | 1,777,362 | 1,777,362 |
| --- | --- | --- | --- |
| --- | BA-6: OTHER MILITARY PERSONNEL COSTS | --- | --- |
| --- | APPREHENSION OF MILITARY DESERTERS | 2,233 | 2,233 |
| --- | INTEREST ON UNIFORMED SERVICES SAVINGS | 648 | 648 |
| --- | DEATH GRATUITIES | 45,500 | 45,500 |
| --- | UNEMPLOYMENT BENEFITS | 188,778 | 188,778 |
| --- | EDUCATION BENEFITS | 30,879 | 30,879 |
| --- | ADOPTION EXPENSES | 610 | 610 |
| --- | TRANSPORTATION SUBSIDY | 8,007 | 8,007 |
| --- | PARTIAL DISLOCATION ALLOWANCE | 338 | 338 |
| --- | RESERVE OFFICERS TRAINING CORPS (ROTC) | 138,731 | 138,731 |
| --- | JUNIOR ROTC | 50,201 | 50,201 |
| --- | TOTAL, BA-6 | 465,925 | 465,925 |
| --- | --- | --- | --- |
| --- | LESS REIMBURSABLES | -245,251 | -245,251 |
| --- | --- | --- | --- |
| --- | UNDISTRIBUTED ADJUSTMENTS | 0 | -789,624 |
| --- | Undistributed Transfer to Title IX | --- | -789,624 |
| --- | --- | --- | --- |
| --- | TOTAL, MILITARY PERSONNEL, ARMY | 41,972,277 | 41,042,653 |
| --- | --- | --- | --- |
| | MILITARY PERSONNEL, NAVY | | |
| --- | --- | --- | --- |
| --- | BA-1: PAY AND ALLOWANCES OF OFFICERS | --- | --- |
| --- | BASIC PAY | 3,680,703 | 3,680,703 |
| --- | RETIRED PAY ACCRUAL | 1,202,462 | 1,202,462 |
| --- | BASIC ALLOWANCE FOR HOUSING | 1,263,675 | 1,263,675 |
| --- | BASIC ALLOWANCE FOR SUBSISTENCE | 143,344 | 143,344 |

| M-1 | --- | Budget Request | Recommendation |
|---|---|---|---|
| --- | --- | --- | --- |
| --- | INCENTIVE PAYS | 155,148 | 155,148 |
| --- | SPECIAL PAYS | 355,821 | 355,821 |
| --- | ALLOWANCES | 104,291 | 104,291 |
| --- | SEPARATION PAY | 25,353 | 25,353 |
| --- | SOCIAL SECURITY TAX | 278,666 | 278,666 |
| --- | TOTAL, BA-1 | 7,209,463 | 7,209,463 |
| --- | --- | --- | --- |
| | BA-2: PAY AND ALLOWANCES OF ENLISTED | | |
| --- | PERSONNEL | --- | --- |
| --- | BASIC PAY | 8,257,803 | 8,257,803 |
| --- | RETIRED PAY ACCRUAL | 2,700,204 | 2,700,204 |
| --- | BASIC ALLOWANCE FOR HOUSING | 3,682,915 | 3,682,915 |
| --- | INCENTIVE PAYS | 100,499 | 100,499 |
| --- | SPECIAL PAYS | 839,787 | 814,787 |
| --- | Re-enlistment Bonuses - Excess to Requirement | --- | -5,000 |
| --- | Enlistment Bonuses - Excess to Requirement | --- | -20,000 |
| --- | ALLOWANCES | 498,621 | 498,621 |
| --- | SEPARATION PAY | 127,343 | 127,343 |
| --- | SOCIAL SECURITY TAX | 631,722 | 631,722 |
| --- | TOTAL, BA-2 | 16,838,894 | 16,813,894 |
| --- | --- | --- | --- |
| --- | BA-3: PAY AND ALLOWANCES OF MIDSHIPMEN | --- | --- |
| --- | MIDSHIPMEN | 74,950 | 74,950 |
| --- | TOTAL, BA-3 | 74,950 | 74,950 |
| --- | --- | --- | --- |
| --- | BA-4: SUBSISTENCE OF ENLISTED PERSONNEL | --- | --- |
| --- | BASIC ALLOWANCE FOR SUBSISTENCE | 685,085 | 685,085 |
| --- | SUBSISTENCE-IN-KIND | 419,333 | 419,333 |
| --- | FAMILY SUBSISTENCE SUPPLEMENTAL ALLOWANCE | 12 | 12 |
| --- | TOTAL, BA-4 | 1,104,430 | 1,104,430 |
| --- | --- | --- | --- |
| --- | BA-5: PERMANENT CHANGE OF STATION TRAVEL | --- | --- |
| --- | ACCESSION TRAVEL | 76,220 | 76,220 |
| --- | TRAINING TRAVEL | 71,814 | 71,814 |
| --- | OPERATIONAL TRAVEL | 219,685 | 219,685 |
| --- | ROTATIONAL TRAVEL | 354,275 | 354,275 |
| --- | SEPARATION TRAVEL | 103,806 | 103,806 |
| --- | TRAVEL OF ORGANIZED UNITS | 39,368 | 39,368 |
| --- | NON-TEMPORARY STORAGE | 5,760 | 5,760 |
| --- | TEMPORARY LODGING EXPENSE | 6,386 | 6,386 |
| --- | OTHER | 6,406 | 6,406 |
| --- | TOTAL, BA-5 | 883,720 | 883,720 |
| --- | --- | --- | --- |
| --- | BA-6: OTHER MILITARY PERSONNEL COSTS | --- | --- |
| --- | APPREHENSION OF MILITARY DESERTERS | 261 | 261 |
| --- | INTEREST ON UNIFORMED SERVICES SAVINGS | 1,427 | 1,427 |
| --- | DEATH GRATUITIES | 17,700 | 17,700 |
| --- | UNEMPLOYMENT BENEFITS | 88,350 | 88,350 |
| --- | EDUCATION BENEFITS | 21,515 | 21,515 |
| --- | ADOPTION EXPENSES | 271 | 271 |
| --- | TRANSPORTATION SUBSIDY | 8,030 | 8,030 |
| --- | PARTIAL DISLOCATION ALLOWANCE | 190 | 190 |
| --- | RESERVE OFFICERS TRAINING CORPS (ROTC) | 27,345 | 27,345 |
| --- | JUNIOR R.O.T.C | 14,093 | 14,093 |
| --- | TOTAL, BA-6 | 179,182 | 179,182 |
| --- | --- | --- | --- |
| --- | LESS REIMBURSABLES | -339,690 | -339,690 |
| --- | --- | --- | --- |
| --- | UNDISTRIBUTED ADJUSTMENT | 0 | -13,500 |
| --- | Unobligated/Unexpended Balances | --- | -13,500 |
| --- | --- | --- | --- |
| --- | TOTAL, MILITARY PERSONNEL, NAVY | 25,950,949 | 25,912,449 |
| --- | --- | --- | --- |
| | MILITARY PERSONNEL, MARINE CORPS | | |
| --- | --- | --- | --- |
| --- | BA-1: PAY AND ALLOWANCES OF OFFICERS | --- | --- |
| --- | BASIC PAY | 1,433,200 | 1,433,200 |
| --- | RETIRED PAY ACCRUAL | 465,072 | 465,072 |
| --- | BASIC ALLOWANCE FOR HOUSING | 462,438 | 462,438 |
| --- | BASIC ALLOWANCE FOR SUBSISTENCE | 59,613 | 59,613 |
| --- | INCENTIVE PAYS | 50,011 | 50,011 |
| --- | SPECIAL PAYS | 27,921 | 27,921 |
| --- | ALLOWANCES | 34,404 | 34,404 |
| --- | SEPARATION PAY | 13,299 | 13,299 |
| --- | SOCIAL SECURITY TAX | 109,014 | 109,014 |
| --- | TOTAL, BA-1 | 2,654,972 | 2,654,972 |

| M-1 | --- | Budget Request | Recommendation |
|---|---|---|---|
| --- | --- | --- | --- |
| --- | --- | --- | --- |
| | BA-2: PAY AND ALLOWANCES OF ENLISTED | | |
| --- | PERSONNEL | --- | --- |
| --- | BASIC PAY | 4,910,560 | 4,910,560 |
| --- | RETIRED PAY ACCRUAL | 1,591,322 | 1,591,322 |
| --- | BASIC ALLOWANCE FOR HOUSING | 1,660,161 | 1,660,161 |
| --- | INCENTIVE PAYS | 9,158 | 9,158 |
| --- | SPECIAL PAYS | 288,654 | 288,654 |
| --- | ALLOWANCES | 278,060 | 278,060 |
| --- | SEPARATION PAY | 65,101 | 65,101 |
| --- | SOCIAL SECURITY TAX | 372,411 | 372,411 |
| --- | TOTAL, BA-2 | 9,175,427 | 9,175,427 |
| --- | --- | --- | --- |
| --- | BA-4: SUBSISTENCE OF ENLISTED PERSONNEL | --- | --- |
| --- | BASIC ALLOWANCE FOR SUBSISTENCE | 489,789 | 489,789 |
| --- | SUBSISTENCE-IN-KIND | 324,565 | 324,565 |
| --- | FAMILY SUBSISTENCE SUPPLEMENTAL ALLOWANCE | 750 | 750 |
| --- | TOTAL, BA-4 | 815,104 | 815,104 |
| --- | --- | --- | --- |
| --- | BA-5: PERMANENT CHANGE OF STATION TRAVEL | --- | --- |
| --- | ACCESSION TRAVEL | 79,378 | 79,378 |
| --- | TRAINING TRAVEL | 10,079 | 10,079 |
| --- | OPERATIONAL TRAVEL | 239,442 | 239,442 |
| --- | ROTATIONAL TRAVEL | 115,330 | 115,330 |
| --- | SEPARATION TRAVEL | 55,528 | 55,528 |
| --- | TRAVEL OF ORGANIZED UNITS | 742 | 742 |
| --- | NON-TEMPORARY STORAGE | 6,305 | 6,305 |
| --- | TEMPORARY LODGING EXPENSE | 13,818 | 13,818 |
| --- | OTHER | 2,683 | 2,683 |
| --- | TOTAL, BA-5 | 523,305 | 523,305 |
| --- | --- | --- | --- |
| --- | BA-6: OTHER MILITARY PERSONNEL COSTS | --- | --- |
| --- | APPREHENSION OF MILITARY DESERTERS | 1,823 | 1,823 |
| --- | INTEREST ON UNIFORMED SERVICES SAVINGS | 19 | 19 |
| --- | DEATH GRATUITIES | 17,200 | 17,200 |
| --- | UNEMPLOYMENT BENEFITS | 69,359 | 69,359 |
| --- | EDUCATION BENEFITS | 4,249 | 4,249 |
| --- | ADOPTION EXPENSES | 159 | 159 |
| --- | TRANSPORTATION SUBSIDY | 2,853 | 2,853 |
| --- | PARTIAL DISLOCATION ALLOWANCE | 278 | 278 |
| --- | JUNIOR R.O.T.C | 5,573 | 5,573 |
| --- | TOTAL, BA-6 | 101,513 | 101,513 |
| --- | --- | --- | --- |
| --- | LESS REIMBURSABLES | -20,160 | -20,160 |
| --- | --- | --- | --- |
| --- | UNDISTRIBUTED ADJUSTMENT | 0 | -40,000 |
| --- | Unobligated/Unexpended Balances | --- | -40,000 |
| --- | --- | --- | --- |
| --- | TOTAL, MILITARY PERSONNEL, MARINE CORPS | 13,250,161 | 13,210,161 |
| --- | --- | --- | --- |
| | MILITARY PERSONNEL, AIR FORCE | | |
| --- | --- | --- | --- |
| --- | BA-1: PAY AND ALLOWANCES OF OFFICERS | --- | --- |
| --- | BASIC PAY | 4,687,593 | 4,687,593 |
| --- | RETIRED PAY ACCRUAL | 1,522,644 | 1,522,644 |
| --- | BASIC ALLOWANCE FOR HOUSING | 1,347,403 | 1,347,403 |
| --- | BASIC ALLOWANCE FOR SUBSISTENCE | 182,253 | 182,253 |
| --- | INCENTIVE PAYS | 239,121 | 239,121 |
| --- | SPECIAL PAYS | 322,642 | 322,642 |
| --- | ALLOWANCES | 128,157 | 128,157 |
| --- | SEPARATION PAY | 64,974 | 64,974 |
| --- | SOCIAL SECURITY TAX | 355,711 | 355,711 |
| --- | TOTAL, BA-1 | 8,850,498 | 8,850,498 |
| --- | --- | --- | --- |
| | BA-2: PAY AND ALLOWANCES OF ENLISTED | | |
| --- | PERSONNEL | --- | --- |
| --- | BASIC PAY | 8,540,083 | 8,540,083 |
| --- | RETIRED PAY ACCRUAL | 2,781,402 | 2,781,402 |
| --- | BASIC ALLOWANCE FOR HOUSING | 3,038,904 | 3,038,904 |
| --- | INCENTIVE PAYS | 36,980 | 36,980 |
| --- | SPECIAL PAYS | 396,103 | 380,103 |
| --- | Re-enlistment Bonuses - Excess to Requirement | --- | -16,000 |
| --- | ALLOWANCES | 570,857 | 570,857 |
| --- | SEPARATION PAY | 124,411 | 124,411 |
| --- | SOCIAL SECURITY TAX | 653,317 | 653,317 |
| --- | TOTAL, BA-2 | 16,142,057 | 16,126,057 |

| M-1 | --- | Budget Request | Recommendation |
|---|---|---|---|
| --- | --- | --- | --- |
| --- | --- | --- | --- |
| --- | BA-3: PAY AND ALLOWANCES OF CADETS | --- | --- |
| --- | ACADEMY CADETS | 75,383 | 75,383 |
| --- | TOTAL, BA-3 | 75,383 | 75,383 |
| --- | --- | --- | --- |
| --- | BA-4: SUBSISTENCE OF ENLISTED PERSONNEL | --- | --- |
| --- | BASIC ALLOWANCE FOR SUBSISTENCE | 872,055 | 872,055 |
| --- | SUBSISTENCE-IN-KIND | 169,924 | 169,924 |
| --- | FAMILY SUBSISTENCE SUPPLEMENTAL ALLOWANCE | 37 | 37 |
| --- | TOTAL, BA-4 | 1,042,016 | 1,042,016 |
| --- | --- | --- | --- |
| --- | BA-5: PERMANENT CHANGE OF STATION | --- | --- |
| --- | ACCESSION TRAVEL | 87,377 | 87,377 |
| --- | TRAINING TRAVEL | 72,521 | 72,521 |
| --- | OPERATIONAL TRAVEL | 296,604 | 296,604 |
| --- | ROTATIONAL TRAVEL | 505,198 | 505,198 |
| --- | SEPARATION TRAVEL | 176,549 | 176,549 |
| --- | TRAVEL OF ORGANIZED UNITS | 23,561 | 23,561 |
| --- | NON-TEMPORARY STORAGE | 40,772 | 40,772 |
| --- | TEMPORARY LODGING EXPENSE | 28,936 | 28,936 |
| --- | TOTAL, BA-5 | 1,231,518 | 1,231,518 |
| --- | --- | --- | --- |
| --- | BA-6: OTHER MILITARY PERSONNEL COSTS | --- | --- |
| --- | APPREHENSION OF MILITARY DESERTERS | 131 | 131 |
| --- | INTEREST ON UNIFORMED SERVICES SAVINGS | 2,179 | 2,179 |
| --- | DEATH GRATUITIES | 19,900 | 19,900 |
| --- | UNEMPLOYMENT BENEFITS | 49,143 | 49,143 |
| --- | SURVIVOR BENEFITS | 1,760 | 1,760 |
| --- | EDUCATION BENEFITS | 484 | 484 |
| --- | ADOPTION EXPENSES | 395 | 395 |
| --- | TRANSPORTATION SUBSIDY | 6,903 | 6,903 |
| --- | PARTIAL DISLOCATION ALLOWANCE | 1,578 | 1,578 |
| --- | RESERVE OFFICERS TRAINING CORPS (ROTC) | 45,571 | 45,571 |
| --- | JUNIOR ROTC | 16,185 | 16,185 |
| --- | TOTAL, BA-6 | 144,229 | 144,229 |
| --- | --- | --- | --- |
| --- | LESS REIMBURSABLES | -363,946 | -363,946 |
| --- | --- | --- | --- |
| --- | TOTAL, MILITARY PERSONNEL, AIR FORCE | 27,121,755 | 27,105,755 |
| --- | --- | --- | --- |
| | RESERVE PERSONNEL, ARMY | | |
| --- | --- | --- | --- |
| --- | BA-1: RESERVE COMPONENT TRAINING AND SUPPORT | --- | --- |
| --- | PAY GROUP A TRAINING (15 DAYS and DRILLS 24/48) | 1,249,133 | 1,249,133 |
| --- | PAY GROUP B TRAINING (BACKFILL FOR ACTIVE DUTY) | 44,460 | 36,460 |
| --- | Projected Underexecution | --- | -8,000 |
| --- | PAY GROUP F TRAINING (RECRUITS) | 268,215 | 268,215 |
| --- | PAY GROUP P TRAINING (PIPELINE RECRUITS) | 8,830 | 8,830 |
| --- | MOBILIZATION TRAINING | 21,460 | 10,460 |
| --- | Projected Underexecution | --- | -11,000 |
| --- | SCHOOL TRAINING | 177,121 | 177,121 |
| --- | SPECIAL TRAINING | 293,439 | 283,439 |
| --- | Excessive Growth | --- | -10,000 |
| --- | ADMINISTRATION AND SUPPORT | 2,129,646 | 2,129,646 |
| --- | EDUCATION BENEFITS | 57,633 | 57,633 |
| --- | HEALTH PROFESSION SCHOLARSHIP | 66,940 | 66,940 |
| --- | OTHER PROGRAMS | 80,288 | 80,288 |
| --- | TOTAL, BA-1 | 4,397,165 | 4,368,165 |
| --- | --- | --- | --- |
| --- | UNDISTRIBUTED ADJUSTMENT | 0 | -35,000 |
| --- | Unobligated/Unexpended Balances | --- | -35,000 |
| --- | --- | --- | --- |
| --- | TOTAL, RESERVE PERSONNEL, ARMY | 4,397,165 | 4,333,165 |
| --- | --- | --- | --- |
| | RESERVE PERSONNEL, NAVY | | |
| --- | --- | --- | --- |
| --- | BA-1: RESERVE COMPONENT TRAINING AND SUPPORT | --- | --- |
| --- | PAY GROUP A TRAINING (15 DAYS and DRILLS 24/48) | 626,657 | 626,657 |
| --- | PAY GROUP B TRAINING (BACKFILL FOR ACTIVE DUTY) | 9,070 | 9,070 |
| --- | PAY GROUP F TRAINING (RECRUITS) | 45,603 | 45,603 |
| --- | MOBILIZATION TRAINING | 8,434 | 8,434 |
| --- | SCHOOL TRAINING | 45,930 | 45,930 |
| --- | SPECIAL TRAINING | 89,647 | 89,647 |
| --- | ADMINISTRATION AND SUPPORT | 1,061,128 | 1,061,128 |

| M-1 | --- | Budget Request | Recommendation |
|---|---|---|---|
| --- | --- | --- | --- |
| --- | EDUCATION BENEFITS | 3,780 | 3,780 |
| --- | HEALTH PROFESSION SCHOLARSHIP | 53,942 | 53,942 |
| --- | TOTAL, BA-1 | 1,944,191 | 1,944,191 |
| --- | --- | --- | --- |
| --- | UNDISTRIBUTED ADJUSTMENT | 0 | -4,000 |
| --- | Unobligated/Unexpended Balances | --- | -4,000 |
| --- | --- | --- | --- |
| --- | TOTAL, RESERVE PERSONNEL, NAVY | 1,944,191 | 1,940,191 |
| --- | --- | --- | --- |
| | RESERVE PERSONNEL, MARINE CORPS | | |
| --- | --- | --- | --- |
| --- | BA-1: RESERVE COMPONENT TRAINING AND SUPPORT | --- | --- |
| --- | PAY GROUP A TRAINING (15 DAYS and DRILLS 24/48) | 196,974 | 196,974 |
| --- | PAY GROUP B TRAINING (BACKFILL FOR ACTIVE DUTY) | 36,116 | 36,116 |
| --- | PAY GROUP F TRAINING (RECRUITS) | 96,138 | 96,138 |
| --- | MOBILIZATION TRAINING | 3,724 | 3,724 |
| --- | SCHOOL TRAINING | 16,810 | 16,810 |
| --- | SPECIAL TRAINING | 27,688 | 27,688 |
| --- | ADMINISTRATION AND SUPPORT | 216,537 | 216,537 |
| --- | PLATOON LEADER CLASS | 12,256 | 12,256 |
| --- | EDUCATION BENEFITS | 11,198 | 11,198 |
| --- | TOTAL, BA-1 | 617,441 | 617,441 |
| --- | --- | --- | --- |
| --- | UNDISTRIBUTED ADJUSTMENTS | 0 | -5,250 |
| --- | Unobligated/Unexpended Balances | --- | -1,250 |
| --- | MIP Marine Corps Reserve Intelligence Program | --- | -4,000 |
| --- | --- | --- | --- |
| --- | TOTAL, RESERVE PERSONNEL, MARINE CORPS | 617,441 | 612,191 |
| --- | --- | --- | --- |
| | RESERVE PERSONNEL, AIR FORCE | | |
| --- | --- | --- | --- |
| --- | BA-1: RESERVE COMPONENT TRAINING AND SUPPORT | --- | --- |
| --- | PAY GROUP A TRAINING (15 DAYS and DRILLS 24/48) | 670,341 | 670,341 |
| --- | PAY GROUP B TRAINING (BACKFILL FOR ACTIVE DUTY) | 101,951 | 101,951 |
| --- | PAY GROUP F TRAINING (RECRUITS) | 54,850 | 54,850 |
| --- | PAY GROUP P TRAINING (PIPELINE RECRUITS) | 50 | 50 |
| --- | MOBILIZATION TRAINING | 447 | 447 |
| --- | SCHOOL TRAINING | 163,272 | 163,272 |
| --- | SPECIAL TRAINING | 243,233 | 243,233 |
| --- | ADMINISTRATION AND SUPPORT | 378,772 | 378,772 |
| --- | EDUCATION BENEFITS | 18,295 | 18,295 |
| --- | HEALTH PROFESSION SCHOLARSHIP | 51,331 | 51,331 |
| --- | OTHER PROGRAMS (ADMINISTRATION and SUPPORT) | 4,255 | 4,255 |
| --- | TOTAL, BA-1 | 1,686,797 | 1,686,797 |
| --- | --- | --- | --- |
| --- | UNDISTRIBUTED ADJUSTMENTS | 0 | -36,000 |
| --- | Unobligated/Unexpended Balances | --- | -15,000 |
| --- | Below Budgeted End Strength | --- | -21,000 |
| --- | --- | --- | --- |
| --- | TOTAL, RESERVE PERSONNEL, AIR FORCE | 1,686,797 | 1,650,797 |
| --- | --- | --- | --- |
| | NATIONAL GUARD PERSONNEL, ARMY | | |
| --- | --- | --- | --- |
| --- | BA-1: RESERVE COMPONENT TRAINING AND SUPPORT | --- | --- |
| --- | PAY GROUP A TRAINING (15 DAYS and DRILLS 24/48) | 2,010,867 | 1,980,867 |
| --- | Unjustified Growth | --- | -30,000 |
| --- | PAY GROUP F TRAINING (RECRUITS) | 510,859 | 510,859 |
| --- | PAY GROUP P TRAINING (PIPELINE RECRUITS) | 71,222 | 71,222 |
| --- | SCHOOL TRAINING | 577,600 | 564,600 |
| --- | Recruiter Mandays - Excess to Requirement | --- | -13,000 |
| --- | SPECIAL TRAINING | 534,954 | 534,954 |
| --- | ADMINISTRATION AND SUPPORT | 3,788,954 | 3,788,954 |
| --- | EDUCATION BENEFITS | 129,840 | 129,840 |
| --- | TOTAL, BA-1 | 7,624,296 | 7,581,296 |
| --- | --- | --- | --- |
| --- | UNDISTRIBUTED ADJUSTMENTS | 0 | -66,400 |
| --- | Unobligated/Unexpended Balances | --- | -70,000 |
| --- | Creating High Tech Jobs for Service Disabled Veterans | --- | +1,600 |
| --- | Joint Interagency Training and Education Center | --- | +2,000 |
| --- | --- | --- | --- |
| --- | TOTAL, NATIONAL GUARD PERSONNEL, ARMY | 7,624,296 | 7,514,896 |
| --- | --- | --- | --- |
| | NATIONAL GUARD PERSONNEL, AIR FORCE | | |

| M-1 | --- | Budget Request | Recommendation |
|---|---|---|---|
| --- | --- | --- | --- |
| --- | --- | --- | --- |
| --- | BA-1: RESERVE COMPONENT TRAINING AND SUPPORT | --- | --- |
| --- | PAY GROUP A TRAINING (15 DAYS and DRILLS 24/48) | 939,636 | 931,636 |
| --- | Inactive Duty Training - Unjustified Growth | --- | -8,000 |
| --- | PAY GROUP F TRAINING (RECRUITS) | 99,839 | 99,839 |
| --- | PAY GROUP P TRAINING (PIPELINE RECRUITS) | 298 | 298 |
| --- | SCHOOL TRAINING | 209,944 | 209,944 |
| --- | SPECIAL TRAINING | 131,226 | 131,226 |
| --- | ADMINISTRATION AND SUPPORT | 1,692,112 | 1,682,112 |
| --- | Bonuses - Unjustified Requirement | --- | -10,000 |
| --- | EDUCATION BENEFITS | 30,543 | 30,543 |
| --- | TOTAL, BA-1 | 3,103,598 | 3,085,598 |
| --- | --- | --- | --- |
| --- | UNDISTRIBUTED ADJUSTMENTS | 0 | -18,167 |
| --- | Unobligated/Unexpended Balances | --- | -17,500 |
| --- | Lower than Budgeted Pay Grade Mix | --- | -8,000 |
| --- | Additional Mandays for the Nevada National Guard | --- | +6,533 |
| --- | Joint Interagency Training and Education Center | --- | +800 |
| --- | --- | --- | --- |
| --- | TOTAL, NATIONAL GUARD PERSONNEL, AIR FORCE | 3,103,598 | 3,067,431 |
| --- | --- | --- | --- |
| --- | TOTAL, MILITARY PERSONNEL | 127,668,630 | 126,389,689 |

TITLE II—OPERATION AND MAINTENANCE

For Operation and Maintenance, funds are to be available for fiscal year 2011, as follows:

[in thousands of dollars]:

| O-1 | --- | Budget Request | Recommendation |
|---|---|---|---|
| --- | --- | --- | --- |
| | OPERATION AND MAINTENANCE, ARMY | | |
| --- | --- | --- | --- |
| 111 | MANEUVER UNITS | 1,087,321 | 1,087,321 |
| 112 | MODULAR SUPPORT BRIGADES | 114,448 | 113,790 |
| | Deployment Offset | --- | -658 |
| 113 | ECHELONS ABOVE BRIGADES | 773,540 | 769,338 |
| | Deployment Offset | --- | -4,202 |
| 114 | THEATER LEVEL ASSETS | 794,806 | 767,727 |
| | Aircraft Lease for Casualty Evacuation Funded in fiscal year 2011 OCO | --- | -18,500 |
| | Transfer to Title IX - Chemical Defense Equipment Sustainment | --- | -8,579 |
| 115 | LAND FORCES OPERATIONS SUPPORT | 1,399,332 | 1,392,912 |
| | Transfer to Title IX - MRAP Vehicle Sustainment at Combat Training Centers | --- | -6,420 |
| 116 | AVIATION ASSETS | 897,666 | 870,226 |
| | Deployment Offset | --- | -30,000 |
| | UAS Branch Concept Development | --- | +2,560 |
| 121 | FORCE READINESS OPERATIONS SUPPORT | 2,520,995 | 2,317,441 |
| | Unjustified Increase for Travel | --- | -91,000 |
| | Fort Hood Training Lands Restoration and Maintenance | --- | +600 |
| | Removal of One-Time fiscal year 2010 Costs | --- | -35,000 |
| | Fire Resistant Environmental Ensemble | --- | +2,800 |
| | Transfer to Title IX - Body Armor Sustainment | --- | -71,660 |
| | Transfer to Title IX - Rapid Equipping Force Readiness | --- | -9,294 |
| 122 | LAND FORCES FORCES SYSTEMS READINESS | 596,117 | 574,946 |
| | Transfer to Title IX - Fixed Wing Life Cycle Contract | --- | -21,171 |
| 123 | LAND FORCES DEPOT MAINTENANCE | 890,122 | 955,202 |
| | CP DEPMEDS Care of Supplies in Storage | --- | +400 |
| | CBPS Care of Supplies in Storage | --- | +200 |
| | M17 Care of Supplies in Storage | --- | +240 |
| | M12A1 Care of Supplies in Storage | --- | +240 |
| | UH-60 A to L Conversions | --- | +60,000 |
| | Installation Management Command, Non-Tactical Vehicle, Service Life Extension Program | --- | +4,000 |
| 131 | BASE OPERATIONS SUPPORT | 7,563,566 | 7,288,391 |
| | Transfer from the Defense Health Program for Centralized Management of the Substance Abuse Program | --- | +30,625 |
| | Fort Bliss Data Center | --- | +2,000 |
| | Storm Water Harvest and Reuse System | --- | +1,200 |
| | Army Tenant Pentagon Rent Requirements | --- | -33,000 |
| | Reduced Requirement for Collateral Equipment in fiscal year 2011 | --- | -50,000 |
| | Transfer to Title IX - Overseas Security Guards | --- | -200,000 |
| | Transfer to Title IX - Senior Leader Initiative: Comprehensive Soldier Fitness Program | --- | -30,000 |
| | Army Conservation and Ecosystem Management | --- | +4,000 |
| 132 | FACILITIES SUSTAINMENT, RESTORATION, & MODERNIZATION | 2,500,892 | 2,510,812 |
| | Americans with Disabilities Act and Safety System Compliance for the Historical Fort Hamilton Community Club | --- | +2,560 |
| | Entrance Road Resurfacing (Gaffney Road) | --- | +960 |
| | Install/Repair HVAC Systems | --- | +1,600 |
| | Rock Island Arsenal, Building #299 Roof Replacement and Restoration (Phase V) | --- | +4,800 |
| 133 | MANAGEMENT AND OPERATIONAL HEADQUARTERS | 390,004 | 390,004 |
| 134 | COMBATANT COMMANDER'S CORE OPERATIONS | 167,758 | 167,758 |
| 138 | COMBATANT COMMANDER'S DIRECT MISSION SUPPORT | 464,851 | 464,851 |
| 211 | STRATEGIC MOBILITY | 333,266 | 333,266 |
| 212 | ARMY PREPOSITIONED STOCKS | 102,240 | 102,240 |
| 213 | INDUSTRIAL PREPAREDNESS | 5,736 | 5,736 |
| 311 | OFFICER ACQUISITION | 129,902 | 129,902 |
| 312 | RECRUIT TRAINING | 74,705 | 74,705 |
| 313 | ONE STATION UNIT TRAINING | 63,223 | 63,223 |
| 314 | SENIOR RESERVE OFFICER TRAINING CORPS | 479,343 | 481,543 |
| | ROTC and Reserve Component Strategic Language HUB Pilot | --- | +1,000 |
| | Air Battle Captain ROTC Helicopter Training | --- | +1,200 |
| 321 | SPECIALIZED SKILL TRAINING | 1,082,517 | 1,028,934 |
| | Unjustified Growth in Supply and Equipment Purchases | --- | -40,000 |

| O-1 | --- | Budget Request | Recommendation |
|---|---|---|---|
| | Fayetteville State University Center for Critical Language and Culture | --- | +1,600 |
| | Transfer to Title IX-Survivability and Maneuverability Training | --- | -15,183 |
| 322 | FLIGHT TRAINING | 1,046,124 | 1,033,324 |
| | Eckerd College Leadership Development and Conflict Management Training for Government Agencies | --- | +1,200 |
| | Budget Justification Does Not Match Summary of Price and Program Changes | --- | -14,000 |
| 323 | PROFESSIONAL DEVELOPMENT EDUCATION | 163,607 | 169,207 |
| | Paine College Critical Languages Institute | --- | +800 |
| | Academic Support and Research Compliance for Knowledge Gathering | --- | +1,600 |
| | Environmental/Geography Research for Army Operations | --- | +1,200 |
| | Research, Development, and Engineering Command Workforce Development and Training | --- | +2,000 |
| 324 | TRAINING SUPPORT | 695,200 | 695,200 |
| 331 | RECRUITING AND ADVERTISING | 544,014 | 525,214 |
| | Diversity Recruitment for West Point Military Academy | --- | +1,200 |
| | Budget Justification Does Not Match Summary of Price and Program Changes | --- | -20,000 |
| 332 | EXAMINING | 153,091 | 153,091 |
| 333 | OFF-DUTY AND VOLUNTARY EDUCATION | 241,170 | 241,330 |
| | Troops to Teachers Program | --- | +160 |
| 334 | CIVILIAN EDUCATION AND TRAINING | 220,771 | 220,771 |
| 335 | JUNIOR RESERVE OFFICER TRAINING CORPS | 175,347 | 183,347 |
| | Program Increase - Junior ROTC | --- | +8,000 |
| 411 | SECURITY PROGRAMS | 1,030,355 | 1,030,355 |
| 421 | SERVICEWIDE TRANSPORTATION | 587,952 | 557,826 |
| | First Destination Transportation Cost of New Equipment is Financed in the Cost of Equipment | --- | -30,126 |
| 422 | CENTRAL SUPPLY ACTIVITIES | 669,853 | 669,853 |
| 423 | LOGISTIC SUPPORT ACTIVITIES | 503,876 | 505,876 |
| | New England Defense Manufacturing Supply Chain Initiative | --- | +2,000 |
| 424 | AMMUNITION MANAGEMENT | 435,020 | 435,020 |
| 431 | ADMINISTRATION | 912,355 | 902,355 |
| | Unjustified Growth for Headquarters Accounts | --- | -10,000 |
| 432 | SERVICEWIDE COMMUNICATIONS | 1,528,371 | 1,529,171 |
| | Biometrics Operations Directorate Transition | --- | +800 |
| 433 | MANPOWER MANAGEMENT | 368,480 | 328,480 |
| | Unsupported Request for 712 Temporary Hires | --- | -40,000 |
| 434 | OTHER PERSONNEL SUPPORT | 261,829 | 263,429 |
| | Wounded Warrior Careers | --- | +1,600 |
| 435 | OTHER SERVICE SUPPORT | 1,145,902 | 1,150,782 |
| | Capitol 4th | --- | +3,920 |
| | Mobile Aerosol Monitoring System for Department of Defense | --- | +960 |
| 436 | ARMY CLAIMS ACTIVITIES | 205,967 | 205,967 |
| 437 | REAL ESTATE MANAGEMENT | 168,664 | 168,664 |
| 441 | INTERNATIONAL MILITARY HEADQUARTERS | 462,488 | 476,888 |
| | Outfitting of NATO SOF Headquarters Building | --- | +14,400 |
| 442 | MISCELLANEOUS SUPPORT OF OTHER NATIONS | 19,179 | 16,179 |
| | Information Operations | --- | -3,000 |
| | FIVE PERCENT COST SAVINGS FOR INVESTMENT IN ENERGY AND UTILITIES PROJECTS THROUGH THE AMERICAN RECOVERY AND REINVESTMENT ACT | --- | -1,000 |
| --- | --- | --- | --- |
| | TOTAL, OPERATION AND MAINTENANCE, ARMY | 33,971,965 | 33,351,597 |
| --- | --- | --- | --- |
| | OPERATION AND MAINTENANCE, NAVY | | |
| --- | --- | --- | --- |
| 1A1A | MISSION AND OTHER FLIGHT OPERATIONS | 4,429,832 | 4,429,832 |
| 1A2A | FLEET AIR TRAINING | 81,345 | 1,605,720 |
| | Transfer of Fleet Air Training funding from SAG 3B2K | --- | +958,200 |
| | Unjustified Administrative Overhead Cost Growth | --- | -4,225 |
| | Transfer of Chief of Naval Air Training from SAG 3B2K | --- | +570,400 |
| 1A3A | AVIATION TECHNICAL DATA AND ENGINEERING SERVICES | 38,932 | 38,932 |
| 1A4A | AIR OPERATIONS AND SAFETY SUPPORT | 100,485 | 100,485 |
| 1A4N | AIR SYSTEMS SUPPORT | 355,520 | 365,120 |
| | Data Conversion, Integration and Support for Naval Air Systems Command | --- | +8,000 |
| | Technical Documentation Modernization to SD1000D | --- | +1,600 |
| 1A5A | AIRCRAFT DEPOT MAINTENANCE | 1,221,410 | 1,221,410 |

| O-1 | --- | Budget Request | Recommendation |
|---|---|---|---|
| 1A6A | AIRCRAFT DEPOT OPERATIONS SUPPORT | 27,448 | 29,048 |
| | Air-speed – Fleet Readiness Center (Cherry Point) | --- | +1,600 |
| 1B1B | MISSION AND OTHER SHIP OPERATIONS | 3,696,913 | 3,666,913 |
| | Unjustified Growth in Per Diem Days | --- | -30,000 |
| 1B2B | SHIP OPERATIONS SUPPORT AND TRAINING | 728,983 | 728,983 |
| 1B4B | SHIP DEPOT MAINTENANCE | 4,761,670 | 4,764,870 |
| | Advanced Naval Sustainment and Reset | --- | +3,200 |
| 1B5B | SHIP DEPOT OPERATIONS SUPPORT | 1,344,844 | 1,338,844 |
| | Transfer to RDTE, DW per Memorandum of Agreement | --- | -1,500 |
| | NAVSEA Process Requirements and Improvement Office Budget Realignment and Consolidation Justified as Program Growth | --- | -4,500 |
| 1C1C | COMBAT COMMUNICATIONS | 615,069 | 550,069 |
| | Overstatement of DISA Pricing Adjustment | --- | -65,000 |
| 1C2C | ELECTRONIC WARFARE | 89,340 | 89,340 |
| 1C3C | SPACE SYSTEMS AND SURVEILLANCE | 177,397 | 177,397 |
| 1C4C | WARFARE TACTICS | 416,068 | 416,068 |
| 1C5C | OPERATIONAL METEOROLOGY AND OCEANOGRAPHY | 316,525 | 316,525 |
| 1C6C | COMBAT SUPPORT FORCES | 1,083,618 | 872,817 |
| | Unjustified Growth for Naval Expeditionary Combat Command | --- | -20,000 |
| | Transfer to Title IX - Naval Expeditionary Combat Command Increases | --- | -192,801 |
| | Hemostatic Combat Gauze/Combat Gauze Trauma Pad | --- | +2,000 |
| 1C7C | EQUIPMENT MAINTENANCE | 165,985 | 165,985 |
| 1C8C | DEPOT OPERATIONS SUPPORT | 2,836 | 2,836 |
| 1CCH | COMBATANT COMMANDERS CORE OPERATIONS | 208,250 | 208,250 |
| 1CCM | COMBATANT COMMANDERS DIRECT MISSION SUPPORT | 274,071 | 274,071 |
| 1D1D | CRUISE MISSILE | 130,219 | 130,219 |
| 1D2D | FLEET BALLISTIC MISSILE | 1,138,418 | 1,138,418 |
| 1D3D | IN-SERVICE WEAPONS SYSTEMS SUPPORT | 89,184 | 89,184 |
| 1D4D | WEAPONS MAINTENANCE | 459,561 | 459,561 |
| 1D7D | OTHER WEAPON SYSTEMS SUPPORT | 366,751 | 361,751 |
| | Civilian Personnel Over-Pricing | --- | -5,000 |
| BSIT | ENTERPRISE INFORMATION TECHNOLOGY | 820,507 | 1,031,207 |
| | Requested Transfer from OP, N line 147 for NGEN Funding | --- | +217,700 |
| | Overstatement of DISA Pricing Adjustment | --- | -7,000 |
| BSM1 | FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION | 1,900,386 | 1,903,586 |
| | Infrastructure Modernization for Condition-Based Maintenance of Shipyard Facilities and Capital Production Assets | --- | +3,200 |
| BSS1 | BASE OPERATING SUPPORT | 4,502,857 | 4,457,257 |
| | Enhanced Navy Shore Readiness Integration | --- | +4,400 |
| | Transfer to Title IX - Regional/Emergency Operations Center | --- | -50,000 |
| 2A1F | SHIP PREPOSITIONING AND SURGE | 424,047 | 424,047 |
| 2B1G | AIRCRAFT ACTIVATIONS/INACTIVATIONS | 7,593 | 7,593 |
| 2B2G | SHIP ACTIVATIONS/INACTIVATIONS | 177,482 | 180,682 |
| | Program Increase - Ship Disposal Program | --- | +3,200 |
| 2C1H | FLEET HOSPITAL PROGRAM | 70,990 | 70,990 |
| 2C2H | INDUSTRIAL READINESS | 2,707 | 2,707 |
| 2C3H | COAST GUARD SUPPORT | 23,845 | 23,845 |
| 3A1J | OFFICER ACQUISITION | 141,057 | 141,057 |
| 3A2J | RECRUIT TRAINING | 10,853 | 10,853 |
| 3A3J | RESERVE OFFICERS TRAINING CORPS | 143,504 | 143,504 |
| 3B1K | SPECIALIZED SKILL TRAINING | 533,004 | 530,964 |
| | FSCJ Institute for Threat Reduction and Response - Training for a Global Presence | --- | +960 |
| | Transfer to Title IX - NAVSEA VSSS/EOD Training | --- | -3,000 |
| 3B2K | FLIGHT TRAINING | 1,538,171 | 9,571 |
| | Transfer of Fleet Air Training funding to SAG 1A2A | --- | -958,200 |
| | Transfer of Chief of Naval Air Training to SAG 1A2A | --- | -570,400 |
| 3B3K | PROFESSIONAL DEVELOPMENT EDUCATION | 162,844 | 167,345 |
| | Center for Defense Technology and Education for the Military Services | --- | +2,800 |
| | Distance Learning Education for U.S. Navy Personnel | --- | +901 |
| | Military Physician Combat Medical Training by the University of Florida College of Medicine - Jacksonville for the Navy | --- | +800 |
| 3B4K | TRAINING SUPPORT | 171,153 | 171,153 |
| 3C1L | RECRUITING AND ADVERTISING | 261,287 | 263,522 |
| | Diversity Recruitment for the Naval Academy | --- | +1,600 |
| | Program Increase - Naval Sea Cadet Corps | --- | +635 |

| O-1 | --- | Budget Request | Recommendation |
|---|---|---|---|
| 3C3L | OFF-DUTY AND VOLUNTARY EDUCATION | 145,560 | 145,960 |
| | Energy Education Accreditation Training for Military Personnel | --- | +400 |
| 3C4L | CIVILIAN EDUCATION AND TRAINING | 109,865 | 109,865 |
| 3C5L | JUNIOR ROTC | 50,369 | 53,369 |
| | Program Increase - Junior ROTC | --- | +3,000 |
| 4A1M | ADMINISTRATION | 829,010 | 829,010 |
| 4A2M | EXTERNAL RELATIONS | 7,632 | 9,232 |
| | National Military History Heritage Preservation | --- | +1,600 |
| 4A3M | CIVILIAN MANPOWER AND PERSONNEL MANAGEMENT | 118,838 | 111,838 |
| | Overstated Requirement for Other Intragovernmental Purchases | --- | -7,000 |
| 4A4M | MILITARY MANPOWER AND PERSONNEL MANAGEMENT | 194,775 | 198,775 |
| | Independent Verification and Validation of Navy Future Pay and Personnel System | --- | +4,000 |
| 4A5M | OTHER PERSONNEL SUPPORT | 282,580 | 282,580 |
| 4A6M | SERVICEWIDE COMMUNICATIONS | 503,067 | 496,089 |
| | Nuclear Command, Control and Communications Systems Budget Realignment and Consolidation Justified as Program Growth | --- | -6,978 |
| 4B1N | SERVICEWIDE TRANSPORTATION | 230,294 | 230,294 |
| 4B2N | PLANNING, ENGINEERING AND DESIGN | 259,990 | 259,990 |
| 4B3N | ACQUISITION AND PROGRAM MANAGEMENT | 868,069 | 856,069 |
| | Civilian Personnel Over-Pricing | --- | -12,000 |
| 4B5N | HULL, MECHANICAL AND ELECTRICAL SUPPORT | 55,217 | 55,217 |
| 4B6N | COMBAT/WEAPONS SYSTEMS | 19,053 | 19,053 |
| 4B7N | SPACE AND ELECTRONIC WARFARE SYSTEMS | 77,702 | 77,702 |
| 4C1P | NAVAL INVESTIGATIVE SERVICE | 549,484 | 549,884 |
| | Civilian Personnel Over-Pricing | --- | -3,000 |
| | Digitization, Integration, and Analyst Access of Investigative Files, Naval Criminal Investigative Service | --- | +3,400 |
| 4D1Q | INTERNATIONAL HEADQUARTERS AND AGENCIES | 5,567 | 5,567 |
| 999 | OTHER PROGRAMS | 614,275 | 607,475 |
| | Classified Adjustment | --- | -6,800 |
| | UNDISTRIBUTED REDUCTION DUE TO HISTORIC UNDEREXECUTION | --- | -127,200 |
| | FIVE PERCENT COST SAVINGS FOR INVESTMENT IN ENERGY AND UTILITIES PROJECTS THROUGH THE AMERICAN RECOVERY AND REINVESTMENT ACT | --- | -3,600 |
| --- | --- | --- | --- |
| | TOTAL, OPERATION AND MAINTENANCE, NAVY | 38,134,308 | 37,849,700 |
| --- | --- | --- | --- |
| | OPERATION AND MAINTENANCE, MARINE CORPS | | |
| --- | --- | --- | --- |
| 1A1A | OPERATIONAL FORCES | 745,678 | 750,798 |
| | Rapid Data Management System | --- | +3,600 |
| | Spray Technique Analysis and Research for Defense | --- | +1,520 |
| 1A2A | FIELD LOGISTICS | 658,616 | 658,616 |
| 1A3A | DEPOT MAINTENANCE | 78,891 | 78,891 |
| 1B1B | MARITIME PREPOSITIONING | 72,344 | 72,344 |
| BSM1 | FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION | 594,904 | 594,904 |
| BSS1 | BASE OPERATING SUPPORT | 2,206,137 | 2,199,637 |
| | Heroes and Healthy Families - Mental Health Support for Active Duty Military Personnel | --- | +1,200 |
| | Collateral Equipment Decrease in fiscal year 2011 Not Properly Accounted For In Budget Documentation | --- | -7,700 |
| 3A1C | RECRUIT TRAINING | 16,096 | 16,096 |
| 3A2C | OFFICER ACQUISITION | 420 | 420 |
| 3B1D | SPECIALIZED SKILLS TRAINING | 91,197 | 91,197 |
| 3B3D | PROFESSIONAL DEVELOPMENT EDUCATION | 32,379 | 32,379 |
| 3B4D | TRAINING SUPPORT | 319,742 | 319,742 |
| 3C1F | RECRUITING AND ADVERTISING | 233,663 | 233,663 |
| 3C2F | OFF-DUTY AND VOLUNTARY EDUCATION | 61,980 | 61,980 |
| 3C3F | JUNIOR ROTC | 19,497 | 19,497 |
| 4A3G | SERVICEWIDE TRANSPORTATION | 29,569 | 29,569 |
| 4A4G | ADMINISTRATION | 341,657 | 335,657 |
| | Administrative Efficiencies | --- | -6,000 |
| 4B3N | ACQUISITION AND PROGRAM MANAGEMENT | 87,570 | 87,570 |
| | UNDISTRIBUTED REDUCTION DUE TO HISTORIC UNDEREXECUTION | --- | -34,400 |
| | FIVE PERCENT COST SAVINGS FOR INVESTMENT IN ENERGY AND UTILITIES PROJECTS THROUGH THE AMERICAN RECOVERY AND REINVESTMENT ACT | --- | -2,500 |

| O-1 | --- | Budget Request | Recommendation |
|---|---|---|---|
| --- | --- | --- | --- |
| | TOTAL, OPERATION AND MAINTENANCE, MARINE CORPS | 5,590,340 | 5,546,060 |
| --- | --- | --- | --- |
| | OPERATION AND MAINTENANCE, AIR FORCE | | |
| --- | --- | --- | --- |
| 011A | PRIMARY COMBAT FORCES | 4,261,115 | 4,218,222 |
| | Unjustified Growth for Programming/ Execution | --- | -34,408 |
| | Unsupported Request for Civilian Personnel | --- | -8,485 |
| 011C | COMBAT ENHANCEMENT FORCES | 2,995,278 | 2,933,353 |
| | Unjustified Growth for Programming/ Execution | --- | -61,925 |
| 011D | AIR OPERATIONS TRAINING | 1,573,602 | 1,510,352 |
| | Unjustified Growth for Programming/ Execution | --- | -13,598 |
| | Transfer of Range Maintenance funding to SAG 011R | --- | -33,652 |
| | National Unmanned Aircraft System Maintenance Training Program | --- | +2,000 |
| | Removal of One-Time fiscal year 2010 Cost for F-35A Beddown Costs | --- | -18,000 |
| 011M | DEPOT MAINTENANCE | 2,189,481 | 2,184,793 |
| | Program Increase - Warner Robins Air Logistics Center Aircraft Depot Maintenance | --- | +4,000 |
| | Air Force Requested Transfer to O&M ANG for C-130s | --- | -10,879 |
| | Air Force Requested Transfer to O&M AFR for C-130s | --- | -5,609 |
| | B-1 High Velocity Maintenance Initiative | --- | +8,000 |
| 011R | FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION | 1,556,234 | 1,674,246 |
| | Transfer of Range Maintenance from SAG 011D | --- | +33,652 |
| | Adjustments to Meet Life, Health, Safety and ADA Compliance Standards | --- | +75,000 |
| | Repair Arctic Utilities and Infrastructure - Phase 1 | --- | +1,200 |
| | Upgrade Readiness Training Center Main Area | --- | +1,360 |
| | Electrical Distribution Upgrade at Hickam AFB | --- | +6,800 |
| 011Z | BASE OPERATING SUPPORT | 3,088,003 | 2,944,421 |
| | Unjustified Growth for Programming/ Execution | --- | -91,675 |
| | Unsupported Request for Civilian Personnel | --- | -58,707 |
| | Alaska Land Mobile Radio System | --- | +800 |
| | Alaska NORAD Region Communication Upgrades and Repairs | --- | +400 |
| | Joint Pacific Alaska Range Complex Sustainment/Enhancements | --- | +5,600 |
| 012A | GLOBAL C3I AND EARLY WARNING | 1,511,243 | 1,450,927 |
| | Unsupported Request for Civilian Personnel | --- | -16,013 |
| | Unjustified Growth for Programming/ Execution | --- | -44,303 |
| 012C | OTHER COMBAT OPERATIONS SUPPORT PROGRAMS | 1,035,291 | 1,027,100 |
| | Unjustified Growth for Programming/ Execution | --- | -12,268 |
| | Unsupported Request for Civilian Personnel | --- | -2,723 |
| | HQ USNORTHCOM - National Center for Integrated Civilian-Military Domestic Disaster Medical Response (Yale New Haven Health System) | --- | +5,600 |
| | Battlefield and Airspace Network Integration | --- | +1,200 |
| 012F | TACTICAL INTELLIGENCE AND SPECIAL ACTIVITIES | 595,028 | 595,028 |
| 013A | LAUNCH FACILITIES | 342,355 | 342,355 |
| 013C | SPACE CONTROL SYSTEMS | 811,022 | 811,022 |
| 015A | COMBATANT COMMANDERS DIRECT MISSION SUPPORT | 797,754 | 791,754 |
| | Information Operations | --- | -6,000 |
| 015B | COMBATANT COMMANDERS CORE OPERATIONS | 233,021 | 225,865 |
| | Unsupported Request for Civilian Personnel | --- | -7,156 |
| 021A | AIRLIFT OPERATIONS | 2,975,663 | 2,975,663 |
| 021D | MOBILIZATION PREPAREDNESS | 158,647 | 158,647 |
| 021M | DEPOT MAINTENANCE | 140,286 | 140,286 |
| 021R | FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION | 348,231 | 348,231 |
| 021Z | BASE SUPPORT | 683,286 | 635,231 |
| | Unsupported Request for Civilian Personnel | --- | -45,577 |
| | Unjustified Growth for Programming/ Execution | --- | -2,478 |
| 031A | OFFICER ACQUISITION | 114,403 | 114,563 |
| | Air Force Academy Space and Defense Studies Research and Curriculum Development | --- | +160 |
| 031B | RECRUIT TRAINING | 28,195 | 28,195 |
| 031D | RESERVE OFFICER TRAINING CORPS (ROTC) | 90,453 | 90,453 |
| 031R | FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION | 411,570 | 400,652 |
| | Unsupported Request for Civilian Personnel | --- | -10,918 |
| 031Z | BASE SUPPORT (ACADEMIES ONLY) | 902,323 | 845,576 |

| O-1 | --- | Budget Request | Recommendation |
|---|---|---|---|
| | Unjustified Growth for Programming/ Execution | --- | -16,216 |
| | Unsupported Request for Civilian Personnel | --- | -40,531 |
| 032A | **SPECIALIZED SKILL TRAINING** | **510,065** | **474,584** |
| | Unsupported Request for Civilian Personnel | --- | -11,481 |
| | Military Medical Training and Disaster Response Program | --- | +1,600 |
| | Growth in Overhead Expenses Not Justified by Increases to Training Metrics | --- | -28,000 |
| | Improved Pararescue Upgrade Training | --- | +2,400 |
| 032B | **FLIGHT TRAINING** | **1,012,816** | **1,013,776** |
| | Minority Aerospace Training Program | --- | +960 |
| 032C | **PROFESSIONAL DEVELOPMENT EDUCATION** | **221,553** | **223,953** |
| | Defense Critical Languages and Cultures Initiative | --- | +2,400 |
| 032D | **TRAINING SUPPORT** | **126,784** | **123,260** |
| | Unsupported Request for Civilian Personnel | --- | -3,524 |
| 032M | **DEPOT MAINTENANCE** | **619** | **619** |
| 033A | **RECRUITING AND ADVERTISING** | **150,222** | **145,286** |
| | Unsupported Request for Civilian Personnel | --- | -1,487 |
| | Air Force Academy Diversity Recruitment Outreach Program | --- | +1,651 |
| | Air Force Recruiting Information Support System—Air Force Requested Transfer to RDTE, AF | --- | -5,100 |
| 033B | **EXAMINING** | **409** | **409** |
| 033C | **OFF DUTY AND VOLUNTARY EDUCATION** | **172,643** | **172,643** |
| 033D | **CIVILIAN EDUCATION AND TRAINING** | **208,872** | **208,872** |
| 033E | **JUNIOR ROTC** | **77,692** | **81,692** |
| | Program Increase - Junior ROTC | --- | +4,000 |
| 041A | **LOGISTICS OPERATIONS** | **1,110,471** | **1,088,027** |
| | Unsupported Request for Civilian Personnel | --- | -28,044 |
| | Global Logistics Support Center Materiel Information Management Environment | --- | +3,200 |
| | Native American Document Conversion Program | --- | +2,400 |
| 041B | **TECHNICAL SUPPORT ACTIVITIES** | **949,018** | **937,913** |
| | Unjustified Growth for Programming/ Execution | --- | -5,866 |
| | Unsupported Request for Civilian Personnel | --- | -5,239 |
| 041M | **DEPOT MAINTENANCE** | **7,365** | **7,365** |
| 041R | **FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION** | **368,349** | **367,651** |
| | Unsupported Request for Civilian Personnel | --- | -698 |
| 041Z | **BASE SUPPORT** | **1,363,230** | **1,292,621** |
| | Unsupported Request for Civilian Personnel | --- | -30,609 |
| | Pentagon Reservation Maintenance Fund Pricing | --- | -40,000 |
| 042A | **ADMINISTRATION** | **657,268** | **657,268** |
| 042B | **SERVICEWIDE COMMUNICATIONS** | **693,379** | **672,562** |
| | Unjustified Growth for Programming/ Execution | --- | -20,817 |
| 042G | **OTHER SERVICEWIDE ACTIVITIES** | **1,152,877** | **1,138,670** |
| | Unsupported Request for Civilian Personnel | --- | -22,207 |
| | Analytical Support for the Executive Agent for Space, transfer from RDTE, AF line 216 | --- | +8,000 |
| 042I | **CIVIL AIR PATROL CORPORATION** | **22,848** | **27,048** |
| | Civil Air Patrol Program Increase | --- | +4,200 |
| 043A | **SECURITY PROGRAMS** | **1,159,342** | **1,141,160** |
| | Unsupported Request for Civilian Personnel | --- | -18,182 |
| 044A | **INTERNATIONAL SUPPORT** | **36,206** | **36,206** |
| | **UNDISTRIBUTED REDUCTION DUE TO HISTORIC UNDEREXECUTION** | --- | **-134,300** |
| | **FIVE PERCENT COST SAVINGS FOR INVESTMENT IN ENERGY AND UTILITIES PROJECTS THROUGH THE AMERICAN RECOVERY AND REINVESTMENT ACT** | --- | **-13,500** |
| --- | --- | --- | --- |
| | **TOTAL, OPERATION AND MAINTENANCE, AIR FORCE** | **36,844,512** | **36,110,720** |
| --- | --- | --- | --- |
| | **OPERATION AND MAINTENANCE, DEFENSE-WIDE** | | |
| --- | --- | --- | --- |
| | **JOINT CHIEFS OF STAFF** | **420,940** | **420,940** |
| | **SPECIAL OPERATIONS COMMAND** | **3,944,330** | **3,934,170** |
| | Non-Standard Aviation Platforms Sustainment and Logistical Support | --- | -5,000 |
| | Removal of One-Time fiscal year 2010 Congressional Increases | --- | -9,000 |
| | Special Operations Forces - Modular Glove System | --- | +1,600 |
| | Special Operations Tactical Systems Development – Naval Special Warfare Tactical Athlete Program | --- | +2,240 |
| | **DEFENSE ACQUISITION UNIVERSITY** | **145,896** | **145,896** |
| | **NATIONAL DEFENSE UNIVERSITY** | **97,633** | **97,633** |

| O-1 | --- | Budget Request | Recommendation |
|---|---|---|---|
| | **CIVIL MILITARY PROGRAMS** | **156,043** | **165,243** |
| | STARBASE Youth Program | --- | +8,000 |
| | Alaska National Guard Youth ChalleNGe Facilities | --- | +1,200 |
| | **BUSINESS TRANSFORMATION AGENCY** | **143,441** | **143,441** |
| | **DEFENSE CONTRACT AUDIT AGENCY** | **486,143** | **482,643** |
| | Removal of One-Time fiscal year 2010 Cost for Renewing Three Year License for Software | --- | -3,500 |
| | **DEFENSE FINANCE AND ACCOUNTING SERVICE** | **1,593** | **1,593** |
| | **DEFENSE INFORMATION SYSTEMS AGENCY** | **1,384,450** | **1,374,450** |
| | Multinational Information Sharing Programs | --- | -10,000 |
| | **DEFENSE LEGAL SERVICES AGENCY** | **42,404** | **42,404** |
| | **DEFENSE LOGISTICS AGENCY** | **448,043** | **396,395** |
| | Facilities Sustainment | --- | -58,848 |
| | Procurement Technical Assistance Program | --- | +7,200 |
| | **DEFENSE MEDIA ACTIVITY** | **255,878** | **255,878** |
| | **DEFENSE POW /MISSING PERSONS OFFICE** | **24,155** | **24,155** |
| | **DEFENSE TECHNOLOGY SECURITY AGENCY** | **37,624** | **37,624** |
| | **DEFENSE THREAT REDUCTION AGENCY** | **463,522** | **445,682** |
| | Core Operational Support Activities - unnecessary increase | --- | -17,840 |
| | **DEFENSE DEPENDENTS EDUCATION** | **2,514,537** | **2,679,537** |
| | Military Spouse Career Advancement Accounts | --- | +165,000 |
| | **DEFENSE HUMAN RESOURCES ACTIVITY** | **824,153** | **799,153** |
| | Joint Advertising, Market Research and Studies | --- | -29,800 |
| | Strategic Language Initiative | --- | +2,800 |
| | Defense Critical Languages and Cultures Program | --- | +2,000 |
| | **DEFENSE CONTRACT MANAGEMENT AGENCY** | **1,112,849** | **1,107,849** |
| | Overstatement of NSPS to GS Conversion | --- | -5,000 |
| | **DEFENSE SECURITY COOPERATION AGENCY** | **683,853** | **539,369** |
| | Global Train and Equip (1206) | --- | -139,507 |
| | Stability Operations Fellowship Program -- not authorized | --- | -4,977 |
| | **DEFENSE SECURITY SERVICE** | **518,743** | **518,743** |
| | **OFFICE OF ECONOMIC ADJUSTMENT** | **50,811** | **101,163** |
| | Blue Grass Army Depot Support Airport Study | --- | +288 |
| | Almaden Air Force Station Environmental Assessment, Remediation and Demolition | --- | +2,400 |
| | Hunters Point Shipyard | --- | +7,200 |
| | Pier 70 Hazardous Materials Abatement | --- | +2,400 |
| | Castner Range Conservation Conveyance | --- | +400 |
| | Delaware Valley Continuing Education Initiative for Veterans, National Guard and Reserves | --- | +1,200 |
| | Phase 2 of Berth N2 Reconstruction -- MOTBY | --- | +3,304 |
| | McClellan AFB Infrastructure Improvements Gateway VI | --- | +3,920 |
| | Fleet Industrial Supply Center Infrastructure Improvements -- Alameda Landing | --- | +3,200 |
| | Economic Development Assistance - South Weymouth Naval Air Station | --- | +800 |
| | Economic Development Assistance - Otis ANGB/Massachusetts Military Reservation | --- | +800 |
| | Reskinning Hangar One at former NAS Moffett Field | --- | +8,000 |
| | Highland Falls/Fort Montgomery Central School District -- Education Assistance | --- | +1,440 |
| | Badger Oversight and Management Commission | --- | +200 |
| | Apra Harbor Strategic Port Infrastructure Improvements for Military Build Up | --- | +800 |
| | Reuse Site Development/Infrastructure Improvements at the Former Castle Air Force Base | --- | +1,600 |
| | Port of Anchorage Intermodal Expansion Project | --- | +8,000 |
| | Remediation at Mare Island Naval Shipyard | --- | +4,400 |
| | **OFFICE OF THE SECRETARY OF DEFENSE** | **2,245,300** | **2,254,066** |
| | Battlefield Information Collection and Exploitation System | --- | -15,000 |
| | Combatant Commander's Exercise Engagement and Training Transformation (CE2T2) | --- | -26,500 |
| | Office of the Secretary, Undistributed: | --- | |
| | Middle East Regional Security Issues Program | --- | +3,200 |
| | Critical Language Training at SDSU | --- | +2,800 |
| | East Asian Security Studies Program | --- | +680 |
| | Readiness and Environmental Protection Initiative | --- | +60,186 |
| | Overstatement of Civilian Personnel Pay Requirements | --- | -24,500 |
| | AT&L - Integrated Acquisition Environment Internal Realignment Not Properly Accounted for in Budget Documentation | --- | -6,500 |
| | IASTAR Federal Information Security Management Act Compliance | --- | +2,400 |
| | Joint Operational Contract Support Program Management | --- | +7,600 |

| O-1 | --- | Budget Request | Recommendation |
|---|---|---|---|
| | Joint Safety Climate System | --- | +1,600 |
| | Rule of Law | --- | +1,200 |
| | Smart Electrochlorinator Scale-Up Project | --- | +1,600 |
| | WASHINGTON HEADQUARTERS SERVICES | 604,130 | 594,330 |
| | Overstatement of Civilian Personnel Pay Requirements | --- | -9,800 |
| | OTHER PROGRAMS | 13,977,425 | 13,692,525 |
| | Classified Adjustments | --- | -291,700 |
| | Armed Forces Health and Food Supply Research | --- | +3,200 |
| | Counter-Threat Finance - Global | --- | +1,200 |
| | DaVinci Program for Counter Threat Finance Intelligence | --- | +1,600 |
| | Center of Excellence for Geospatial Science | --- | +800 |
| | IMPACT AID | --- | 40,000 |
| | IMPACT AID FOR CHILDREN WITH SEVERE DISABILITIES | --- | 4,000 |
| | UNDISTRIBUTED | --- | 4,740 |
| | Soldier Center at Patriot Park | --- | +4,000 |
| | Emergency Aid to Military Families in Crisis | --- | +740 |
| --- | --- | --- | --- |
| | TOTAL, OPERATION AND MAINTENANCE, DEFENSE-WIDE | 30,583,896 | 30,303,622 |
| --- | --- | --- | --- |
| | OPERATION AND MAINTENANCE, ARMY RESERVE | | |
| --- | --- | --- | --- |
| 111 | MANEUVER UNITS | 1,282 | 1,282 |
| 112 | MODULAR SUPPORT BRIGADES | 12,413 | 12,413 |
| 113 | ECHELONS ABOVE BRIGADES | 460,814 | 460,814 |
| 114 | THEATER LEVEL ASSETS | 168,020 | 168,020 |
| 115 | LAND FORCES OPERATIONS SUPPORT | 555,944 | 555,944 |
| 116 | AVIATION ASSETS | 70,378 | 70,378 |
| 121 | FORCES READINESS OPERATIONS SUPPORT | 391,326 | 381,326 |
| | Decrease Requested Growth for Travel | --- | -10,000 |
| 122 | LAND FORCES SYSTEM READINESS | 108,093 | 108,093 |
| 123 | DEPOT MAINTENANCE | 136,854 | 136,854 |
| 131 | BASE OPERATIONS SUPPORT | 577,146 | 567,146 |
| | Unjustified Increase in Motor Pool Operations Costs | --- | -10,000 |
| 132 | FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION | 234,486 | 234,486 |
| 421 | SERVICEWIDE TRANSPORTATION | 12,717 | 12,717 |
| 431 | ADMINISTRATION | 74,685 | 74,685 |
| 432 | SERVICEWIDE COMMUNICATIONS | 3,797 | 3,797 |
| 433 | PERSONNEL/FINANCIAL ADMINISTRATION | 9,245 | 9,245 |
| 434 | RECRUITING AND ADVERTISING | 61,877 | 61,877 |
| | UNDISTRIBUTED REDUCTION DUE TO HISTORIC UNDEREXECUTION | --- | -18,650 |
| --- | --- | --- | --- |
| | TOTAL, OPERATION AND MAINTENANCE, ARMY RESERVE | 2,879,077 | 2,840,427 |
| --- | --- | --- | --- |
| | OPERATION AND MAINTENANCE, NAVY RESERVE | | |
| --- | --- | --- | --- |
| 1A1A | MISSION AND OTHER FLIGHT OPERATIONS | 599,649 | 599,649 |
| 1A3A | INTERMEDIATE MAINTENANCE | 13,209 | 13,209 |
| 1A4A | AIR OPERATIONS AND SAFETY SUPPORT | 2,668 | 2,668 |
| 1A5A | AIRCRAFT DEPOT MAINTENANCE | 140,377 | 140,377 |
| 1A6A | AIRCRAFT DEPOT OPERATIONS SUPPORT | 309 | 309 |
| 1B1B | MISSION AND OTHER SHIP OPERATIONS | 65,757 | 62,757 |
| | Mismatch of OPTEMPO and Steaming Day Performance Data | --- | -3,000 |
| 1B2B | SHIP OPERATIONAL SUPPORT AND TRAINING | 587 | 587 |
| 1B4B | SHIP DEPOT MAINTENANCE | 91,054 | 91,054 |
| 1C1C | COMBAT COMMUNICATIONS | 15,882 | 15,882 |
| 1C6C | COMBAT SUPPORT FORCES | 140,186 | 140,186 |
| 1D4D | WEAPONS MAINTENANCE | 5,492 | 5,492 |
| BSIT | ENTERPRISE INFORMATION TECHNOLOGY | 56,046 | 56,046 |
| BSMR | FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION | 81,407 | 81,407 |
| BSSR | BASE OPERATING SUPPORT | 131,988 | 131,988 |
| 4A1M | ADMINISTRATION | 3,276 | 3,276 |
| 4A4M | MILITARY MANPOWER & PERSONNEL | 13,698 | 13,698 |
| 4A6M | SERVICEWIDE COMMUNICATIONS | 2,628 | 2,628 |
| 4B3N | ACQUISITION AND PROGRAM MANAGEMENT | 3,551 | 3,551 |
| | UNDISTRIBUTED REDUCTION DUE TO HISTORIC UNDEREXECUTION | --- | -20,500 |
| --- | --- | --- | --- |

| O-1 | --- | Budget Request | Recommendation |
|---|---|---|---|
| | TOTAL, OPERATION AND MAINTENANCE, NAVY RESERVE | 1,367,764 | 1,344,264 |
| --- | --- | --- | --- |
| | OPERATION AND MAINTENANCE, MARINE CORPS RESERVE | | |
| --- | --- | --- | --- |
| 1A1A | OPERATING FORCES | 104,566 | 104,566 |
| 1A3A | DEPOT MAINTENANCE | 16,392 | 16,392 |
| BSM1 | FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION | 38,762 | 38,762 |
| BSS1 | BASE OPERATING SUPPORT | 99,924 | 92,424 |
| | Eliminate Growth in Administrative Costs | --- | -7,500 |
| BSM1 | SERVICEWIDE TRANSPORTATION | 835 | 835 |
| BSS1 | ADMINISTRATION | 15,871 | 15,871 |
| 3A1C | RECRUITING AND ADVERTISING | 8,884 | 8,884 |
| | UNDISTRIBUTED REDUCTION DUE TO HISTORIC UNDEREXECUTION | --- | -2,250 |
| --- | --- | --- | --- |
| | TOTAL, OPERATION AND MAINTENANCE, MARINE CORPS RESERVE | 285,234 | 275,484 |
| --- | --- | --- | --- |
| | OPERATION AND MAINTENANCE, AIR FORCE RESERVE | | |
| --- | --- | --- | --- |
| 011A | PRIMARY COMBAT FORCES | 2,275,407 | 2,276,450 |
| | Air Force Requested Transfer to OM, ANG for C-130s | --- | -2,017 |
| | Air Force Requested Transfer from OM, AF for C-130s | --- | +3,060 |
| 011G | MISSION SUPPORT OPERATIONS | 111,742 | 111,742 |
| 011M | DEPOT MAINTENANCE | 415,687 | 418,436 |
| | Air Force Requested Transfer from OM, AF for C-130s | --- | +2,749 |
| 011R | FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION | 88,822 | 88,822 |
| 011Z | BASE OPERATING SUPPORT | 277,985 | 277,985 |
| 042A | ADMINISTRATION | 80,526 | 80,526 |
| 042J | RECRUITING AND ADVERTISING | 24,353 | 24,353 |
| 042K | MILITARY MANPOWER AND PERSONNEL MANAGEMENT | 19,716 | 19,716 |
| 042L | OTHER PERSONNEL SUPPORT | 6,071 | 6,071 |
| 042M | AUDIOVISUAL | 726 | 726 |
| | UNDISTRIBUTED REDUCTION DUE TO HISTORIC UNDEREXECUTION | --- | -13,800 |
| --- | --- | --- | --- |
| | TOTAL, OPERATION AND MAINTENANCE, AIR FORCE RESERVE | 3,301,035 | 3,291,027 |
| --- | --- | --- | --- |
| | OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD | | |
| --- | --- | --- | --- |
| 111 | MANEUVER UNITS | 807,193 | 807,193 |
| 112 | MODULAR SUPPORT BRIGADES | 166,474 | 166,474 |
| 113 | ECHELONS ABOVE BRIGADE | 607,567 | 607,567 |
| 114 | THEATER LEVEL ASSETS | 249,930 | 249,930 |
| 115 | LAND FORCES OPERATIONS SUPPORT | 35,657 | 37,157 |
| | National Guard CST/CERFP Sustainment Training and Evaluation Program | --- | +1,500 |
| 116 | AVIATION ASSETS | 838,895 | 856,495 |
| | Aircraft Maintenance Program Increase | --- | +16,000 |
| | Controlled Humidity Protection for South Carolina Army National Guard Aviation Support Facilities | --- | +1,600 |
| 121 | FORCE READINESS OPERATIONS SUPPORT | 570,119 | 558,919 |
| | Distance Learning--Transferred from OCO OM, ARNG SAG 135 | --- | +9,000 |
| | Camp Perry Staff Training Program | --- | +1,800 |
| | New Hampshire National Guard Deployment Cycle Support Program | --- | +2,000 |
| | Family Assistance Centers | --- | +800 |
| | Realignment of Funding for the Organizational Clothing and Equipment Enterprise Environment Not Properly Accounted For In Budget Documentation | --- | -35,000 |
| | Colorado National Guard Reintegration Program | --- | +800 |
| | Joint Interagency Training and Education Center | --- | +3,600 |
| | National Guard and First Responder Resiliency Training | --- | +1,200 |
| | Oregon National Guard Yellow Ribbon Reintegration | --- | +1,600 |
| | Rapid Data Management System | --- | +600 |
| | Vermont Service Member, Veteran, Family Outreach, Readiness and Reintegration Program | --- | +2,400 |
| 122 | LAND FORCES SYSTEMS READINESS | 121,980 | 125,580 |
| | Advanced Law Enforcement Rapid Response Training Program | --- | +1,600 |

| O-1 | --- | Budget Request | Recommendation |
|---|---|---|---|
| | Oregon National Guard PT-1 SC Ballistic Eyewear and CAG-1 Combat Glove Kit | --- | +400 |
| | Regional Geospatial Service Centers | --- | +1,600 |
| 123 | **LAND FORCES DEPOT MAINTENANCE** | **380,789** | **380,789** |
| 131 | **BASE OPERATIONS SUPPORT** | **933,514** | **866,214** |
| | Unjustified Growth for Information Management Systems | --- | -80,000 |
| | Washington National Guard Employment Enhancement Project | --- | +1,500 |
| | Our Military Kids | --- | +2,000 |
| | Minnesota National Guard Beyond the Yellow Ribbon Reintegration Program | --- | +2,000 |
| | Women Veterans and Service members Joint Health Resource Center | --- | +2,400 |
| | Continuity of Operations Planning Site | --- | +800 |
| | Ethan Allen Firing Range Upgrades | --- | +1,200 |
| | Joint Operations Center modernization | --- | +2,800 |
| 132 | **FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION** | **621,843** | **666,643** |
| | Army National Guard Program Increase | --- | +40,000 |
| | Vermont National Guard Sustainable Energy Project | --- | +4,800 |
| 133 | **MANAGEMENT AND OPERATIONAL HEADQUARTERS** | **540,738** | **549,626** |
| | Transfer from Defense Health Program for Psychological Health - State Directors for the National Guard | --- | +8,888 |
| 135 | **ADDITIONAL ACTIVITIES** | **0** | **5,600** |
| | Indiana National Guard Civilian Training | --- | +4,000 |
| | Texas Facilities Initiative | --- | +1,600 |
| 421 | **SERVICEWIDE TRANSPORTATION** | **17,771** | **17,771** |
| 431 | **ADMINISTRATION** | **183,781** | **156,663** |
| | Pay and Benefits Mismatch Between Op-5 and Op-32 | --- | -32,318 |
| | Wounded Warrior Training Facility Feasibility Study | --- | +1,200 |
| | National Guard Global Education Program | --- | +800 |
| | Army National Guard Unit History Records | --- | +3,200 |
| 432 | **SERVICEWIDE COMMUNICATIONS** | **48,188** | **48,188** |
| 433 | **MANPOWER MANAGEMENT** | **8,020** | **8,020** |
| 434 | **RECRUITING AND ADVERTISING** | **440,245** | **440,245** |
| | **UNDISTRIBUTED REDUCTION DUE TO HISTORIC UNDEREXECUTION** | --- | **-36,650** |
| | **FIVE PERCENT COST SAVINGS FOR INVESTMENT IN ENERGY AND UTILITIES PROJECTS THROUGH THE AMERICAN RECOVERY AND REINVESTMENT ACT** | --- | **-8,000** |
| --- | --- | --- | --- |
| | **TOTAL, OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD** | **6,572,704** | **6,504,424** |
| --- | --- | --- | --- |
| | **OPERATION AND MAINTENANCE, AIR NATIONAL GUARD** | | |
| --- | --- | --- | --- |
| 011F | **AIRCRAFT OPERATIONS** | **3,519,452** | **3,527,525** |
| | Remote Piloted Aircraft Expansion | --- | +2,000 |
| | Air Force Requested Transfer from OM, AFR for C-130s | --- | +2,017 |
| | Air Force Requested Transfer from OM, AF for C-130s | --- | +4,056 |
| 011G | **MISSION SUPPORT OPERATIONS** | **762,937** | **765,805** |
| | Expansion of National Disaster Training Center | --- | +2,400 |
| | Connecticut National Guard Military Support Program | --- | +400 |
| | Joint Interagency Training and Education Center | --- | +68 |
| 011M | **DEPOT MAINTENANCE** | **598,779** | **605,602** |
| | Air Force Requested Transfer from OM, AF for C-130s | --- | +6,823 |
| 011R | **FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION** | **315,210** | **355,210** |
| | Air National Guard Program Increase | --- | +40,000 |
| 011Z | **BASE OPERATING SUPPORT** | **668,176** | **668,736** |
| | Incident Management and Emergency Notification System | --- | +560 |
| 042A | **ADMINISTRATION** | **41,930** | **41,930** |
| 042J | **RECRUITING AND ADVERTISING** | **34,659** | **34,659** |
| | **UNDISTRIBUTED REDUCTION DUE TO HISTORIC UNDEREXECUTION** | --- | **-30,200** |
| --- | --- | --- | --- |
| | **TOTAL, OPERATION AND MAINTENANCE, AIR NATIONAL GUARD** | **5,941,143** | **5,969,267** |
| --- | --- | --- | --- |
| | **MISCELLANEOUS** | | |
| --- | --- | --- | --- |
| | **OVERSEAS CONTINGENCY OPERATIONS TRANSFER ACCOUNT** | **5,000** | **0** |
| | Unjustified Request | --- | -5,000 |

| O-1 | --- | Budget Request | Recommendation |
|---|---|---|---|
| | U.S. COURT OF APPEALS FOR THE ARMED FORCES | 14,068 | 14,068 |
| | ENVIRONMENTAL RESTORATION, ARMY | 444,581 | 464,581 |
| | Program Increase | --- | +20,000 |
| | ENVIRONMENTAL RESTORATION, NAVY | 304,867 | 304,867 |
| | ENVIRONMENTAL RESTORATION, AIR FORCE | 502,653 | 502,653 |
| | ENVIRONMENTAL RESTORATION, DEFENSE-WIDE | 10,744 | 10,744 |
| | ENVIRONMENTAL RESTORATION, FUDS | 276,546 | 316,546 |
| | Program Increase | --- | +40,000 |
| | OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID | 108,032 | 108,032 |
| | COOPERATIVE THREAT REDUCTION PROGRAM | 522,512 | 522,512 |
| | ACQUISITION WORKFORCE DEVELOPMENT FUND | 217,561 | 217,561 |
| --- | --- | --- | --- |
| | TOTAL, OPERATION AND MAINTENANCE | 167,878,542 | 165,848,156 |

OPERATION AND MAINTENANCE REPROGRAMMINGS

The Secretary of Defense is directed to submit the Base for Reprogramming (DD 1414) for each of the fiscal year 2011 appropriation accounts not later than 60 days after the enactment of this Act. The Secretary of Defense is prohibited from executing any reprogramming or transfer of funds for any purpose other than originally appropriated until the aforementioned report is submitted to the House and Senate Committees on Appropriations.

The Secretary of Defense is directed to use the normal prior approval reprogramming procedures to transfer funds in the Services' operation and maintenance accounts between O–1 budget activities in excess of $15,000,000. In addition, the Secretary of Defense shall follow prior approval reprogramming procedures for transfers in excess of $15,000,000 out of the following budget subactivities:

*Army:*

Maneuver Units

Modular Support Brigades

Land Forces Operations Support

Force Readiness Operations Support

Land Forces Depot Maintenance

Base Operations Support

Facilities Sustainment, Repair and Modernization

*Navy:*

Aircraft Depot Maintenance

Ship Depot Maintenance

Facilities Sustainment, Repair and Modernization

*Marine Corps:*

Depot Maintenance

Facilities Sustainment, Repair and Modernization

*Air Force:*

Operating Forces Depot Maintenance

Mobilization Depot Maintenance

Training and Recruiting Depot Maintenance

Administration and Servicewide Depot Maintenance

Primary Combat Forces

Combat Enhancement Forces

Combat Communications

Facilities Sustainment, Repair and Modernization

Finally, the Secretary of Defense shall follow prior approval reprogramming procedures for transfers in excess of $15,000,000 into the following budget subactivity:

*Operation and Maintenance, Army National Guard:*

Other Personnel Support/Recruiting and Advertising

With respect to Operation and Maintenance, Defense-Wide, proposed transfers of funds to or from the levels specified for defense agencies in excess of $15,000,000 shall be subject to prior approval reprogramming procedures.

OPERATION AND MAINTENANCE BUDGET EXECUTION DATA

The Secretary of Defense is directed to continue to provide the congressional defense committees with quarterly budget execution data. Such data should be provided not later than 45 days after the end of each quarter for the fiscal year, and should be provided for each O–1 budget activity, activity group and subactivity group for each of the active, defense-wide, reserve and National Guard components. For each O–1 budget activity, activity group and subactivity group, these reports should include the budget request and actual obligation amount; the distribution of unallocated congressional adjustments to the budget request; all adjustments made by the Department in establishing the Base for Reprogramming (DD Form 1414) report; all adjustments resulting from below threshold reprogrammings and all adjustments resulting from prior approval reprogramming requests.

CIVILIAN PERSONNEL PAY RATES

The budget request included discrepancies between the services in the price growth budgeted for civilian personnel pay. The Office of the Under Secretary of Defense (Comptroller) is directed to ensure consistency across the Department for civilian personnel pay rates in future budget submissions.

INFORMATION OPERATIONS

The recommendation includes reductions to certain information operation programs. Due to the classification of these activities, a table is included in the classified annex of the statement indicating the programs to which adjustments have been made. In addition, the Under Secretary of Defense (Comptroller) shall continue to submit a strategic communications and information operations programs report to the congressional defense committees not later than 30 days after the submission of the President's annual budget request to Congress. The report shall include supplemental budget justification materials for strategic communication programs to include information operations, military information support operations and influence activities of the Department of Defense for which base budget, supplemental or overseas contingency operations funds have been appropriated or requested over the fiscal year 2010 through 2012 period, including: program strategies, target audiences, goals, and measures of effectiveness; budget exhibits at the appropriations account and subactivity level; spend plans (including positions and other direct costs associated with the activity); and production and dissemination mechanisms and locations. The report shall identify any current or prior year funds provided that have been obligated or expended for activities other than those for which the funding was requested, or transferred either above or below the reprogramming threshold notification requirements and the purposes for which the funds were otherwise used. Finally, the report shall include an annex to explain and support classified information.

MARITIME SECURITY EXERCISE

The Secretary of the Navy is directed to develop and conduct a tabletop exercise to identify specific gaps in surveillance procedures, information collection and sharing and predictive capability concerning terrorist-related overseas movements of weapons of mass destruction components through international waters. This analytical exercise should utilize the Naval Postgraduate School or a similar government academic organization with substantial ties to the Department of the Navy and background in both maritime security and national security matters. This exercise is to be limited and targeted to determine where vulnerabilities lie in our nation's overall maritime security posture.

ENERGY SECURITY

The Secretary of Defense is to be commended for collaborative pilot projects that demonstrate a systems-level approach to energy security. The intent of these projects include such things as improvements to energy self-sufficiency, reduction of greenhouse gas emissions, and increased use of renewable energy sources. Some joint bases have been found to be well situated to conduct these projects which provide the foundation to replicate the energy security efforts at other Department of Defense installations, and therefore $20,000,000 is provided for these Energy Security Pilot Projects. The fast track projects shall put these installations on a path to energy security within 18 months. Over the long term, the Department can use the fast-track pilot programs' foundational data, tools and process models to develop and implement a multiyear plan to achieve energy security at all Department of Defense installations. The Secretary of Defense is directed to provide an implementation plan to the congressional defense committees not later than 30 days after enactment of this Act, an initial status report of the pilot programs not later than March 15, 2011 and a comprehensive multiyear Energy Security Program plan not later than September 30, 2011.

MILITARY TIRES

To preserve a competitive and vigorous industrial base for military tires, the Director of the Defense Logistics Agency (DLA) is directed to: request that all contractors involved in any way with the Tire Procurement Initiative (TPI) provide DLA with any competitive tire pricing information they have received in connection with their performance of the TPI contract; make this information known to all interested contractors; report to the congressional defense committees not later than 45 days after enactment of this Act whether the requested information was provided; and, if the requested information was not provided, include in that report a plan for ensuring that real or perceived conflicts of interest related to the possession of this information does not undermine the integrity of future tire contracts.

MULTINATIONAL INFORMATION SHARING PROGRAMS

The Secretary of Defense is directed to provide a report to the congressional defense committees not later than 90 days after the enactment of this Act to include the following: a list of every program funded by the Department whose objective is to facilitate the secure exchange of electronic information between the United States and its partners and allies; the amount of funding provided to these programs in fiscal year 2010 and requested in fiscal year 2011; a plan for consolidating these programs into one program that can be used throughout the entire Department for the stated objective; and an explanation, if necessary, of why multiple information sharing systems are necessary and financially justified.

OUTSIDE LEGAL DEFENSE EXPENSES

The Secretary of Defense, in coordination with the Attorney General of the United States, is directed to provide a report to the congressional defense committees on the financial, legal, or other impacts of each of the following: amending public law to specifically make military personal eligible for reimbursement of legal bills when they successfully defend themselves against charges of abusing detainees; providing servicemembers Professional Liability Insurance to cover legal fees, similar to the insurance that is available to other Federal employees; and reimbursing the $1,000,000 that the Congressional Budget Office estimates U.S. servicemembers have already had to pay for their own defense against these types of charges for which later, the charges were dismissed or the servicemember acquitted since September 11, 2001. The Secretary is directed to provide this report not later than 180 days after enactment of this Act.

JOINT ADVERTISING, MARKET RESEARCH AND STUDIES

The recommendation includes $7,972,000 for the Joint Advertising, Market Research and Studies (JAMRS) Program under the Defense Human Resources Activity. The funding is directed to be used for the costs associated with maintaining the JAMRS Recruiting

Database and the remainder to be used for market research and studies only related to recruiting medical health professionals.

READINESS AND ENVIRONMENTAL PROTECTION INITIATIVE

The Readiness and Environmental Protection Initiative (REPI) program has contributed significantly to relieving encroachment pressures at military installations across the nation. Many military installations either include lands that serve as critical habitat for species or find that community development on adjacent land threatens to impinge on operations. In order to expand the impact of the REPI program, the recommendation includes $60,186,000 above the amount requested in the budget. In allocating funds appropriated for the REPI program, the Department is directed to consider proposals for acquiring property and easements to preserve Clear Zone areas, Accident Potential Zones, firing ranges, maneuver areas, and airfields on the same basis as all other proposals.

YOUTH MENTORING PROGRAM

The recommendation provides $20,000,000 for Youth Mentoring programs. The Department of Defense is directed to allocate this funding on a competitive basis to activities that are in close proximity to Department of Defense installations.

TITLE III—PROCUREMENT

For Procurement, funds are to be available for fiscal year 2011, as follows:

[in thousands of dollars]:

| P-1 | -- | Budget Request | Recommendation |
|---|---|---|---|
| -- | -- | -- | -- |
| | AIRCRAFT PROCUREMENT, ARMY | | |
| -- | -- | -- | -- |
| 3 | AERIAL COMMON SENSOR (ACS) (MIP) | 88,483 | 0 |
| -- | Program Adjustment for Schedule Slip | -- | -88,483 |
| 4 | MQ-1 UAV | 459,310 | 434,310 |
| -- | Contract Savings | -- | -25,000 |
| 5 | RQ-11 (RAVEN) | 20,152 | 20,152 |
| 6 | BCT UNMANNED AERIAL VEH (UAVS) INCR 1 | 44,206 | 26,568 |
| -- | Program Reduction | -- | -17,638 |
| 8 | HELICOPTER, LIGHT UTILITY (LUH) | 305,272 | 310,272 |
| -- | Light Utility Helicopter Survivability | -- | +5,000 |
| 9 | AH-64 APACHE BLOCK III | 332,681 | 332,681 |
| 10 | AH-64 APACHE BLOCK III (AP-CY) | 161,150 | 161,150 |
| 11 | UH-60 BLACKHAWK (MYP) | 1,250,566 | 1,250,566 |
| 12 | UH-60 BLACKHAWK (MYP) (AP-CY) | 100,532 | 100,532 |
| 13 | CH-47 HELICOPTER | 1,101,293 | 1,101,293 |
| 14 | CH-47 HELICOPTER (AP-CY) | 57,756 | 57,756 |
| 15 | HELICOPTER NEW TRAINING | 9,383 | 0 |
| -- | Unjustified Request | -- | -9,383 |
| 17 | MQ-1 PAYLOAD - UAS | 100,413 | 80,413 |
| -- | Tactical SIGINT Payload Schedule Adjustment | -- | -20,000 |
| 18 | MQ-1 WEAPONIZATION - UAS | 14,729 | 14,729 |
| 19 | GUARDRAIL MODS (MIP) | 29,899 | 25,799 |
| -- | Airborne Precision Geolocation | -- | -4,100 |
| 20 | MULTI SENSOR AIRBORNE RECON (MIP) | 16,981 | 16,981 |
| 21 | AH-64 MODS | 393,769 | 396,169 |
| -- | Reduced Size Crashworthy External Fuel System 125 Gallon Tank | -- | +2,400 |
| 23 | CH-47 CARGO HELICOPTER MODS | 66,207 | 68,287 |
| -- | Damage Tolerance Improvement and Monitoring for Condition Based Maintenance | -- | +2,080 |
| 25 | UTILITY/CARGO AIRPLANE MODS | 13,716 | 13,716 |
| 26 | AIRCRAFT LONG RANGE MODS | 814 | 814 |
| 27 | UTILITY HELICOPTER MODS | 63,085 | 82,405 |
| -- | Air Filtration Systems for the Army National Guard | -- | +1,600 |
| -- | Forward Looking Infrared Sensors for the Minnesota National Guard | -- | +720 |
| -- | UH-60 A to L conversions | -- | +17,000 |
| 28 | KIOWA WARRIOR | 94,400 | 42,300 |
| -- | Cockpit and Sensor Upgrade Program Funding Ahead of Need | -- | -52,100 |
| 29 | AIRBORNE AVIONICS | 219,425 | 207,425 |
| -- | Contract Savings | -- | -12,000 |
| 30 | GATM ROLLUP | 100,862 | 100,862 |
| 31 | RQ-7 UAV MODS | 505,015 | 2,515 |
| -- | Funding Ahead of Need for Installation | -- | -5,000 |
| -- | Transfer to Title IX | -- | -497,500 |
| 34 | SPARE PARTS (AIR) | 7,328 | 9,956 |
| -- | Transfer from OP,A line 195 at Army request | -- | +2,628 |
| 35 | AIRCRAFT SURVIVABILITY EQUIPMENT | 24,478 | 24,478 |
| 36 | ASE INFRARED COUNTER MEASURES | 174,222 | 163,722 |
| -- | Excess to Requirement | -- | -10,500 |
| 37 | AVIONICS SUPPORT EQUIPMENT | 4,885 | 4,885 |
| 38 | COMMON GROUND EQUIPMENT | 76,129 | 76,129 |
| 39 | AIRCREW INTEGRATED SYSTEMS | 52,423 | 54,823 |
| -- | Air Warrior Survival Vest Ensemble Reset Program | -- | +2,400 |
| 40 | AIR TRAFFIC CONTROL | 82,844 | 82,844 |
| 41 | INDUSTRIAL FACILITIES | 1,567 | 1,567 |
| 42 | LAUNCHER, 2.75 ROCKET | 2,892 | 2,892 |
| -- | -- | -- | -- |
| | TOTAL, AIRCRAFT PROCUREMENT, ARMY | 5,976,867 | 5,268,991 |
| -- | -- | -- | -- |
| | MISSILE PROCUREMENT, ARMY | | |
| -- | -- | -- | -- |
| 1 | PATRIOT SYSTEM SUMMARY | 480,247 | 613,847 |
| -- | PAC-3 Launchers and Missiles - Army UFR | -- | +133,600 |
| 2 | SURFACE-LAUNCHED AMRAAM SYS SUMMARY | 116,732 | 102,732 |
| -- | Program Reduction | -- | -14,000 |
| 4 | HELLFIRE SYS SUMMARY | 31,881 | 31,881 |
| 5 | JAVELIN (AAWS-M) SYSTEM SUMMARY | 163,929 | 163,929 |
| 6 | TOW 2 SYSTEM SUMMARY | 30,326 | 24,326 |

| P-1 | -- | Budget Request | Recommendation |
|---|---|---|---|
| -- | Program Adjustment for Growth in Management and Administration Costs | -- | -6,000 |
| 7 | TOW 2 SYSTEM SUMMARY (AP-CY) | 48,355 | 0 |
| -- | Excess to Requirement | -- | -48,355 |
| 8 | BCT NON LINE OF SIGHT LAUNCH SYSTEM | 350,574 | 0 |
| -- | Program Termination | -- | -350,574 |
| 9 | GUIDED MLRS ROCKET (GMLRS) | 291,041 | 266,041 |
| -- | Program Reduction | -- | -25,000 |
| 10 | MLRS REDUCED RANGE PRACTICE ROCKETS (RRPR) | 15,886 | 15,886 |
| 11 | HIGH MOBILITY ARTILLERY ROCKET SYSTEM | 211,517 | 204,517 |
| -- | Program Adjustment, Carriers Procured in Fiscal Year 2010 | -- | -7,000 |
| 12 | PATRIOT MODS | 57,170 | 57,170 |
| 13 | ITAS/TOW MODS | 13,281 | 13,281 |
| 14 | MLRS MODS | 8,217 | 8,217 |
| 15 | HIMARS MODIFICATIONS | 39,371 | 39,371 |
| 16 | HELLFIRE MODIFICATIONS | 10 | 10 |
| 17 | SPARES AND REPAIR PARTS | 19,569 | 19,569 |
| 18 | AIR DEFENSE TARGETS | 3,613 | 3,613 |
| 19 | ITEMS LESS THAN $5.0M (MISSILES) | 1,208 | 1,208 |
| 20 | PRODUCTION BASE SUPPORT | 4,510 | 4,510 |
| -- | -- | -- | -- |
| | TOTAL, MISSILE PROCUREMENT, ARMY | 1,887,437 | 1,570,108 |
| -- | -- | -- | -- |
| | PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY | | |
| -- | -- | -- | -- |
| 4 | STRYKER VEHICLE | 299,545 | 350,945 |
| -- | Transfer from OP,A, line 9 | -- | +61,300 |
| -- | Adjust Program Management Costs | -- | -9,900 |
| 9 | STRYKER (MOD) | 146,352 | 85,052 |
| -- | Transfer to OP,A, line 4 | -- | -61,300 |
| 10 | FIST VEHICLE (MOD) | 31,083 | 31,083 |
| 11 | BRADLEY PROGRAM (MOD) | 215,133 | 204,133 |
| -- | Program Reduction | -- | -11,000 |
| 12 | HOWITZER, MED SP FT 155MM M109A6 (MOD) | 105,277 | 5,277 |
| -- | Program Adjustment for Schedule Slip | -- | -70,000 |
| -- | Transfer to RDTE,A line 116 for Paladin PIM | -- | -30,000 |
| 13 | IMPROVED RECOVERY VEHICLE (M88A2 HERCULES) | 69,609 | 69,609 |
| 14 | ARMORED BREACHER VEHICLE | 77,930 | 77,930 |
| 15 | M88 FOV MODS | 9,157 | 9,157 |
| 16 | JOINT ASSAULT BRIDGE | 44,133 | 0 |
| -- | Funded Ahead of Need | -- | -44,133 |
| 17 | M1 ABRAMS TANK (MOD) | 230,907 | 230,907 |
| 18 | ABRAMS UPGRADE PROGRAM | 183,000 | 183,000 |
| 19 | PRODUCTION BASE SUPPORT (TCV-WTCV) | 3,145 | 3,145 |
| 20 | HOWITZER, LIGHT, TOWED, 105MM, M119 | 5,575 | 0 |
| -- | Funds Excess to Requirement | -- | -5,575 |
| 21 | M240 MEDIUM MACHINE GUN (7.62MM) | 28,179 | 20,479 |
| -- | Pricing Correction | -- | -7,700 |
| 22 | MACHINE GUN, CAL .50 M2 ROLL | 79,496 | 408 |
| -- | M2 Machine guns for the Nevada ARNG | -- | +408 |
| -- | Transfer to Title IX | -- | -79,496 |
| 23 | LIGHTWEIGHT .50 CALIBER MACHINE GUN | 18,941 | 18,941 |
| 24 | M249 SAW MACHINE GUN (5.56MM) | 0 | 265 |
| -- | M249 SAW Machine Guns for the Nevada ARNG | -- | +220 |
| -- | M249 Light SAW Machine Guns for the Nevada ARNG | -- | +45 |
| 25 | MK-19 GRENADE MACHINE GUN (40MM) | 4,465 | 4,465 |
| 26 | MORTAR SYSTEMS | 17,082 | 17,082 |
| 27 | M107, CAL. 50, SNIPER RIFLE | 235 | 235 |
| 28 | XM320 GRENADE LAUNCHER MODULE (GLM) | 16,282 | 16,282 |
| 29 | M110 SEMI-AUTOMATIC SNIPER SYSTEM (SASS) | 5,159 | 5,159 |
| 30 | M4 CARBINE | 20,180 | 20,525 |
| -- | M4 Carbines for the Nevada ARNG | -- | +345 |
| 31 | SHOTGUN, MODULAR ACCESSORY SYSTEM (MASS) | 7,153 | 7,153 |
| 33 | HANDGUN | 3,371 | 58 |
| -- | Program Reduction | -- | -3,371 |
| -- | M9 Handguns for the Nevada ARNG | -- | +58 |
| 35 | MK-19 GRENADE MACHINE GUN MODS | 4,286 | 2,986 |
| -- | Tactical Engagement Simulator Terminated | -- | -1,300 |
| 36 | M4 CARBINE MODS | 14,044 | 14,044 |
| 37 | M2 50 CAL MACHINE GUN MODS | 0 | 4,800 |
| -- | M2 .50 Cal Quick Change Barrel Kits | -- | +4,800 |

| P-1 | -- | Budget Request | Recommendation |
|---|---|---|---|
| 38 | M249 SAW MACHINE GUN MODS | 5,922 | 5,922 |
| 39 | M240 MEDIUM MACHINE GUN MODS | 15,852 | 15,852 |
| 40 | M119 MODIFICATIONS | 39,810 | 39,810 |
| 41 | M16 RIFLE MODS | 3,855 | 3,855 |
| 43 | MODIFICATIONS LESS THAN $5.0M (WOCV-WTCV) | 6,083 | 6,083 |
| 45 | PRODUCTION BASE SUPPORT (WOCV-WTCV) | 7,869 | 18,829 |
| -- | Arsenal Support Program Initiative, Rock Island | -- | +3,200 |
| -- | Arsenal Support Program Initiative, Watervliet | -- | +2,400 |
| -- | Rock Island Arsenal Joint Manufacturing and Technology Center Mini-Rearmament | -- | +5,360 |
| 46 | INDUSTRIAL PREPAREDNESS | 409 | 409 |
| 47 | SMALL ARMS EQUIPMENT (SOLDIER ENH PROG) | 4,042 | 4,042 |
| -- | -- | -- | -- |
| | TOTAL, PROCUREMENT OF W&TCV, ARMY | 1,723,561 | 1,477,922 |
| -- | -- | -- | -- |
| | PROCUREMENT OF AMMUNITION, ARMY | | |
| -- | -- | -- | -- |
| 1 | CTG, 5.56MM, ALL TYPES | 195,406 | 195,406 |
| 2 | CTG, 7.62MM, ALL TYPES | 79,622 | 79,622 |
| 3 | CTG, HANDGUN, ALL TYPES | 5,377 | 5,377 |
| 4 | CTG, .50 CAL, ALL TYPES | 160,712 | 160,712 |
| 6 | CTG, 25MM, ALL TYPES | 15,887 | 15,887 |
| 7 | CTG, 30MM, ALL TYPES | 95,222 | 95,222 |
| 8 | CTG, 40MM, ALL TYPES | 167,632 | 167,632 |
| 9 | 60MM MORTAR, ALL TYPES | 14,340 | 14,340 |
| 10 | 81MM MORTAR, ALL TYPES | 24,036 | 24,036 |
| 11 | CTG, MORTAR, 120MM, ALL TYPES | 96,335 | 67,735 |
| -- | APMI Unit Cost Savings | -- | -28,600 |
| 12 | CTG TANK 105MM: ALL TYPES | 7,794 | 7,794 |
| 13 | CTG, TANK, 120MM, ALL TYPES | 114,798 | 114,798 |
| 14 | CTG, ARTY, 75MM: ALL TYPES | 7,329 | 7,329 |
| 15 | CTG, ARTY, 105MM: ALL TYPES | 76,658 | 76,658 |
| 16 | CTG, ARTY, 155MM, ALL TYPES | 45,752 | 45,752 |
| 17 | PROJ 155MM EXTENDED RANGE XM982 | 62,114 | 30,700 |
| -- | Exceeds Revised Requirement | -- | -31,414 |
| 18 | MODULAR ARTILLERY CHARGE SYSTEM (MACS), ALL T | 29,309 | 21,909 |
| -- | Decrease to Reduce Backlog in MACS M232 Production | -- | -7,400 |
| 19 | ARTILLERY FUZES, ALL TYPES | 25,047 | 15,047 |
| -- | Program Delay, Precision Guidance Kit | -- | -10,000 |
| 20 | MINES, ALL TYPES | 817 | 817 |
| 21 | MINE, CLEARING CHARGE, ALL TYPES | 8,000 | 8,000 |
| 22 | ANTIPERSONNEL LANDMINE ALTERNATIVES | 53,005 | 8,317 |
| -- | FRD Slipped to Fiscal Year 2012 | -- | -44,688 |
| 23 | INTELLIGENT MUNITIONS SYSTEM (IMS), ALL TYPES | 10,246 | 0 |
| -- | Program Adjustment for Schedule Slip | -- | -10,246 |
| 24 | SHOULDER LAUNCHED MUNITIONS, ALL TYPES | 43,873 | 43,873 |
| 25 | ROCKET, HYDRA 70, ALL TYPES | 120,628 | 120,628 |
| 26 | DEMOLITION MUNITIONS, ALL TYPES | 19,824 | 19,824 |
| 27 | GRENADES, ALL TYPES | 41,803 | 41,803 |
| 28 | SIGNALS, ALL TYPES | 39,472 | 39,472 |
| 29 | SIMULATORS, ALL TYPES | 11,389 | 11,389 |
| 30 | AMMO COMPONENTS, ALL TYPES | 17,499 | 17,499 |
| 31 | NON-LETHAL AMMUNITION, ALL TYPES | 5,266 | 5,266 |
| 32 | CAD/PAD ALL TYPES | 5,322 | 5,322 |
| 33 | ITEMS LESS THAN $5 MILLION | 9,768 | 9,768 |
| 34 | AMMUNITION PECULIAR EQUIPMENT | 12,721 | 12,721 |
| 35 | FIRST DESTINATION TRANSPORTATION (AMMO) | 11,786 | 11,786 |
| 36 | CLOSEOUT LIABILITIES | 100 | 100 |
| 37 | PROVISION OF INDUSTRIAL FACILITIES | 144,368 | 155,088 |
| -- | Blue Grass Army Depot Robotic Welding Equipment | -- | +1,600 |
| -- | Ammunition Production Base Support | -- | +2,400 |
| -- | Electrical System Modernization - Holston Army Ammunition Plant | -- | +4,800 |
| -- | EPACT Utility Tracking, Iowa Army Ammunition Plant | -- | +1,920 |
| 38 | LAYAWAY OF INDUSTRIAL FACILITIES | 9,504 | 9,504 |
| 39 | MAINTENANCE OF INACTIVE FACILITIES | 9,025 | 9,025 |
| 40 | CONVENTIONAL MUNITIONS DEMILITARIZATION, ALL | 178,367 | 178,367 |
| 41 | ARMS INITIATIVE | 3,261 | 3,261 |
| -- | -- | -- | -- |
| | TOTAL, PROCUREMENT OF AMMUNITION, ARMY | 1,979,414 | 1,857,786 |
| -- | -- | -- | -- |

| P-1 | -- | Budget Request | Recommendation |
|---|---|---|---|
| | OTHER PROCUREMENT, ARMY | | |
| -- | -- | -- | -- |
| 1 | TACTICAL TRAILERS/DOLLY SETS | 25,560 | 0 |
| -- | Army Requested Program Adjustment | -- | -25,560 |
| 2 | SEMITRAILERS, FLATBED: | 38,713 | 0 |
| -- | Funded Ahead of Need | -- | -38,713 |
| 5 | FAMILY OF MEDIUM TACTICAL VEH (FMTV) | 918,195 | 693,495 |
| -- | Pricing Adjustment | -- | -224,700 |
| 6 | FIRETRUCKS & ASSOCIATED FIREFIGHTING EQUIPMEN | 21,317 | 21,317 |
| 7 | FAMILY OF HEAVY TACTICAL VEHICLES (FHTV) | 549,741 | 549,741 |
| 8 | PALLETIZED LOAD SYS - EXTENDED SERVICE PGM | 100,108 | 56,208 |
| -- | Program Adjustment for Schedule Slip | -- | -43,900 |
| 9 | ARMORED SECURITY VEHICLES (ASV) | 114,478 | 114,478 |
| 10 | MINE PROTECTION VEHICLE FAMILY | 230,978 | 14,000 |
| -- | Transfer to Title IX | -- | -230,978 |
| -- | Mine Resistant Ambush Protected Vehicles Virtual Trainers for the Alabama ARNG | -- | +4,000 |
| -- | Mine Resistant Ambush Protected Vehicles Virtual Trainers for the California ARNG | -- | +3,200 |
| -- | Mine Resistant Ambush Protected Vehicles Virtual Trainers for the Idaho ARNG | -- | +800 |
| -- | Mine Resistant Ambush Protected Vehicles Virtual Trainers for the Louisiana ARNG | -- | +1,200 |
| -- | Mine Resistant Ambush Protected Vehicles Virtual Trainers for the Utah ARNG | -- | +4,800 |
| 12 | TRUCK, TRACTOR, LINE HAUL, M915/M916 | 37,519 | 21,519 |
| -- | Excess to Need | -- | -16,000 |
| 13 | HVY EXPANDED MOBILE TACTICAL TRUCK EXT SERV | 173,565 | 173,565 |
| 15 | MODIFICATION OF IN SVC EQUIP | 349,256 | 0 |
| -- | Funded Ahead of Need | -- | -56,300 |
| -- | Transfer to Title IX | -- | -292,956 |
| 16 | ITEMS LESS THAN $5.0M (TAC VEH) | 0 | 2,400 |
| -- | Ultra Light Utility Vehicles for the ARNG | -- | +2,400 |
| 17 | TOWING DEVICE-FIFTH WHEEL | 234 | 234 |
| 18 | AMC CRITICAL ITEMS, OPA1 | 746 | 746 |
| 19 | HEAVY ARMORED SEDAN | 1,875 | 0 |
| -- | Slow Execution | -- | -1,875 |
| 20 | PASSENGER CARRYING VEHICLES | 3,323 | 1,323 |
| -- | Slow Execution | -- | -2,000 |
| 21 | NONTACTICAL VEHICLES, OTHER | 19,586 | 19,586 |
| 23 | JOINT COMBAT IDENTIFICATION MARKING SYSTEM | 11,411 | 11,411 |
| 24 | WIN-T - GROUND FORCES TACTICAL NETWORK | 421,798 | 395,798 |
| -- | Program Adjustment, Increment 2 Slow Execution | -- | -20,000 |
| -- | Program Adjustment, Area Common User System Modernization Slow Execution | -- | -10,000 |
| -- | Dismounted Soldier Network Extension | -- | +4,000 |
| 25 | JCSE EQUIPMENT (USREDCOM) | 4,690 | 4,690 |
| 26 | DEFENSE ENTERPRISE WIDEBAND SATCOM SYSTEMS | 115,744 | 115,744 |
| 27 | SHF TERM | 14,198 | 14,198 |
| 28 | SAT TERM, EMUT (SPACE) | 662 | 662 |
| 29 | NAVSTAR GLOBAL POSITIONING SYSTEM (SPACE) | 32,193 | 32,193 |
| 30 | SMART-T (SPACE) | 10,285 | 10,285 |
| 31 | SCAMP (SPACE) | 930 | 930 |
| 32 | GLOBAL BRDCST SVC - GBS | 4,586 | 4,586 |
| 33 | MOD OF IN-SVC EQUIP (TAC SAT) | 1,506 | 1,506 |
| 34 | MOD-IN-SERVICE PROFILER | 938 | 938 |
| 35 | ARMY GLOBAL CMD & CONTROL SYS (AGCCS) | 20,387 | 20,387 |
| 36 | ARMY DATA DISTRIBUTION SYSTEM (DATA RADIO) | 700 | 700 |
| 37 | JOINT TACTICAL RADIO SYSTEM | 209,568 | 159,468 |
| -- | Program Reduction in Small Form Factor-C Radio | -- | -5,000 |
| -- | Funded Ahead of Need | -- | -45,100 |
| 38 | RADIO TERMINAL SET, MIDS LVT(2) | 5,796 | 5,796 |
| 39 | SINCGARS FAMILY | 14,504 | 18,204 |
| -- | Unjustified Growth | -- | -1,900 |
| -- | Radio Personality Modules for SINCGARS Test Sets | -- | +5,600 |
| 40 | AMC CRITICAL ITEMS - OPA2 | 3,860 | 3,860 |
| 41 | MULTI-PURPOSE INFORMATION OPERATIONS SYSTEMS | 9,501 | 9,501 |
| 42 | COMMS-ELEC EQUIP FIELDING | 5,965 | 8,605 |
| -- | New York ARNG Mobile Satellite Communications Terminal | -- | +1,200 |
| -- | Mobile C3 and Asset Tracking Equipment for the Texas ARNG | -- | +1,440 |
| 43 | SPIDER APLA REMOTE CONTROL UNIT | 26,358 | 6,758 |

| P-1 | -- | Budget Request | Recommendation |
|---|---|---|---|
| -- | Army Requested Program Adjustment | -- | -19,600 |
| 44 | INTELLIGENT MUNITIONS SYSTEM REMOTE CONTROL UNIT | 6,603 | 0 |
| -- | Funded Ahead of Need | -- | -6,603 |
| 45 | SOLDIER ENHANCEMENT PROGRAM COMM AND ELECTRONICS | 5,125 | 5,125 |
| 46 | COMBAT SURVIVOR EVADER LOCATOR (CSEL) | 2,397 | 2,397 |
| 47 | RADIO, IMPROVED HF (COTS) FAMILY | 9,983 | 9,983 |
| 48 | MEDICAL COMM FOR CBT CASUALTY CARE (MC4) | 23,606 | 23,606 |
| 49 | CI AUTOMATION ARCHITECTURE (MIP) | 1,465 | 1,465 |
| 50 | TSEC - ARMY KEY MGT SYS (AKMS) | 25,959 | 25,959 |
| 51 | INFORMATION SYSTEM SECURITY PROGRAM-ISSP | 63,340 | 54,858 |
| -- | Protected Information - Biometrics - transfer to OP,A, line 51x | -- | -8,482 |
| 51x | FAMILY OF BIOMETRICS | 0 | 8,482 |
| -- | Non-MIP Biometrics - transfer from OP,A, line 51 | -- | +8,482 |
| 52 | TERRESTRIAL TRANSMISSION | 137 | 137 |
| 53 | BASE SUPPORT COMMUNICATIONS | 28,406 | 31,986 |
| -- | Colorado National Guard Emergency Response Network | -- | +2,000 |
| -- | Drill Hall Communications for the Minnesota ARNG | -- | +880 |
| -- | Emergency Communications Management and Knowledge Management Systems for the Minnesota ARNG | -- | +700 |
| 54 | WW TECH CON IMP PROG (WWTCIP) | 11,566 | 11,566 |
| 55 | INFORMATION SYSTEMS | 201,081 | 201,081 |
| 56 | DEFENSE MESSAGE SYSTEM (DMS) | 6,264 | 6,264 |
| 57 | INSTALLATION INFO INFRASTRUCTURE MOD PROGRAM | 178,242 | 178,242 |
| 58 | PENTAGON INFORMATION MGT AND TELECOM | 10,427 | 10,427 |
| 64 | JTT/CIBS-M (MIP) | 3,321 | 3,321 |
| 65 | PROPHET GROUND (MIP) | 71,517 | 71,517 |
| 68 | DIGITAL TOPOGRAPHIC SPT SYS (DTSS) (MIP) | 441 | 441 |
| 70 | DCGS-A (MIP) | 137,424 | 0 |
| -- | Transfer to Title IX | -- | -137,424 |
| 71 | JOINT TACTICAL GROUND STATION (JTAGS) | 9,279 | 9,279 |
| 72 | TROJAN (MIP) | 28,345 | 28,345 |
| 73 | MOD OF IN-SVC EQUIP (INTEL SPT) (MIP) | 7,602 | 7,602 |
| 74 | CI HUMINT AUTO REPRTING AND COLL(CHARCS)(MIP) | 7,416 | 7,416 |
| 75 | ITEMS LESS THAN $5.0M (MIP) | 18,721 | 18,721 |
| 76 | LIGHTWEIGHT COUNTER MORTAR RADAR | 32,980 | 80,080 |
| -- | Program Adjustment | -- | +47,100 |
| 77 | WARLOCK | 24,127 | 16,127 |
| -- | Excess to Need | -- | -8,000 |
| 78 | BCT UNATTENDED GROUND SENSOR | 29,718 | 14,718 |
| -- | Program Reduction | -- | -15,000 |
| 79 | COUNTERINTELLIGENCE/SECURITY COUNTERMEASURE | 1,394 | 1,394 |
| 80 | CI MODERNIZATION (MIP) | 1,263 | 1,263 |
| 81 | SENSOR | 91,467 | 91,467 |
| 82 | SENTINEL MODS | 30,976 | 30,976 |
| 83 | SENSE THROUGH THE WALL (STTW) | 24,939 | 24,939 |
| 84 | NIGHT VISION DEVICES | 70,528 | 72,128 |
| -- | Modular Crew Served Weapon Light | -- | +1,600 |
| 85 | LONG RANGE ADVANCED SCOUT SURVEILLANCE SYS | 255,641 | 230,641 |
| -- | Excess to Need | -- | -25,000 |
| 86 | NIGHT VISION, THERMAL WPN SIGHT | 248,899 | 248,899 |
| 87 | SMALL TACTICAL OPTICAL RIFLE MOUNTED MLRF | 8,520 | 8,520 |
| 89 | COUNTER-ROCKET, ARTILLERY & MORTAR | 2,088 | 2,088 |
| 91 | ARTILLERY ACCURACY EQUIP | 6,042 | 0 |
| -- | Funded Ahead of Need | -- | -6,042 |
| 94 | PROFILER | 4,408 | 4,408 |
| 95 | MOD OF IN-SVC EQUIP (FIREFINDER RADARS) | 2,843 | 2,843 |
| 96 | FORCE XXI BATTLE CMD BRIGADE & BELOW (FBCB2) | 39,786 | 39,786 |
| 97 | JOINT BATTLE COMMAND - PLATFORM (JBC-P) | 147 | 147 |
| 98 | LIGHTWEIGHT LASER DESIGNATOR/RANGEFINDER | 65,970 | 65,970 |
| 99 | COMPUTER BALLISTICS: LHMBC XM32 | 815 | 815 |
| 100 | MORTAR FIRE CONTROL SYSTEM | 16,475 | 16,475 |
| 101 | COUNTERFIRE RADARS | 275,867 | 0 |
| -- | Transfer to Title IX | -- | -275,867 |
| 102 | ENHANCED SENSOR & MONITORING SYSTEM | 2,062 | 2,062 |
| 103 | TACTICAL OPERATIONS CENTERS | 53,768 | 43,768 |
| -- | Program Reduction | -- | -10,000 |
| 104 | FIRE SUPPORT C2 FAMILY | 49,077 | 49,077 |
| 105 | BATTLE COMMAND SUSTAINMENT SUPPORT SYSTEM | 25,866 | 25,866 |

| P-1 | -- | Budget Request | Recommendation |
|---|---|---|---|
| 106 | FAAD C2 | 42,511 | 32,511 |
| -- | Program Reduction | -- | -10,000 |
| 107 | AIR & MSL DEFENSE PLANNING & CONTROL SYS | 57,038 | 57,038 |
| 108 | KNIGHT FAMILY | 120,723 | 120,723 |
| 109 | LIFE CYCLE SOFTWARE SUPPORT (LCSS) | 1,710 | 1,710 |
| 110 | AUTOMATIC IDENTIFICATION TECHNOLOGY | 10,858 | 12,458 |
| -- | Automatic Identification Technology for Red River Army Depot | -- | +1,600 |
| 111 | TC AIMS II | 10,457 | 10,457 |
| 113 | TACTICAL INTERNET MANAGER | 1,594 | 1,594 |
| 114 | NETWORK MANAGEMENT INITIALIZATION AND SERVICE | 18,492 | 18,492 |
| 115 | MANEUVER CONTROL SYSTEM (MCS) | 96,162 | 96,162 |
| 116 | SINGLE ARMY LOGISTICS ENTERPRISE (SALE) | 99,819 | 99,819 |
| 117 | RECONNAISSANCE AND SURVEYING INSTRUMENT SET | 15,466 | 15,466 |
| 119 | GENERAL FUND ENTERPRISE BUSINESS SYSTEM | 97,858 | 97,858 |
| 120 | ARMY TRAINING MODERNIZATION | 36,158 | 36,158 |
| 121 | AUTOMATED DATA PROCESSING EQUIPMENT | 203,864 | 203,864 |
| 122 | CSS COMMUNICATIONS | 39,811 | 39,811 |
| 123 | RESERVE COMPONENT AUTOMATION SYS (RCAS) | 39,360 | 39,360 |
| 124 | ITEMS LESS THAN $5.0M (A/V) | 663 | 663 |
| 125 | ITEMS LESS THAN $5M (SURVEYING EQUIPMENT) | 6,467 | 6,467 |
| 128 | PRODUCTION BASE SUPPORT (C-E) | 542 | 542 |
| 129 | BCT NETWORK | 176,543 | 136,543 |
| -- | Program Reduction | -- | -40,000 |
| 130 | PROTECTIVE SYSTEMS | 2,489 | 2,489 |
| 131 | FAMILY OF NON-LETHAL EQUIPMENT (FNLE) | 9,305 | 9,305 |
| 132 | CBRN SOLDIER PROTECTION | 180,351 | 180,351 |
| 133 | SMOKE & OBSCURANT FAMILY: SOF (NON AAO ITEM) | 831 | 831 |
| 134 | TACTICAL BRIDGING | 62,817 | 62,817 |
| 135 | TACTICAL BRIDGE, FLOAT-RIBBON | 105,837 | 105,837 |
| 136 | HANDHELD STANDOFF MINEFIELD DETECTION SYS | 43,871 | 43,871 |
| 137 | GROUND STANDOFF MINE DETECTION SYSTEM | 35,002 | 37,802 |
| -- | FIDO Explosives Detection | -- | +2,800 |
| 138 | EXPLOSIVE ORDNANCE DISPOSAL EQUIPMENT | 54,093 | 54,093 |
| 139 | ITEMS LESS THAN $5M, COUNTERMINE EQUIPMENT | 3,655 | 3,655 |
| 141 | HEATERS AND ECU'S | 20,610 | 20,610 |
| 143 | SOLDIER ENHANCEMENT | 5,416 | 5,416 |
| 146 | PERSONNEL RECOVERY SUPPORT SYSTEM (PRSS) | 7,813 | 7,813 |
| 147 | GROUND SOLDIER SYSTEM | 110,524 | 96,024 |
| -- | Program Reduction | -- | -14,500 |
| 148 | MOUNTED SOLDIER SYSTEM | 38,872 | 38,872 |
| 149 | FORCE PROVIDER | 41,539 | 41,539 |
| 150 | FIELD FEEDING EQUIPMENT | 23,826 | 23,826 |
| 151 | CARGO AERIAL DELIVERY AND PERSONNEL PARACHUTE SYSTEM | 69,496 | 69,496 |
| 152 | MOBILE INTEGRATED REMAINS COLLECTION SYSTEM | 26,532 | 26,532 |
| 153 | ITEMS LESS THAN $5M (ENGINEER SUPPORT) | 31,420 | 31,420 |
| 154 | DISTRIBUTION SYSTEMS, PETROLEUM AND WATER | 175,069 | 164,369 |
| -- | Program Adjustment | -- | -10,700 |
| 155 | WATER PURIFICATION SYSTEMS | 3,597 | 0 |
| -- | Funded Ahead of Need | -- | -3,597 |
| 156 | COMBAT SUPPORT MEDICAL | 30,365 | 30,765 |
| -- | Doppler-Based, Dual Mode, Noise Immune Stethoscope for Medical Evacuation | -- | +400 |
| 157 | MOBILE MAINTENANCE EQUIPMENT SYSTEMS | 159,285 | 139,985 |
| -- | Unjustified Growth | -- | -19,300 |
| 158 | ITEMS LESS THAN $5.0M (MAINT EQ) | 3,702 | 3,702 |
| 159 | GRADER, ROAD MOTORIZED, HVY, 6X4 (CCE) | 48,379 | 48,379 |
| 160 | SKID STEER LOADER (SSL) FAMILY OF SYSTEM | 17,498 | 17,498 |
| 161 | SCRAPERS, EARTHMOVING | 12,452 | 12,452 |
| 163 | MISSION MODULES - ENGINEERING | 62,111 | 54,111 |
| -- | Unjustified Growth | -- | -8,000 |
| 164 | LOADERS | 7,205 | 7,205 |
| 165 | HYDRAULIC EXCAVATOR | 8,458 | 8,458 |
| 166 | TRACTOR, FULL TRACKED | 64,032 | 64,032 |
| 167 | PLANT, ASPHALT MIXING | 10,783 | 10,783 |
| 168 | HIGH MOBILITY ENGINEER EXCAVATOR (HMEE) FOS | 64,959 | 60,959 |
| -- | Unjustified Growth | -- | -4,000 |
| 169 | CONSTRUCTION EQUIPMENT ESP | 11,063 | 11,063 |
| 170 | ITEMS LESS THAN $5.0M (CONSTRUCTION EQUIP) | 20,565 | 17,565 |
| -- | Unjustified Growth | -- | -3,000 |
| 171 | JOINT HIGH SPEED VESSEL (JHSV) | 202,764 | 202,764 |

| P-1 | -- | Budget Request | Recommendation |
|---|---|---|---|
| 172 | HARBORMASTER COMMAND AND CONTROL CENTER(HC | 37,683 | 37,683 |
| 173 | ITEMS LESS THAN $5.0M (FLOAT/RAIL) | 8,052 | 8,052 |
| 174 | GENERATORS AND ASSOCIATED EQUIPMENT | 113,573 | 113,573 |
| 175 | ROUGH TERRAIN CONTAINER HANDLER (RTCH) | 29,460 | 29,460 |
| 176 | FAMILY OF FORKLIFTS | 12,936 | 12,936 |
| 177 | ALL TERRAIN LIFTING ARMY SYSTEM | 17,352 | 17,352 |
| 178 | COMBAT TRAINING CENTERS SUPPORT | 23,400 | 24,920 |
| -- | 100 Meter Indoor Small Arms Range | -- | +1,520 |
| 179 | TRAINING DEVICES, NONSYSTEM | 297,200 | 336,600 |
| -- | Combat Skills Marksmanship Trainer | -- | +4,800 |
| -- | Immersive Group Simulation Virtual Training System for the Hawaii ARNG | -- | +2,000 |
| -- | Virtual Door Gunner Trainers for the Alaska ARNG | -- | +1,600 |
| -- | Virtual Interactive Combat Environment for the New Jersey ARNG | -- | +2,000 |
| -- | Wheeled Vehicle Virtual Operations Trainers for the Tennessee ARNG | -- | +4,000 |
| -- | Training Range Upgrades | -- | +25,000 |
| 180 | CLOSE COMBAT TACTICAL TRAINER | 64,912 | 64,912 |
| 181 | AVIATION COMBINED ARMS TACTICAL TRAINER | 26,120 | 26,120 |
| 182 | GAMING TECHNOLOGY IN SUPPORT OF ARMY TRAINING | 4,964 | 4,964 |
| 183 | CALIBRATION SETS EQUIPMENT | 38,778 | 38,778 |
| 184 | INTEGRATED FAMILY OF TEST EQUIPMENT (IFTE) | 104,472 | 104,472 |
| 185 | TEST EQUIPMENT MODERNIZATION (TEMOD) | 19,166 | 18,166 |
| -- | Funded Ahead of Need | -- | -1,000 |
| 186 | RAPID EQUIPPING SOLDIER SUPPORT EQUIPMENT | 42,229 | 21,229 |
| -- | Excess to Need | -- | -21,000 |
| 187 | PHYSICAL SECURITY SYSTEMS (OPA3) | 56,195 | 56,195 |
| 188 | BASE LEVEL COMMERCIAL EQUIPMENT | 1,873 | 6,273 |
| -- | Container Gantry Crane, Blue Grass Army Depot | -- | +4,400 |
| 189 | MODIFICATION OF IN-SVC EQUIPMENT (OPA-3) | 103,046 | 82,046 |
| -- | Program Adjustment | -- | -21,000 |
| 190 | PRODUCTION BASE SUPPORT (OTH) | 2,233 | 2,233 |
| 192 | SPECIAL EQUIPMENT FOR USER TESTING | 44,483 | 44,483 |
| 193 | AMC CRITICAL ITEMS OPA3 | 13,104 | 13,104 |
| 194 | MA8975 | 3,894 | 3,894 |
| 195 | BCT UNMANNED GROUND VEHICLE | 20,046 | 20,046 |
| 196 | BCT TRAINING/LOGISTICS/MANAGEMENT | 61,581 | 31,581 |
| -- | Program Reduction | -- | -30,000 |
| 197 | INITIAL SPARES - C&E | 38,707 | 36,079 |
| -- | Transfer to AP,A line 34 at Army request | -- | -2,628 |
| -- | CLASSIFIED PROGRAMS | 2,560 | 2,560 |
| xx | PROCUREMENT INNOVATION | 0 | 15,000 |
| -- | Procurement Innovation | -- | +15,000 |
| -- | -- | -- | -- |
| | TOTAL, OTHER PROCUREMENT, ARMY | 9,765,808 | 8,204,605 |
| -- | -- | -- | -- |
| | AIRCRAFT PROCUREMENT, NAVY | | |
| -- | -- | -- | -- |
| 1 | EA-18G | 1,028,801 | 971,241 |
| -- | Multi-year Procurement Savings | -- | -49,836 |
| -- | Support Funding Carryover | -- | -7,724 |
| 2 | EA-18G (AP-CY) | 55,081 | 55,081 |
| 3 | F/A-18E/F (FIGHTER) HORNET (MYP) | 1,784,894 | 1,684,086 |
| -- | Multi-year Procurement Savings | -- | -92,746 |
| -- | Support Funding Carryover | -- | -8,062 |
| 4 | F/A-18E/F (FIGHTER) HORNET (MYP) (AP-CY) | 2,295 | 2,295 |
| 5 | JOINT STRIKE FIGHTER | 1,667,093 | 1,653,093 |
| -- | Support Funding Carryover | -- | -14,000 |
| 6 | JOINT STRIKE FIGHTER ADVANCE PROCUREMENT (CY) | 219,895 | 219,895 |
| 7 | JSF STOVL | 2,289,816 | 1,855,716 |
| -- | Support Funding Carryover | -- | -42,500 |
| -- | Delete Two Aircraft | -- | -391,600 |
| 8 | JSF STOVL (AP-CY) | 286,326 | 286,326 |
| 9 | V-22 (MEDIUM LIFT) | 2,121,036 | 2,121,036 |
| 10 | V-22 (MEDIUM LIFT) (AP-CY) | 81,875 | 81,875 |
| 11 | UH-1Y/AH-1Z | 738,709 | 738,709 |
| 12 | UH-1Y/AH-1Z (AP-CY) | 69,360 | 58,560 |
| -- | Unjustified Cost Growth | -- | -10,800 |
| 13 | MH-60S (MYP) | 478,591 | 478,591 |
| 14 | MH-60S (MYP) (AP-CY) | 70,080 | 66,280 |
| -- | Unexecutable EOQ | -- | -3,800 |

| P-1 | -- | Budget Request | Recommendation |
|---|---|---|---|
| 15 | MH-60R | 897,933 | 897,933 |
| 16 | MH-60R (AP-CY) | 162,006 | 129,006 |
| -- | Unexecutable EOQ | -- | -33,000 |
| 17 | P-8A POSEIDON | 1,824,437 | 1,820,560 |
| -- | Operational Flight Trainer Cost Growth | -- | -2,155 |
| -- | Weapons Tactics Trainer Cost Growth | -- | -1,722 |
| 18 | P-8A POSEIDON (ADVANCED PROCUREMENT) | 166,153 | 147,653 |
| -- | Funded Ahead of Need | -- | -18,500 |
| 19 | E-2C (EARLY WARNING) HAWKEYE (MYP) | 819,184 | 819,184 |
| 20 | E-2C (EARLY WARNING) HAWKEYE (MYP) (AP-CY) | 118,619 | 118,619 |
| 21 | C-40A | -- | 74,100 |
| -- | Add One Aircraft | -- | +74,100 |
| 22 | JPATS | 266,065 | 26,274 |
| -- | Contract Delay | -- | -234,849 |
| -- | Support Funding Carryover | -- | -4,942 |
| 26 | MQ-8 UAV | 47,484 | 43,984 |
| -- | Support Funding Carryover | -- | -3,500 |
| 27 | STUASL0 UAV | 23,912 | 0 |
| -- | Program Delay | -- | -23,912 |
| 29 | EA-6 SERIES | 14,891 | 0 |
| -- | Unjustified Request in Avionics and Structural Improvements OSIP | -- | -8,900 |
| -- | ICAP III OSIP Unjustified Request | -- | -5,991 |
| 30 | AEA SYSTEMS | 33,772 | 29,972 |
| -- | Low Band Transmitter Modification Kit Pricing | -- | -1,400 |
| -- | ECO growth | -- | -2,400 |
| 31 | AV-8 SERIES | 19,386 | 19,386 |
| 32 | F-18 SERIES | 492,821 | 443,806 |
| -- | ECP 904 Modification Kit Cost Growth | -- | -2,310 |
| -- | ECP 583R2 Installation Equipment Kit Cost Growth | -- | -3,780 |
| -- | ATFLIR Installation Equipment Kit Cost Growth | -- | -11,745 |
| -- | Mission Planning/Unique Planning Component Growth | -- | -2,400 |
| -- | OSIP 002-07 Excess ECO Funding | -- | -9,000 |
| -- | ECP6279 Radar Modification Kits Ahead of Need | -- | -7,880 |
| -- | OSIP 001-10 Integrated Logistics Support Growth | -- | -2,500 |
| -- | Unjustified Cost Growth | -- | -9,400 |
| 33 | H-46 SERIES | 17,685 | 17,685 |
| 34 | AH-1W SERIES | 11,011 | 11,011 |
| 35 | H-53 SERIES | 25,871 | 25,871 |
| 36 | SH-60 SERIES | 67,779 | 67,779 |
| 37 | H-1 SERIES | 3,060 | 3,060 |
| 38 | EP-3 SERIES | 90,323 | 90,323 |
| 39 | P-3 SERIES | 221,982 | 186,982 |
| -- | Unjustified Cost Growth | -- | -35,000 |
| 40 | E-2 SERIES | 47,046 | 67,046 |
| -- | Reliability Enhancements for E-2C | -- | +20,000 |
| 41 | TRAINER A/C SERIES | 23,999 | 23,999 |
| 42 | C-2A | 16,020 | 16,020 |
| 43 | C-130 SERIES | 17,839 | 17,839 |
| 44 | FEWSG | 21,928 | 16,696 |
| -- | AN/ALQ-167 Modification Kit Cost Growth | -- | -5,232 |
| 45 | CARGO/TRANSPORT A/C SERIES | 16,092 | 16,092 |
| 46 | E-6 SERIES | 149,164 | 121,194 |
| -- | Block 1 Upgrade Training Kit Cost Growth | -- | -5,040 |
| -- | Block 1 Upgrade OSIP Support Funding Growth | -- | -3,000 |
| -- | SLEP Installation Delay | -- | -2,630 |
| -- | Funded Ahead of Need | -- | -17,300 |
| 47 | EXECUTIVE HELICOPTERS SERIES | 43,443 | 43,443 |
| 48 | SPECIAL PROJECT AIRCRAFT | 14,679 | 14,679 |
| 49 | T-45 SERIES | 61,515 | 46,215 |
| -- | Engine Surge OSIP Installation Funding Ahead of Need | -- | -500 |
| -- | Engine Surge OSIP Contract Delay | -- | -2,800 |
| -- | Required Avionics Modernization Program Modification Kit Cost Growth | -- | -3,900 |
| -- | Synthetic Aperture Radar OSIP Contract Delay | -- | -8,100 |
| 50 | POWER PLANT CHANGES | 19,948 | 19,948 |
| 51 | JPATS SERIES | 1,831 | 1,831 |
| 52 | AVIATION LIFE SUPPORT MODS | 8,084 | 2,984 |
| -- | Transfer to RDTE,N line 93 for Common Mobile Aircrew Restraint System | -- | -5,100 |
| 53 | COMMON ECM EQUIPMENT | 21,947 | 21,947 |
| 54 | COMMON AVIONICS CHANGES | 101,120 | 79,820 |

| P-1 | -- | Budget Request | Recommendation |
|---|---|---|---|
| -- | CNS/ATM Installation Equipment Contract Savings | -- | -12,400 |
| -- | CNS/ATM Installation Funding Ahead of Need | -- | -1,400 |
| -- | Tactical Moving Map Capability Modifications Funding Ahead of Need | -- | -7,500 |
| 56 | ID SYSTEMS | 20,397 | 20,397 |
| 57 | RQ-7 SERIES | 18,121 | 18,121 |
| 58 | V-22 (TILT/ROTOR ACFT) OSPREY | 21,985 | 21,985 |
| 59 | SPARES AND REPAIR PARTS | 1,244,673 | 1,234,084 |
| -- | JPATS Contract Delay | -- | -10,589 |
| 60 | COMMON GROUND EQUIPMENT | 322,063 | 324,783 |
| -- | Direct Squadron Support Readiness Training Program | -- | +2,720 |
| 61 | AIRCRAFT INDUSTRIAL FACILITIES | 17,998 | 17,998 |
| 62 | WAR CONSUMABLES | 25,248 | 25,248 |
| 63 | OTHER PRODUCTION CHARGES | 7,579 | 7,579 |
| 64 | SPECIAL SUPPORT EQUIPMENT | 45,916 | 45,916 |
| 65 | FIRST DESTINATION TRANSPORTATION | 1,752 | 1,752 |
| -- | -- | -- | -- |
| | TOTAL, AIRCRAFT PROCUREMENT, NAVY | 18,508,613 | 17,473,588 |
| -- | -- | -- | -- |
| | WEAPONS PROCUREMENT, NAVY | | |
| -- | -- | -- | -- |
| 1 | TRIDENT II MODS | 1,106,911 | 1,106,911 |
| 2 | MISSILE INDUSTRIAL FACILITIES | 3,446 | 3,446 |
| 3 | TOMAHAWK | 300,178 | 288,278 |
| -- | Production Engineering Support Growth | -- | -1,900 |
| -- | Support Funding Carryover | -- | -10,000 |
| 4 | AMRAAM | 155,553 | 145,553 |
| -- | Support Funding Carryover | -- | -10,000 |
| 5 | SIDEWINDER | 52,293 | 52,293 |
| 6 | JSOW | 131,141 | 129,641 |
| -- | Support Funding Carryover | -- | -1,500 |
| 7 | STANDARD MISSILE | 295,922 | 248,222 |
| -- | Support Funding Carryover | -- | -5,700 |
| -- | Smooth Production Ramp, SM 6 | -- | -42,000 |
| 8 | RAM | 74,976 | 68,046 |
| -- | Contract Savings | -- | -1,930 |
| -- | Program Rebaselined, Milestone C Slip for Block II | -- | -5,000 |
| 9 | HELLFIRE | 43,495 | 41,995 |
| -- | Support Funding Carryover | -- | -1,500 |
| 10 | AERIAL TARGETS | 43,988 | 42,888 |
| -- | ECM/Emitter Equipment Cost Growth | -- | -1,100 |
| 11 | OTHER MISSILE SUPPORT | 3,981 | 3,981 |
| 12 | ESSM | 48,152 | 45,515 |
| -- | Support Funding Carryover | -- | -2,637 |
| 13 | HARM MODS | 53,543 | 52,191 |
| -- | Support Funding Carryover | -- | -1,352 |
| 14 | STANDARD MISSILES MODS | 61,896 | 61,896 |
| 15 | WEAPONS INDUSTRIAL FACILITIES | 3,281 | 6,481 |
| -- | ABL Accelerate Facility Restoration Plan | -- | +3,200 |
| 16 | FLEET SATELLITE COMM FOLLOW-ON | 505,734 | 505,734 |
| 18 | ORDNANCE SUPPORT EQUIPMENT | 52,152 | 52,152 |
| 19 | ASW TARGETS | 10,123 | 5,197 |
| -- | Contract Delay | -- | -4,926 |
| 20 | MK-46 TORPEDO MODS | 42,144 | 42,144 |
| 21 | MK-48 TORPEDO ADCAP MODS | 43,559 | 29,859 |
| -- | Contract Delay - Funds for 15 kits and NRE | -- | -13,700 |
| 22 | QUICKSTRIKE MINE | 6,090 | 6,090 |
| 23 | TORPEDO SUPPORT EQUIPMENT | 43,766 | 43,766 |
| 24 | ASW RANGE SUPPORT | 9,557 | 9,557 |
| 25 | FIRST DESTINATION TRANSPORTATION | 3,494 | 3,494 |
| 26 | SMALL ARMS AND WEAPONS | 14,316 | 14,316 |
| 27 | CIWS MODS | 41,408 | 29,022 |
| -- | Block 1B Systems Ahead of Need | -- | -12,386 |
| 28 | COAST GUARD WEAPONS | 20,657 | 13,259 |
| -- | CIWS Ahead of Need | -- | -5,698 |
| -- | MK160 Ahead of Need | -- | -1,700 |
| 29 | GUN MOUNT MODS | 43,991 | 51,791 |
| -- | Installation Funding Ahead of Need | -- | -3,200 |
| -- | Mk 110 Naval Gun System | -- | +6,000 |
| -- | Mk 38 Mod 2 Minor Caliber Gun System | -- | +5,000 |
| 30 | LCS MODULE WEAPONS | 9,808 | 0 |
| -- | NLOS Program Termination | -- | -9,808 |

| P-1 | -- | Budget Request | Recommendation |
|---|---|---|---|
| 31 | CRUISER MODERNIZATION WEAPONS | 52,426 | 50,626 |
| -- | Support Funding Carryover | -- | -1,800 |
| 32 | AIRBORNE MINE NEUTRALIZATION SYSTEMS | 23,007 | 23,007 |
| 35 | SPARES AND REPAIR PARTS | 58,806 | 58,806 |
| -- | -- | -- | -- |
| | TOTAL, WEAPONS PROCUREMENT, NAVY | 3,359,794 | 3,236,157 |
| -- | -- | -- | -- |
| | PROCUREMENT OF AMMO, NAVY & MARINE CORPS | | |
| -- | -- | -- | -- |
| 1 | GENERAL PURPOSE BOMBS | 80,028 | 77,928 |
| -- | Direct Attack Moving Target Capability Program Cost Growth | -- | -2,100 |
| 3 | AIRBORNE ROCKETS, ALL TYPES | 38,721 | 23,171 |
| -- | MK 66 Rocket Motor (Mod 4) Unit Cost Efficiencies | -- | -6,000 |
| -- | 2.75" Launcher Unit Cost Efficiencies | -- | -9,550 |
| 4 | MACHINE GUN AMMUNITION | 21,003 | 21,003 |
| 5 | PRACTICE BOMBS | 33,666 | 31,666 |
| -- | Support Funding Carryover | -- | -2,000 |
| 6 | CARTRIDGES & CART ACTUATED DEVICES | 53,667 | 52,167 |
| -- | Program Execution Delays | -- | -1,500 |
| 7 | AIR EXPENDABLE COUNTERMEASURES | 59,626 | 59,626 |
| 8 | JATOS | 2,869 | 2,869 |
| 9 | 5 INCH/54 GUN AMMUNITION | 34,492 | 33,492 |
| -- | Product Improvement Growth | -- | -1,000 |
| 10 | INTERMEDIATE CALIBER GUN AMMUNITION | 37,234 | 37,234 |
| 11 | OTHER SHIP GUN AMMUNITION | 36,275 | 36,275 |
| 12 | SMALL ARMS & LANDING PARTY AMMO | 46,192 | 46,192 |
| 13 | PYROTECHNIC AND DEMOLITION | 11,310 | 10,079 |
| -- | MK-62 Firing Device Contract Delay | -- | -1,231 |
| 14 | AMMUNITION LESS THAN $5 MILLION | 4,105 | 4,105 |
| 15 | SMALL ARMS AMMUNITION | 64,839 | 64,839 |
| 16 | LINEAR CHARGES, ALL TYPES | 15,329 | 15,329 |
| 17 | 40 MM, ALL TYPES | 62,835 | 62,835 |
| 18 | 60MM, ALL TYPES | 17,877 | 17,877 |
| 19 | 81MM, ALL TYPES | 41,053 | 41,053 |
| 20 | 120MM, ALL TYPES | 6,458 | 6,458 |
| 21 | CTG 25MM, ALL TYPES | 2,937 | 2,937 |
| 22 | GRENADES, ALL TYPES | 9,298 | 8,092 |
| -- | Funded Ahead of Need for Scorpion | -- | -1,206 |
| 23 | ROCKETS, ALL TYPES | 13,995 | 13,995 |
| 24 | ARTILLERY, ALL TYPES | 70,423 | 67,546 |
| -- | Decrease to Reduce Backlog in MACS M232 Production | -- | -2,877 |
| 25 | DEMOLITION MUNITIONS, ALL TYPES | 19,464 | 19,464 |
| 26 | FUZE, ALL TYPES | 18,032 | 18,032 |
| 27 | NON LETHALS | 3,009 | 3,009 |
| 28 | AMMO MODERNIZATION | 8,985 | 8,985 |
| 29 | ITEMS LESS THAN $5 MILLION | 4,269 | 4,269 |
| -- | -- | -- | -- |
| | TOTAL, PROCUREMENT OF AMMO, NAVY & MARINE CORPS | 817,991 | 790,527 |
| -- | -- | -- | -- |
| | SHIPBUILDING & CONVERSION, NAVY | | |
| -- | -- | -- | -- |
| 1 | CARRIER REPLACEMENT PROGRAM | 1,731,256 | 1,721,969 |
| -- | Consolidated Afloat Navy Enterprise System Increment 1 | -- | -2,600 |
| -- | Surface Electronic Warfare Improvement | -- | -4,900 |
| -- | AN/UPX-29 | -- | -1,787 |
| 2 | CARRIER REPLACEMENT PROGRAM (AP-CY) | 908,313 | 908,313 |
| 3 | VIRGINIA CLASS SUBMARINE | 3,441,452 | 3,430,343 |
| -- | Sonar System Hardware Cost Growth | -- | -5,795 |
| -- | Modular Mast Cost Growth | -- | -1,430 |
| -- | Propulsor Cost Growth | -- | -3,884 |
| 4 | VIRGINIA CLASS SUBMARINE (AP-CY) | 1,691,236 | 1,691,236 |
| 5 | CVN REFUELING OVERHAUL | 1,255,799 | 1,248,999 |
| -- | SSDS Program Management Excess | -- | -1,800 |
| -- | SSDS Software Growth | -- | -2,000 |
| -- | CEC Testing and Evaluation Excess | -- | -3,000 |
| 6 | CVN REFUELING OVERHAULS (AP-CY) | 408,037 | 408,037 |
| 9 | DDG 1000 | 186,312 | 77,512 |
| -- | Volume Search Radar | -- | -108,800 |
| 10 | DDG-51 | 2,922,190 | 2,868,454 |
| -- | MK-12 IFF Cost Growth | -- | -4,986 |

| P-1 | -- | Budget Request | Recommendation |
|---|---|---|---|
| -- | CIWS Block 1B Cost Growth | -- | -2,256 |
| -- | Exterior Communication System Cost Growth | -- | -6,294 |
| -- | Main Reduction Gear Systems Engineering Growth | -- | -10,200 |
| -- | Main Reduction Gear Contract Savings | -- | -30,000 |
| 11 | DDG-51 (AP-CY) | 47,984 | 47,984 |
| 12 | LITTORAL COMBAT SHIP | 1,230,984 | 1,168,984 |
| -- | Cost Savings | -- | -62,000 |
| 13 | LITTORAL COMBAT SHIP (AP-CY) | 278,351 | 190,351 |
| -- | Program Reduction | -- | -88,000 |
| 16 | LHA REPLACEMENT (AP-CY) | 949,897 | 942,837 |
| -- | C4ISR Cost Growth | -- | -5,174 |
| -- | Rolling Airframe Missile System Cost Growth | -- | -1,886 |
| 18 | INTRATHEATER CONNECTOR | 180,703 | 180,703 |
| 19 | OCEANOGRAPHIC SHIPS | 88,561 | 88,561 |
| 20 | OUTFITTING | 306,640 | 295,570 |
| -- | JHSV-1 Outfitting Funding Phasing | -- | -3,426 |
| -- | LPD-25 Outfitting Funding Phasing | -- | -2,500 |
| -- | DDG-1000 Post-Delivery Phasing | -- | -1,757 |
| -- | LPD-23 Post-Delivery Phasing | -- | -3,387 |
| 21 | SERVICE CRAFT | 13,770 | 13,770 |
| 22 | LCAC SLEP | 83,035 | 83,035 |
| -- | -- | -- | -- |
| | TOTAL, SHIPBUILDING & CONVERSION, NAVY | 15,724,520 | 15,366,658 |
| -- | -- | -- | -- |
| | OTHER PROCUREMENT, NAVY | | |
| -- | -- | -- | -- |
| 1 | LM-2500 GAS TURBINE | 12,137 | 10,525 |
| -- | Turbine Digital Fuel Controls Cost Growth | -- | -1,612 |
| 2 | ALLISON 501K GAS TURBINE | 14,923 | 14,923 |
| 4 | OTHER NAVIGATION EQUIPMENT | 23,167 | 23,167 |
| 5 | SUB PERISCOPES & IMAGING EQUIP | 85,619 | 73,559 |
| -- | AN/BVS-1 Mast Tech Insertion Spares | -- | -1,849 |
| -- | ISIS Tech Insertion Kits Ahead of Need | -- | -2,769 |
| -- | Support Funding Carryover | -- | -1,700 |
| -- | Contractor Repair Funding Growth | -- | -5,742 |
| 6 | DDG MOD | 296,691 | 291,611 |
| -- | Multi-Mission BMD Capability Upgrade Kits Cost Growth | -- | -1,000 |
| -- | Engineering Services Unjustified Cost Growth | -- | -6,000 |
| -- | Smart Valve Autonomic Fire Suppression System | -- | +1,920 |
| 7 | FIREFIGHTING EQUIPMENT | 11,974 | 9,304 |
| -- | Self-Contained Breathing Apparatus Kits Excess to Requirements | -- | -1,570 |
| -- | Support Funding Carryover | -- | -1,100 |
| 8 | COMMAND AND CONTROL SWITCHBOARD | 3,962 | 2,362 |
| -- | Unjustified Request | -- | -1,600 |
| 9 | POLLUTION CONTROL EQUIPMENT | 25,614 | 25,614 |
| 10 | SUBMARINE SUPPORT EQUIPMENT | 7,730 | 7,730 |
| 11 | VIRGINIA CLASS SUPPORT EQUIPMENT | 132,039 | 130,039 |
| -- | Spare Main Propulsion Shaft Ahead of Need | -- | -2,000 |
| 12 | SUBMARINE BATTERIES | 44,057 | 31,057 |
| -- | Support Funding Carryover | -- | -1,500 |
| -- | Excess Installation Funding | -- | -11,500 |
| 13 | STRATEGIC PLATFORM SUPPORT EQUIP | 22,811 | 22,811 |
| 14 | DSSP EQUIPMENT | 3,869 | 3,869 |
| 15 | CG-MODERNIZATION | 356,958 | 350,958 |
| -- | Engineering Services Unjustified Cost Growth | -- | -6,000 |
| 16 | LCAC | 9,142 | 2,642 |
| -- | Personnel Transport Module Contract Delay | -- | -6,500 |
| 18 | UNDERWATER EOD PROGRAMS | 15,908 | 15,908 |
| 19 | ITEMS LESS THAN $5 MILLION | 126,842 | 119,698 |
| -- | LCS Waterjets Spares Ahead of Need | -- | -5,296 |
| -- | Voltage Regulators Ahead of Need | -- | -1,848 |
| 20 | CHEMICAL WARFARE DETECTORS | 7,470 | 7,470 |
| 21 | SUBMARINE LIFE SUPPORT SYSTEM | 13,016 | 13,016 |
| 22 | REACTOR POWER UNITS | 438,503 | 438,503 |
| 23 | REACTOR COMPONENTS | 266,469 | 266,469 |
| 24 | DIVING AND SALVAGE EQUIPMENT | 10,227 | 10,227 |
| 25 | STANDARD BOATS | 27,725 | 55,625 |
| -- | Advanced Amphibious Transportation Lift and Storage System | -- | +1,600 |
| -- | Force Protection Boats | -- | +3,200 |
| -- | Impact Mitigating Boat Decking | -- | +1,600 |

| P-1 | -- | Budget Request | Recommendation |
|---|---|---|---|
| -- | Range Support Craft | -- | +21,500 |
| 26 | OTHER SHIPS TRAINING EQUIPMENT | 16,094 | 16,094 |
| 27 | OPERATING FORCES IPE | 49,856 | 94,436 |
| -- | Program Increase - Shipyard Capital Investment Program | -- | +41,620 |
| -- | Pearl Harbor Navy Shipyard Equipment Modernization | -- | +2,960 |
| 28 | NUCLEAR ALTERATIONS | 116,829 | 116,829 |
| 29 | LCS MODULES | 82,951 | 41,369 |
| -- | MCM Module Production Support Growth | -- | -6,000 |
| -- | Consulting Services Growth | -- | -3,064 |
| -- | Excess Remote Multi-Mission Vehicle Funding | -- | -7,600 |
| -- | Mission Package Computer Environment Units Ahead of Need | -- | -2,268 |
| -- | AN/AQS-20A - Ahead of Need | -- | -22,650 |
| 30 | LSD MIDLIFE | 106,612 | 102,612 |
| -- | 60-ton Deck Crane Contract Delay | -- | -1,000 |
| -- | Boat Davit and Ballast Control System Installations Ahead of Need | -- | -3,000 |
| 31 | RADAR SUPPORT | 12,030 | 7,000 |
| -- | Periscope Detection Radar Installation Funding Ahead of Need | -- | -3,500 |
| -- | Excess Miscellaneous Funding | -- | -1,530 |
| 32 | SPQ-9B RADAR | 8,887 | 5,687 |
| -- | Excess Antenna Funding | -- | -2,200 |
| -- | Support Funding Carryover | -- | -1,000 |
| 33 | AN/SQQ-89 SURF ASW COMBAT SYSTEM | 87,219 | 85,219 |
| -- | Support Funding Carryover | -- | -2,000 |
| 34 | SSN ACOUSTICS | 237,015 | 234,015 |
| -- | Installation Costs Unjustified Growth | -- | -3,000 |
| 35 | UNDERSEA WARFARE SUPPORT EQUIPMENT | 29,641 | 27,241 |
| -- | Common Data Link Modification Installation Funding Ahead of Need | -- | -2,400 |
| 36 | SONAR SWITCHES AND TRANSDUCERS | 14,056 | 13,056 |
| -- | TR-317 Module Cost Growth | -- | -1,000 |
| 37 | SUBMARINE ACOUSTIC WARFARE SYSTEM | 20,739 | 18,539 |
| -- | Next Generation Countermeasure Funding Ahead of Need | -- | -2,200 |
| 38 | SSTD | 2,206 | 0 |
| -- | AN/SLQ-25D Ahead of Need | -- | -2,206 |
| 39 | FIXED SURVEILLANCE SYSTEM | 57,481 | 57,481 |
| 40 | SURTASS | 8,468 | 8,468 |
| 41 | TACTICAL SUPPORT CENTER | 18,586 | 18,586 |
| 42 | AN/SLQ-32 | 49,677 | 23,257 |
| -- | Support Funding Carryover | -- | -2,000 |
| -- | Block 1B3 Incremental Funding | -- | -7,520 |
| -- | Block 2 Incremental Funding | -- | -16,900 |
| 43 | SHIPBOARD IW EXPLOIT | 105,624 | 105,624 |
| 44 | AUTOMATED IDENTIFICATION SYSTEM (AIS) | 1,299 | 1,299 |
| 45 | SUBMARINE SUPPORT EQUIPMENT PROG | 71,558 | 70,108 |
| -- | ESM Capability Insertion (CI-06) Kits Ahead of Need | -- | -1,450 |
| 46 | COOPERATIVE ENGAGEMENT CAPABILITY | 31,091 | 25,691 |
| -- | Planar Antenna Funding Ahead of Need | -- | -5,400 |
| 47 | TRUSTED INFORMATION SYSTEM (TIS) | 338 | 338 |
| 48 | NAVAL TACTICAL COMMAND SUPPORT SYSTEM (NTCSS) | 33,358 | 33,358 |
| 49 | ATDLS | 2,273 | 2,273 |
| 50 | NAVY COMMAND AND CONTROL SYSTEM (NCCS) | 8,920 | 8,920 |
| 51 | MINESWEEPING SYSTEM REPLACEMENT | 81,441 | 60,710 |
| -- | Remote Minehunting System (RMS) | -- | -5,027 |
| -- | Support Funding Carryover | -- | -2,272 |
| -- | Expendable Mine Neutralization System Funding Ahead of Need | -- | -12,432 |
| -- | Assessment and Identification of Mine Susceptibility Growth | -- | -1,000 |
| 52 | SHALLOW WATER MCM | 9,236 | 1,261 |
| -- | Cobra Block 1 Contract Delay | -- | -7,975 |
| 53 | NAVSTAR GPS RECEIVERS (SPACE) | 9,319 | 9,319 |
| 54 | ARMED FORCES RADIO AND TV | 3,328 | 3,328 |
| 55 | STRATEGIC PLATFORM SUPPORT EQUIP | 4,248 | 4,248 |
| 56 | OTHER TRAINING EQUIPMENT | 29,061 | 27,761 |
| -- | COTS Obsolescence Growth | -- | -1,300 |
| 57 | MATCALS | 16,747 | 14,747 |
| -- | ASPARCS Cost Growth | -- | -2,000 |
| 58 | SHIPBOARD AIR TRAFFIC CONTROL | 7,658 | 7,658 |
| 59 | AUTOMATIC CARRIER LANDING SYSTEM | 15,169 | 10,782 |

| P-1 | -- | Budget Request | Recommendation |
|---|---|---|---|
| -- | AN/SPN-46 Radar Modification Kits Ahead of Need | -- | -4,387 |
| 60 | **NATIONAL AIR SPACE SYSTEM** | **17,531** | **17,531** |
| 61 | **AIR STATION SUPPORT EQUIPMENT** | **6,851** | **6,851** |
| 62 | **MICROWAVE LANDING SYSTEM** | **8,551** | **8,551** |
| 63 | **ID SYSTEMS** | **29,572** | **23,122** |
| -- | AN/URN-25 TACAN Upgrade Kits Ahead of Need | -- | -2,450 |
| -- | Support Funding Carryover | -- | -4,000 |
| 64 | **TAC A/C MISSION PLANNING SYS(TAMPS)** | **9,098** | **7,798** |
| -- | Support Funding Carryover | -- | -1,300 |
| 65 | **DEPLOYABLE JOINT COMMAND AND CONT** | **8,542** | **8,542** |
| 66 | **TADIX-B** | **6,909** | **2,944** |
| -- | AN/USC-151 Upgrade Kit Ahead of Need | -- | -3,965 |
| 67 | **GCCS-M EQUIPMENT TACTICAL/MOBILE** | **9,832** | **9,832** |
| 68 | **DCGS-N** | **16,634** | **16,634** |
| 69 | **CANES** | **34,398** | **10,264** |
| -- | Funded Ahead of Need | -- | -24,134 |
| 70 | **RADIAC** | **6,104** | **5,197** |
| -- | Air Particulate Detector Contract Delay | -- | -907 |
| 71 | **CANES-INTELL** | **10,432** | **3,140** |
| -- | Ahead of Need | -- | -7,292 |
| 72 | **GPETE** | **5,861** | **5,861** |
| 73 | **INTEG COMBAT SYSTEM TEST FACILITY** | **4,445** | **4,445** |
| 74 | **EMI CONTROL INSTRUMENTATION** | **4,737** | **4,737** |
| 75 | **ITEMS LESS THAN $5 MILLION** | **51,048** | **29,307** |
| -- | SPS-73 Tech Refresh/Obsolescence Growth | -- | -741 |
| -- | SPS-48 ECO and Support Cost Growth | -- | -3,000 |
| -- | SPS-48 Upgrade Kits Ahead of Need | -- | -13,600 |
| -- | Installation Funding Ahead of Need | -- | -4,400 |
| 78 | **SHIP COMMUNICATIONS AUTOMATION** | **260,551** | **230,174** |
| -- | Support Funding Carryover | -- | -1,500 |
| -- | ISNS Upgrade Kits Installation Funding Ahead of Need | -- | -9,000 |
| -- | CENTRIXS Installation Funding Ahead of Need | -- | -1,425 |
| -- | SCI Network Installation Funding Ahead of Need | -- | -2,100 |
| -- | ADNS Units Ahead of Need | -- | -16,352 |
| 79 | **MARITIME DOMAIN AWARENESS (MDA)** | **9,250** | **7,650** |
| -- | CENTRIXS Modification Kit Installation Funding Ahead of Need | -- | -1,600 |
| 80 | **COMMUNICATIONS ITEMS UNDER $5M** | **39,846** | **31,169** |
| -- | Battle Force Tactical Network Ahead of Need | -- | -8,677 |
| 82 | **SUBMARINE COMMUNICATION EQUIPMENT** | **59,013** | **55,737** |
| -- | Common Submarine Radio Room Modification Kit Cost Growth | -- | -1,029 |
| -- | CSSR Seawolf Ahead of Need | -- | -2,247 |
| 83 | **SATELLITE COMMUNICATIONS SYSTEMS** | **28,665** | **28,665** |
| 84 | **NAVY MULTIBAND TERMINAL (NMT)** | **161,021** | **161,021** |
| 85 | **JCS COMMUNICATIONS EQUIPMENT** | **2,256** | **2,256** |
| 86 | **ELECTRICAL POWER SYSTEMS** | **1,309** | **1,309** |
| 87 | **NAVAL SHORE COMMUNICATIONS** | **3,422** | **3,422** |
| 88 | **INFO SYSTEMS SECURITY PROGRAM (ISSP)** | **120,529** | **114,357** |
| -- | SV-21 Unit Cost Growth | -- | -1,672 |
| -- | Support Funding Carryover | -- | -2,000 |
| -- | CND Increment 2 Ahead of Need | -- | -2,500 |
| 89 | **CRYPTOLOGIC COMMUNICATIONS EQUIP** | **18,322** | **18,322** |
| 90 | **COAST GUARD EQUIPMENT** | **20,189** | **20,189** |
| 92 | **SONOBUOYS - ALL TYPES** | **87,846** | **83,846** |
| -- | Support Funding Carryover | -- | -4,000 |
| 93 | **WEAPONS RANGE SUPPORT EQUIPMENT** | **51,742** | **59,700** |
| -- | East Coast USWTR Support Funding Carryover | -- | -3,500 |
| -- | East Coast USWTR Ahead of Need | -- | -8,542 |
| -- | Training Range Upgrades | -- | +20,000 |
| 94 | **EXPEDITIONARY AIRFIELDS** | **8,429** | **8,429** |
| 95 | **AIRCRAFT REARMING EQUIPMENT** | **11,134** | **11,134** |
| 96 | **AIRCRAFT LAUNCH & RECOVERY EQUIPMENT** | **37,063** | **28,881** |
| -- | Advanced Recovery Control and Aviation Data Management and Control Systems Cost Growth | -- | -1,782 |
| -- | Support Funding Carryover | -- | -1,400 |
| -- | Production Engineering Unjustified Cost Growth | -- | -5,000 |
| 97 | **METEOROLOGICAL EQUIPMENT** | **25,581** | **25,581** |
| 98 | **OTHER PHOTOGRAPHIC EQUIPMENT** | **1,573** | **1,573** |
| 99 | **AVIATION LIFE SUPPORT** | **40,696** | **24,796** |
| -- | JHMCS Ahead of Need | -- | -15,900 |
| 100 | **AIRBORNE MINE COUNTERMEASURES** | **35,855** | **35,855** |

| P-1 | -- | Budget Request | Recommendation |
|---|---|---|---|
| 101 | LAMPS MK III SHIPBOARD EQUIPMENT | 20,662 | 16,382 |
| -- | Units Ahead of Need | -- | -4,280 |
| 102 | PORTABLE ELECTRONIC MAINTENANCE AIDS | 12,812 | 10,612 |
| -- | Production Support Growth | -- | -2,200 |
| 103 | OTHER AVIATION SUPPORT EQUIPMENT | 12,018 | 12,018 |
| 104 | NAVAL FIRES CONTROL SYSTEM | 1,086 | 1,086 |
| 105 | GUN FIRE CONTROL EQUIPMENT | 8,076 | 8,076 |
| 106 | NATO SEASPARROW | 11,121 | 10,161 |
| -- | ECP and Production Support Growth | -- | -960 |
| 107 | RAM GMLS | 11,805 | 6,800 |
| -- | GMLS Ordalts Contract Delay | -- | -5,005 |
| 108 | SHIP SELF DEFENSE SYSTEM | 54,290 | 45,902 |
| -- | Ship Self Defense System Modification Kits Ahead of Need | -- | -8,388 |
| 109 | AEGIS SUPPORT EQUIPMENT | 162,307 | 82,307 |
| -- | COTS Tech Refresh Growth | -- | -3,000 |
| -- | Ship Change Documentation Growth | -- | -4,500 |
| -- | Navy Requested Transfer to RDTE,DW line 84 for Ballistic Missile Defense | -- | -72,500 |
| 110 | TOMAHAWK SUPPORT EQUIPMENT | 88,698 | 88,698 |
| 111 | VERTICAL LAUNCH SYSTEMS | 5,698 | 5,698 |
| 112 | STRATEGIC MISSILE SYSTEMS EQUIP | 184,034 | 159,034 |
| -- | Fire Control Tech Refresh Growth | -- | -5,000 |
| -- | Contract Delays | -- | -20,000 |
| 113 | SSN COMBAT CONTROL SYSTEMS | 88,004 | 77,390 |
| -- | TI-04 Modification Contract Savings | -- | -2,214 |
| -- | Excess TI-04 and Out Modification Installation Funding | -- | -8,400 |
| 114 | SUBMARINE ASW SUPPORT EQUIPMENT | 5,282 | 5,282 |
| 115 | SURFACE ASW SUPPORT EQUIPMENT | 8,323 | 8,323 |
| 116 | ASW RANGE SUPPORT EQUIPMENT | 7,121 | 7,121 |
| 117 | EXPLOSIVE ORDNANCE DISPOSAL EQUIP | 58,288 | 62,208 |
| -- | Mission Helmet Recording System for EOD | -- | +3,920 |
| 118 | ITEMS LESS THAN $5 MILLION | 3,546 | 2,480 |
| -- | Industrial Facilities Contract Delay | -- | -1,066 |
| 119 | ANTI-SHIP MISSILE DECOY SYSTEM | 36,588 | 36,588 |
| 120 | SURFACE TRAINING DEVICE MODS | 7,337 | 7,337 |
| 121 | SUBMARINE TRAINING DEVICE MODS | 34,519 | 34,519 |
| 122 | PASSENGER CARRYING VEHICLES | 3,719 | 3,719 |
| 123 | GENERAL PURPOSE TRUCKS | 584 | 584 |
| 124 | CONSTRUCTION & MAINTENANCE EQUIP | 13,935 | 10,435 |
| -- | Contract Delays | -- | -3,500 |
| 125 | FIRE FIGHTING EQUIPMENT | 12,853 | 12,853 |
| 126 | TACTICAL VEHICLES | 31,741 | 25,241 |
| -- | FMTV Contract Savings | -- | -2,300 |
| -- | Energy Initiative Unjustified Requirement | -- | -4,200 |
| 127 | AMPHIBIOUS EQUIPMENT | 3,132 | 3,132 |
| 128 | POLLUTION CONTROL EQUIPMENT | 5,154 | 5,154 |
| 129 | ITEMS UNDER $5 MILLION | 24,770 | 24,770 |
| 130 | PHYSICAL SECURITY VEHICLES | 1,128 | 1,128 |
| 131 | MATERIALS HANDLING EQUIPMENT | 15,504 | 14,030 |
| -- | General Purpose Forklift Cost Growth | -- | -1,474 |
| 132 | OTHER SUPPLY SUPPORT EQUIPMENT | 6,655 | 9,855 |
| -- | Navy AIT Logistics Modernization Initiative | -- | +3,200 |
| 133 | FIRST DESTINATION TRANSPORTATION | 6,315 | 6,315 |
| 134 | SPECIAL PURPOSE SUPPLY SYSTEMS | 66,549 | 66,549 |
| 135 | TRAINING SUPPORT EQUIPMENT | 11,429 | 11,429 |
| 137 | COMMAND SUPPORT EQUIPMENT | 47,306 | 42,560 |
| -- | BUPERS Software Cost Growth | -- | -2,500 |
| -- | SPAWAR Hardware Items Cost Growth | -- | -1,080 |
| -- | ERP Kits Cost Growth | -- | -900 |
| -- | JFCOM National Small Unit Center | -- | -3,075 |
| -- | Future Pay and Personnel System Ahead of Need | -- | -1,911 |
| -- | Man Overboard Indicator Program | -- | +4,720 |
| 138 | EDUCATION SUPPORT EQUIPMENT | 2,067 | 2,067 |
| 139 | MEDICAL SUPPORT EQUIPMENT | 7,679 | 5,679 |
| -- | Fleet Allowance List Outfitting Cost Growth | -- | -2,000 |
| 141 | NAVAL MIP SUPPORT EQUIPMENT | 1,433 | 1,433 |
| 143 | OPERATING FORCES SUPPORT EQUIPMENT | 12,754 | 12,754 |
| 144 | C4ISR EQUIPMENT | 5,317 | 5,317 |
| 145 | ENVIRONMENTAL SUPPORT EQUIPMENT | 20,033 | 21,633 |
| -- | High Speed/High Resolution Combined Multi-Beam Side Scan Sonar | -- | +1,600 |
| 146 | PHYSICAL SECURITY EQUIPMENT | 154,805 | 141,475 |

| P-1 | -- | Budget Request | Recommendation |
|---|---|---|---|
| -- | Shipboard Protection System Installation Costs Excess to Need | -- | -5,500 |
| -- | Shipboard Protection System Support Cost Growth | -- | -6,000 |
| -- | Biometrics Ahead of Need | -- | -1,830 |
| XX | PROCUREMENT INNOVATION | -- | 15,000 |
| -- | Procurement Innovation | -- | +15,000 |
| 147 | ENTERPRISE INFORMATION TECHNOLOGY | 377,353 | 163,653 |
| -- | Navy Requested Transfer to OM,N AGSAG BSIT for NGEN | -- | -217,700 |
| -- | SPAWAR Systems Center (SSC/ITC) | -- | +4,000 |
| 149 | SPARES AND REPAIR PARTS | 215,906 | 215,906 |
| -- | CLASSIFIED PROGRAMS | 19,767 | 19,767 |
| -- | -- | -- | -- |
| | TOTAL, OTHER PROCUREMENT, NAVY | 6,450,208 | 5,833,683 |
| -- | -- | -- | -- |
| | PROCUREMENT, MARINE CORPS | | |
| -- | -- | -- | -- |
| 1 | AAV7A1 PIP | 7,749 | 7,749 |
| 2 | LAV PIP | 41,277 | 41,277 |
| 4 | EXPEDITIONARY FIRE SUPPORT SYSTEM | 9,723 | 9,723 |
| 5 | 155MM LIGHTWEIGHT TOWED HOWITZER | 10,356 | 10,356 |
| 6 | HIGH MOBILITY ARTILLERY ROCKET SYSTEM | 22,230 | 22,230 |
| 7 | WEAPONS AND COMBAT VEHICLES UNDER $5 MILLION | 26,091 | 26,091 |
| 9 | MODIFICATION KITS | 40,916 | 30,559 |
| -- | Unexecutable Program, M1A1 Survivability Kits | -- | -10,357 |
| 10 | WEAPONS ENHANCEMENT PROGRAM | 13,115 | 13,115 |
| 11 | GROUND BASED AIR DEFENSE | 5,175 | 3,855 |
| -- | Program Adjustment | -- | -1,320 |
| 13 | FOLLOW ON TO SMAW | 21,570 | 21,570 |
| 14 | ANTI-ARMOR WEAPONS SYSTEM-HEAVY (AAWS-H) | 20,315 | 20,315 |
| 15 | MODIFICATION KITS | 3,798 | 3,798 |
| 16 | COMBAT OPERATIONS CENTER | 10,776 | 10,776 |
| 17 | REPAIR AND TEST EQUIPMENT | 25,636 | 25,636 |
| 18 | COMBAT SUPPORT SYSTEM | 32,877 | 32,877 |
| 20 | ITEMS UNDER $5 MILLION (COMM & ELEC) | 3,405 | 3,405 |
| 21 | AIR OPERATIONS C2 SYSTEMS | 67,568 | 67,568 |
| 22 | RADAR SYSTEMS | 860 | 860 |
| 23 | FIRE SUPPORT SYSTEM | 3,906 | 3,906 |
| 24 | INTELLIGENCE SUPPORT EQUIPMENT | 92,377 | 92,377 |
| 25 | RQ-11 UAV | 32,490 | 16,490 |
| -- | Program Delay, Tier 2 UAS | -- | -16,000 |
| 26 | DCGS-MC | 4,582 | 0 |
| -- | DCGS-MC Program Delay | -- | -4,582 |
| 27 | NIGHT VISION EQUIPMENT | 0 | 1,600 |
| -- | Small Tactical Optical Rifle Mounted Micro Laser Range Finder | -- | +1,600 |
| 28 | COMMON COMPUTER RESOURCES | 258,947 | 218,947 |
| -- | Unjustified Request, MC Intranet | -- | -40,000 |
| 29 | COMMAND POST SYSTEMS | 33,021 | 33,021 |
| 30 | RADIO SYSTEMS | 40,551 | 20,051 |
| -- | Program Delay, JTRS handheld | -- | -20,500 |
| 31 | COMM SWITCHING & CONTROL SYSTEMS | 32,279 | 22,279 |
| -- | Execution Delay, WNS-T | -- | -10,000 |
| 32 | COMM & ELEC INFRASTRUCTURE SUPPORT | 15,278 | 15,278 |
| 33 | COMMERCIAL PASSENGER VEHICLES | 1,157 | 1,157 |
| 34 | COMMERCIAL CARGO VEHICLES | 12,696 | 12,696 |
| 35 | 5/4T TRUCK HMMWV (MYP) | 4,849 | 0 |
| -- | Service Requested Reduction | -- | -4,849 |
| 36 | MOTOR TRANSPORT MODIFICATIONS | 5,253 | 5,253 |
| 37 | MEDIUM TACTICAL VEHICLE REPLACEMENT | 11,721 | 11,721 |
| 38 | LOGISTICS VEHICLE SYSTEM REPLACEMENT | 133,827 | 133,827 |
| 39 | FAMILY OF TACTICAL TRAILERS | 19,156 | 19,156 |
| 40 | TRAILERS | 8,075 | 8,075 |
| 41 | ITEMS LESS THAN $5 MILLION | 6,016 | 6,016 |
| 42 | ENVIRONMENTAL CONTROL EQUIP ASSORT | 5,110 | 5,110 |
| 43 | BULK LIQUID EQUIPMENT | 10,743 | 10,743 |
| 44 | TACTICAL FUEL SYSTEMS | 29,330 | 29,330 |
| 45 | POWER EQUIPMENT ASSORTED | 19,419 | 19,419 |
| 46 | AMPHIBIOUS SUPPORT EQUIPMENT | 11,718 | 11,718 |
| 47 | EOD SYSTEMS | 64,093 | 64,093 |
| 48 | PHYSICAL SECURITY EQUIPMENT | 16,419 | 16,419 |
| 49 | GARRISON MOBILE ENGR EQUIP | 10,976 | 10,976 |
| 50 | MATERIAL HANDLING EQUIP | 24,376 | 24,376 |

| P-1 | -- | Budget Request | Recommendation |
|---|---|---|---|
| 51 | FIRST DESTINATION TRANSPORTATION | 2,748 | 2,748 |
| 52 | FIELD MEDICAL EQUIPMENT | 6,722 | 6,722 |
| 53 | TRAINING DEVICES | 5,668 | 5,668 |
| 54 | CONTAINER FAMILY | 897 | 897 |
| 55 | FAMILY OF CONSTRUCTION EQUIPMENT | 18,261 | 18,261 |
| 57 | BRIDGE BOATS | 12,567 | 12,567 |
| 58 | RAPID DEPLOYABLE KITCHEN | 4,283 | 4,283 |
| 59 | ITEMS LESS THAN $5 MILLION | 7,572 | 7,572 |
| 60 | SPARES AND REPAIR PARTS | 13,524 | 13,524 |
| -- | -- | -- | -- |
| | TOTAL, PROCUREMENT, MARINE CORPS | 1,344,044 | 1,238,036 |
| -- | -- | -- | -- |
| | AIRCRAFT PROCUREMENT, AIR FORCE | | |
| -- | -- | -- | -- |
| 1 | F-35 | 3,729,242 | 3,090,442 |
| -- | Air Force Requested Transfer from AP,AF, line 43 | -- | +29,700 |
| -- | Production Support Carryover | -- | -60,000 |
| -- | Delete Five Aircraft | -- | -608,500 |
| 2 | F-35 (AP-CY) | 257,000 | 257,000 |
| 3 | F-22A | 158,039 | 158,039 |
| 5 | C-17A (MYP) | 14,283 | 48,683 |
| -- | Air Force Requested Transfer from AP,AF, line 88 | -- | +114,400 |
| -- | Slow Execution | -- | -80,000 |
| 6 | C-130J | 463,267 | 455,267 |
| -- | Updated Pricing | -- | -8,000 |
| 7 | C-130J ADVANCE PROCUREMENT (CY) | 48,000 | 40,000 |
| -- | Updated Pricing | -- | -8,000 |
| 8 | HC-130J | 349,300 | 307,800 |
| -- | Updated Pricing | -- | -41,500 |
| 9 | HC-130J (AP-CY) | 10,000 | 10,000 |
| 10 | MC-130J | 467,465 | 415,465 |
| -- | Updated Pricing | -- | -52,000 |
| 11 | MC-130J (AP-CY) | 60,000 | 60,000 |
| 14 | JOINT CARGO AIRCRAFT | 351,200 | 351,200 |
| 15 | LIGHT MOBILITY AIRCRAFT | 65,699 | 65,699 |
| 16 | USAFA POWERED FLIGHT PROGRAM | 4,099 | 4,099 |
| 18 | COMM VERT LIFT SPT PLATFORM (UH-1N) | 6,432 | 0 |
| -- | Air Force Requested Transfer to RDTE,AF line 113 | -- | -6,432 |
| 19 | V-22 OSPREY | 393,098 | 393,098 |
| 20 | V-22 OSPREY (AP-CY) | 13,621 | 13,621 |
| 24 | CIVIL AIR PATROL A/C | 2,424 | 2,424 |
| 25 | HH-60M OPERATIONAL LOSS REPLACEMENT | 104,447 | 104,447 |
| 27 | STUASLO | 3,253 | 3,253 |
| 28 | TARGET DRONES | 85,505 | 85,505 |
| 29 | C-37A | 52,000 | 52,000 |
| 30 | RQ-4 UAV | 649,629 | 503,029 |
| -- | Air Force Requested Transfer to AP,AF, line 31 | -- | -25,600 |
| -- | Unjustified Cost Increase, Sensors | -- | -11,000 |
| -- | Unjustified Request, Spares | -- | -110,000 |
| 31 | RQ-4 UAV (AP-CY) | 90,200 | 72,300 |
| -- | Air Force Requested Transfer from AP,AF, line 30 | -- | +25,600 |
| -- | Air Force Adjustment | -- | -43,500 |
| 32 | MC 130 IN BA 04 | 9,932 | 0 |
| -- | Air Force Requested Transfer to AC-130 Recap Program | -- | -9,932 |
| xx | AC-130 Recap | -- | 9,932 |
| -- | Air Force Requested Transfer from MC-130 program | -- | +9,932 |
| 34 | MQ-9 | 863,595 | 318,131 |
| -- | Spares | -- | -167,788 |
| -- | Support Equipment - Forward Funding | -- | -42,000 |
| -- | Production Support - Forward Funding | -- | -98,376 |
| -- | Funded Ahead of Need | -- | -21,300 |
| -- | Transfer 12 Aircraft to Title IX | -- | -216,000 |
| 35 | B-2A | 63,371 | 63,371 |
| 37 | B-1B | 200,090 | 200,090 |
| 38 | B-52 | 69,074 | 21,074 |
| -- | CONECT - Funded Ahead of Need | -- | -35,000 |
| -- | Transfer to RDTE,AF line 117 for Internal Weapons Bay | -- | -13,000 |
| 39 | A-10 | 165,361 | 187,361 |
| -- | Program Increase - Helmet Mounting Cueing System | -- | +22,000 |
| 40 | F-15 | 302,235 | 337,041 |
| -- | C/D Flight Data Recorder - Early to Need | -- | -11,408 |
| -- | E-model Flight Data Recorder - Early to Need | -- | -11,786 |

| P-1 | -- | Budget Request | Recommendation |
|---|---|---|---|
| -- | Program Reduction | -- | -4,000 |
| -- | AESA Radar for ANG F-15Cs | -- | +62,000 |
| 41 | F-16 | 167,188 | 167,188 |
| 42 | F-22A | 492,199 | 437,739 |
| -- | Unjustified Request | -- | -54,460 |
| 43 | F-35 MODIFICATIONS | 123,936 | 4,636 |
| -- | Funded Ahead of Need | -- | -82,000 |
| -- | Air Force Requested Transfer to AP,AF, line 1 | -- | -29,700 |
| -- | Air Force Requested Transfer to RDTE,AF line 81 for Auto GCAS | -- | -7,600 |
| 44 | C-5 | 740,369 | 37,252 |
| -- | Block Upgrade - Ahead of Need | -- | -21,260 |
| -- | Funded Ahead of Need | -- | -5,400 |
| -- | Transfer C-5 RERP to New AP,AF Line | -- | -676,457 |
| 45 | C-5 (AP-CY) | 166,900 | 106,900 |
| -- | Funded with Fiscal Year 2009 and 2010 funds | -- | -60,000 |
| xx | C-5 RERP | -- | 676,457 |
| -- | Transfer C-5 RERP from AP,AF, line 44 | -- | +676,457 |
| 46 | C-9C | 10 | 0 |
| -- | Program Terminated | -- | -10 |
| 47 | C-17A | 351,614 | 217,547 |
| -- | OBIGGS Kits - Reduction of Four kits | -- | -13,800 |
| -- | Extended Range Retrofits Kits, Reduction of One Kit | -- | -5,267 |
| -- | Excess to Need | -- | -98,000 |
| -- | Funded Ahead of Need | -- | -17,000 |
| 48 | C-21 | 339 | 339 |
| 49 | C-32A | 12,113 | 12,113 |
| 50 | C-37A | 12,162 | 12,162 |
| 51 | GLIDER MODS | 120 | 120 |
| 52 | T6 | 24,644 | 24,644 |
| 53 | T-1 | 83 | 83 |
| 54 | T-38 | 28,288 | 26,288 |
| -- | Funded Ahead of Need | -- | -2,000 |
| 56 | KC-10A (ATCA) | 13,777 | 11,777 |
| -- | Funded Ahead of Need | -- | -2,000 |
| 57 | C-12 | 7,645 | 7,645 |
| 58 | MC-12W | 10,826 | 10,826 |
| 59 | C-20 MODS | 736 | 736 |
| 60 | VC-25A MOD | 13,175 | 13,175 |
| 61 | C-40 | 10,697 | 10,697 |
| 62 | C-130 | 257,339 | 304,939 |
| -- | Air Force Requested Transfer from RDTE,AF line 220 for Avionics Upgrades to Special Mission Aircraft | -- | +65,000 |
| -- | Excess to Need | -- | -25,400 |
| -- | 109th Airlift Wing Propeller Improvement Program | -- | +3,200 |
| -- | On-Board Oxygen Generation System Retrofit for AFSOC C-130 | -- | +4,800 |
| 63 | C-130 MODS INTEL | 3,963 | 11,243 |
| -- | SENIOR SCOUT IMINT Integration for Utah ANG | -- | +5,760 |
| -- | Support Equipment for Time Critical Targeting, SENIOR SCOUT | -- | +1,520 |
| 64 | C130J MODS | 80,205 | 64,205 |
| -- | Contract Slip, Crashworthy Seats | -- | -16,000 |
| 65 | C-135 | 44,228 | 38,788 |
| -- | Block 45 Contract Delay | -- | -8,400 |
| -- | Low Cost Modifications | -- | +1,600 |
| -- | Aircraft Patient Support Systems for 190 ARW, Kansas | -- | +1,360 |
| 66 | COMPASS CALL MODS | 176,558 | 101,558 |
| -- | EC-130 Program Full Funding Violation | -- | -75,000 |
| 67 | DARP | 105,540 | 105,540 |
| 68 | E-3 | 195,163 | 195,163 |
| 69 | E-4 | 37,526 | 37,526 |
| 70 | E-8 | 188,504 | 6,397 |
| -- | E-8 Reengining, Ahead of Need | -- | -120,407 |
| -- | Engine Installs, Ahead of Need | -- | -5,000 |
| -- | Funded Ahead of Need | -- | -56,700 |
| 71 | H-1 | 2,457 | 2,457 |
| 72 | H-60 | 11,630 | 41,930 |
| -- | Funded Ahead of Need | -- | -1,700 |
| -- | Simulators and Low Cost Modifications | -- | +32,000 |
| 73 | RQ-4 UAV MODS | 119,415 | 116,415 |
| -- | Unjustified Cost Increase, ASIP sensors | -- | -3,000 |
| 74 | HC/MC-130 MODIFICATIONS | 1,944 | 1,944 |

| P-1 | -- | Budget Request | Recommendation |
|---|---|---|---|
| 75 | OTHER AIRCRAFT | 159,423 | 15,723 |
| -- | Transfer FAB-T Funds to RDTE,AF line 180 | -- | -119,700 |
| -- | Delete FAB-T Funds, Early to Need | -- | -24,000 |
| 76 | MQ-1 MODS | 208,213 | 20,213 |
| -- | Excess to Need | -- | -188,000 |
| 77 | MQ-9 MODS | 108,922 | 0 |
| -- | Contract Delay, GCS | -- | -50,884 |
| -- | Contract Delay, Reaper Retrofits | -- | -58,038 |
| 78 | MQ-9 PAYLOAD - UAS | 115,383 | 0 |
| -- | Transfer to Title IX | -- | -115,383 |
| 79 | CV-22 MODS | 13,964 | 13,964 |
| 80 | INITIAL SPARES/REPAIR PARTS | 622,020 | 698,220 |
| -- | Unjustified Request, Joint Stars Re-engining Spares | -- | -11,700 |
| -- | Program Increase - F-22 Engine Spares | -- | +100,000 |
| -- | Excess to Need | -- | -12,100 |
| 81 | AIRCRAFT REPLACEMENT SUPPORT EQUIP | 91,701 | 58,301 |
| -- | Underexecution | -- | -20,000 |
| -- | Funded Ahead of Need | -- | -13,400 |
| 82 | B-1 | 6,791 | 6,791 |
| 83 | B-2A | 26,217 | 26,217 |
| 84 | B-52 | 3,443 | 1,743 |
| -- | Funded Ahead of Need | -- | -1,700 |
| 85 | C-5 | 195 | 195 |
| 87 | KC-10A (ATCA) | 5,702 | 5,702 |
| 88 | C-17A | 153,347 | 20,947 |
| -- | Air Force Requested Transfer to AP,AF, line 5 | -- | -114,400 |
| -- | Unjustified Funding for Shutdown Activities | -- | -18,000 |
| 89 | C-130 | 28,295 | 30,695 |
| -- | C-130 Cargo Rail Systems for the 118th Airlift Wing | -- | +2,400 |
| 91 | F-15 POST PRODUCTION SUPPORT | 21,599 | 17,599 |
| -- | Excess to Need | -- | -4,000 |
| 92 | F-16 POST PRODUCTION SUPPORT | 17,838 | 12,738 |
| -- | Excess to Need | -- | -5,100 |
| 93 | T-6 | 9,450 | 9,450 |
| 94 | OTHER AIRCRAFT | 53,953 | 53,953 |
| 96 | INDUSTRIAL PREPAREDNESS | 24,619 | 24,619 |
| 97 | WAR CONSUMABLES | 92,939 | 92,939 |
| 98 | OTHER PRODUCTION CHARGES | 1,079,742 | 912,372 |
| -- | Funded Ahead of Need | -- | -6,732 |
| -- | Transfer to Title IX | -- | -160,638 |
| 99 | OTHER PRODUCTION CHARGES - MQ-1 | 37,500 | 37,500 |
| 104 | DARP | 19,117 | 19,117 |
| -- | CLASSIFIED PROGRAMS | 12,981 | 12,981 |
| -- | -- | -- | -- |
| | TOTAL, AIRCRAFT PROCUREMENT, AIR FORCE | 15,366,508 | 12,528,779 |
| -- | -- | -- | -- |
| | MISSILE PROCUREMENT, AIR FORCE | | |
| -- | -- | -- | -- |
| 1 | MISSILE REPLACEMENT EQ-BALLISTIC | 60,647 | 60,647 |
| 2 | JASSM | 215,825 | 215,825 |
| 3 | SIDEWINDER (AIM-9X) | 64,523 | 64,523 |
| 4 | AMRAAM | 355,358 | 348,358 |
| -- | Support Funding Carryover | -- | -7,000 |
| 5 | PREDATOR HELLFIRE MISSILE | 44,570 | 44,570 |
| 6 | SMALL DIAMETER BOMB | 134,884 | 119,884 |
| -- | Accounting Error | -- | -15,000 |
| 7 | INDUSTRIAL PREPAREDNESS/POLLUTION PREVENTION | 833 | 833 |
| 8 | ADVANCED CRUISE MISSILE | 48 | 48 |
| 9 | MM III MODIFICATIONS | 123,378 | 139,178 |
| -- | Air Force Requested Transfer from RDTE, AF line 175 for MEECN | -- | +9,800 |
| -- | Minuteman III Solid Rocket Motor Warm Line Program | -- | +6,000 |
| 10 | AGM-65D MAVERICK | 260 | 260 |
| 11 | AGM-88A HARM | 4,079 | 4,079 |
| 12 | AIR LAUNCH CRUISE MISSILE | 10,795 | 10,795 |
| 13 | INITIAL SPARES/REPAIR PARTS | 43,192 | 43,192 |
| 14 | ADVANCED EHF | 38,078 | 38,078 |
| 15 | ADVANCED EHF (AP-CY) | 208,520 | 208,520 |
| 16 | WIDEBAND GAPFILLER SATELLITES | 517,601 | 517,601 |
| 17 | WIDEBAND GAPFILLER SATELLITES (AP-CY) | 58,110 | 58,110 |
| 18 | GPS III SPACE SEGMENT | 122,490 | 122,490 |
| 19 | SPACEBORNE EQUIP (COMSEC) | 14,894 | 14,894 |

| P-1 | -- | Budget Request | Recommendation |
|---|---|---|---|
| 20 | GLOBAL POSITIONING (SPACE) | 64,609 | 64,609 |
| 23 | DEF METEOROLOGICAL SAT PROG (SPACE) | 88,719 | 88,719 |
| 24 | EVOLVED EXPENDABLE LAUNCH VEH (SPACE) | 1,153,976 | 1,153,976 |
| 26 | SBIR HIGH (SPACE) (AP-CY) | 700,704 | 700,704 |
| 27 | SBIR HIGH (SPACE) | 270,000 | 270,000 |
| 28 | NATL POLAR-ORBITING OP ENV SATELLITE | 26,308 | 0 |
| -- | Program Termination, Early to Need | -- | -26,308 |
| 33 | SPECIAL UPDATE PROGRAMS | 247,584 | 247,584 |
| -- | CLASSIFIED PROGRAMS | 893,287 | 893,287 |
| -- | -- | -- | -- |
| | TOTAL, MISSILE PROCUREMENT, AIR FORCE | 5,463,272 | 5,430,764 |
| -- | -- | -- | -- |
| | PROCUREMENT OF AMMUNITION, AIR FORCE | | |
| -- | -- | -- | -- |
| 1 | ROCKETS | 19,106 | 19,106 |
| 2 | CARTRIDGES | 141,049 | 141,049 |
| 3 | PRACTICE BOMBS | 34,094 | 23,442 |
| -- | BDU-56A/B CDI Program Delay | -- | -10,652 |
| 4 | GENERAL PURPOSE BOMBS | 183,845 | 187,845 |
| -- | McAlester Army Ammunition Plant Bomb Line Modernization | -- | +4,000 |
| 5 | JOINT DIRECT ATTACK MUNITION | 104,642 | 179,361 |
| -- | Additional JDAM for War Reserve Stockpile | -- | +74,719 |
| 6 | CAD/PAD | 37,016 | 37,016 |
| 7 | EXPLOSIVE ORDINANCE DISPOSAL (EOD) | 3,383 | 3,383 |
| 8 | SPARES AND REPAIR PARTS | 1,000 | 1,000 |
| 9 | MODIFICATIONS | 1,112 | 1,112 |
| 10 | ITEMS LESS THAN $5,000,000 | 5,015 | 5,015 |
| 11 | FLARES | 72,758 | 72,758 |
| 12 | FUZES | 57,337 | 57,337 |
| 13 | SMALL ARMS | 7,063 | 7,063 |
| -- | -- | -- | -- |
| | TOTAL, PROCUREMENT OF AMMUNITION, AIR FORCE | 667,420 | 735,487 |
| -- | -- | -- | -- |
| | OTHER PROCUREMENT, AIR FORCE | | |
| -- | -- | -- | -- |
| 1 | PASSENGER CARRYING VEHICLE | 29,207 | 29,207 |
| 2 | FAMILY MEDIUM TACTICAL VEHICLE | 45,618 | 37,618 |
| -- | Contract Savings | -- | -8,000 |
| 3 | CAP VEHICLES | 902 | 902 |
| 4 | ITEMS LESS THAN $5M (CARGO) | 31,773 | 31,773 |
| 5 | SECURITY AND TACTICAL VEHICLES | 52,867 | 48,867 |
| -- | Up-Armored HMMWV Unjustified Cost Growth | -- | -4,000 |
| 6 | ITEMS LESS THAN $5M | 18,358 | 18,358 |
| 7 | FIRE FIGHTING/CRASH RESCUE VEHICLES | 26,924 | 26,924 |
| 9 | ITEMS LESS THAT $5,000,000 | 14,501 | 14,501 |
| 10 | RUNWAY SNOW REMOVAL & CLEANING EQUIP | 25,404 | 25,404 |
| 11 | ITEMS LESS THAN $5M | 54,570 | 60,170 |
| -- | Airfield Mobility and Logistics Enhancement | -- | +5,600 |
| 13 | COMSEC EQUIPMENT | 216,381 | 180,381 |
| -- | Unjustified Growth | -- | -36,000 |
| 14 | MODIFICATIONS (COMSEC) | 1,582 | 0 |
| -- | Undefined Requirement | -- | -1,582 |
| 15 | INTELLIGENCE TRAINING EQUIPMENT | 2,634 | 2,634 |
| 16 | INTELLIGENCE COMM EQUIP | 30,685 | 35,085 |
| -- | Eagle Vision for the Hawaii Air National Guard | -- | +4,400 |
| 17 | TRAFFIC CONTROL/LANDING | 6,517 | 6,517 |
| 18 | NATIONAL AIRSPACE SYSTEM | 112,056 | 88,940 |
| -- | Site Activation Ahead of Need | -- | -23,116 |
| 19 | THEATER AIR CONTROL SYS IMPRO | 55,326 | 55,326 |
| 20 | WEATHER OBSERVATION FORECAST | 21,018 | 18,045 |
| -- | OS-21 Contract Delays | -- | -2,973 |
| 21 | STRATEGIC COMMAND AND CONTROL | 28,164 | 28,164 |
| 22 | CHEYENNE MOUNTAIN COMPLEX | 18,416 | 15,716 |
| -- | Contract Delays | -- | -2,700 |
| 23 | TAC SIGINT SPT | 377 | 377 |
| 25 | GENERAL INFORMATION TECHNOLOGY | 74,285 | 74,285 |
| 26 | AF GLOBAL COMMAND & CONTROL SYSTEM | 9,210 | 9,210 |
| 27 | MOBILITY COMMAND AND CONTROL | 8,688 | 7,388 |
| -- | Contract Delays | -- | -1,300 |
| 28 | AIR FORCE PHYSICAL SECURITY SYSTEM | 99,281 | 99,281 |

| P-1 | -- | Budget Request | Recommendation |
|---|---|---|---|
| 29 | COMBAT TRAINING RANGES | 29,637 | 65,077 |
| -- | Joint Threat Emitter | -- | +800 |
| -- | Air National Guard Joint Threat Emitter | -- | +4,800 |
| -- | Joint Threat Emitter for Mountain Home AFB | -- | +1,360 |
| -- | Red Integrated Air Defense System-Phase IVB | -- | +4,000 |
| -- | Test/Training Communication Instrumentation Upgrade | -- | +4,480 |
| -- | Training Range Enhancements | -- | +20,000 |
| 30 | C3 COUNTERMEASURES | 11,112 | 11,112 |
| 31 | GCSS-AF FOS | 53,349 | 31,335 |
| -- | ECSS Ahead of Need | -- | -20,914 |
| -- | CMOS Excess to Need | -- | -1,100 |
| 32 | THEATER BATTLE MGT C2 SYS | 20,525 | 20,525 |
| 33 | AIR OPERATIONS CENTER (AOC) | 58,284 | 38,534 |
| -- | Technical Refresh Unjustified Growth | -- | -15,000 |
| -- | Recurring Events Unjustified Growth | -- | -4,750 |
| 34 | INFORMATION TRANSPORT SYSTEMS | 101,993 | 56,993 |
| -- | Unjustified Growth | -- | -45,000 |
| 35 | BASE INFORMATION INFRASTRUCTURE | 193,830 | 113,830 |
| -- | Unjustified Growth | -- | -80,000 |
| 36 | AFNET | 151,643 | 91,643 |
| -- | Unjustified Growth | -- | -60,000 |
| 37 | VOICE SYSTEMS | 25,399 | 15,399 |
| -- | Unjustified Growth | -- | -10,000 |
| 38 | USCENTCOM | 36,020 | 36,020 |
| 39 | SPACE BASED IR SENSOR PROG SPACE | 24,804 | 24,804 |
| 40 | NAVSTAR GPS SPACE | 5,279 | 5,279 |
| 41 | NUDET DETECTION SYS (NDS) SPACE | 5,926 | 5,926 |
| 42 | AF SATELLITE CONTROL NETWORK SPACE | 60,383 | 60,383 |
| 43 | SPACELIFT RANGE SYSTEM SPACE | 91,004 | 91,004 |
| 44 | MILSATCOM SPACE | 221,545 | 190,717 |
| -- | FAB-T Early to Need | -- | -7,538 |
| -- | AFWET Modernization Enterprise Terminal Ahead of Need | -- | -23,290 |
| 45 | SPACE MODS SPACE | 18,384 | 18,384 |
| 46 | COUNTERSPACE SYSTEM | 18,801 | 18,801 |
| 47 | TACTICAL C-E EQUIPMENT | 268,140 | 242,995 |
| -- | JTC Training and Rehearsal System Ahead of Need | -- | -25,145 |
| 48 | COMBAT SURVIVOR EVADER LOCATER | 34,925 | 34,925 |
| 49 | RADIO EQUIPMENT | 14,541 | 7,041 |
| -- | Contract Delays | -- | -7,500 |
| 50 | CCTV/AUDIOVISUAL EQUIPMENT | 11,613 | 11,613 |
| 51 | BASE COMM INFRASTRUCTURE | 108,308 | 110,708 |
| -- | Emergency Communications Network | -- | +2,400 |
| 52 | COMM ELECT MODS | 74,356 | 68,538 |
| -- | ILS Ahead of Need | -- | -2,300 |
| -- | BMEWS Ahead of Need | -- | -2,000 |
| -- | OS-21 Contract Delays | -- | -1,518 |
| 53 | NIGHT VISION GOGGLES | 20,873 | 14,573 |
| -- | Night Vision Cueing and Display Contract Delays | -- | -6,300 |
| 54 | ITEMS LESS THAN $5,000,000 (SAFETY) | 14,292 | 16,692 |
| -- | NBC Version of Advanced Mission Extender Device | -- | +800 |
| -- | Guardian Angel Integrated Oxygen System | -- | +1,600 |
| 55 | MECHANIZED MATERIAL HANDLING | 12,853 | 12,853 |
| 56 | BASE PROCURED EQUIPMENT | 4,788 | 4,788 |
| 57 | CONTINGENCY OPERATIONS | 28,390 | 27,190 |
| -- | Rapid Airfield Damage Assessment System Ahead of Need | -- | -1,200 |
| 58 | PRODUCTIVITY CAPITAL INVESTMENT | 1,879 | 1,879 |
| 59 | MOBILITY EQUIPMENT | 38,558 | 38,558 |
| 60 | ITEMS LESS THAN $5M (BASE SUPPORT) | 4,989 | 4,989 |
| 62 | DARP RC135 | 23,296 | 23,296 |
| 63 | DISTRIBUTED GROUND SYSTEMS | 271,015 | 264,015 |
| -- | Program Reduction | -- | -7,000 |
| 65 | SPECIAL UPDATE PROGRAM | 489,680 | 439,680 |
| -- | Classified Adjustment | -- | -50,000 |
| 66 | DEFENSE SPACE RECONNAISSANCE PROGRAM | 32,668 | 32,668 |
| XX | PROCUREMENT INNOVATION | -- | 15,000 |
| -- | Procurement Innovation | -- | +15,000 |
| 70 | SPARES AND REPAIR PARTS | 19,046 | 19,046 |
| -- | CLASSIFIED PROGRAMS | 14,258,508 | 14,396,445 |
| -- | Classified Adjustment | -- | +137,937 |
| -- | -- | -- | -- |
| | TOTAL, OTHER PROCUREMENT, AIR FORCE | 17,845,380 | 17,598,331 |
| -- | -- | -- | -- |

| P-1 | -- | Budget Request | Recommendation |
|---|---|---|---|
| | PROCUREMENT, DEFENSE-WIDE | | |
| -- | -- | -- | -- |
| 1 | MAJOR EQUIPMENT, BTA | 4,000 | 4,000 |
| 2 | MAJOR EQUIPMENT, DCCA, ITEMS LESS THAN $5M | 1,477 | 1,477 |
| 3 | MAJOR EQUIPMENT, DCMA | 2,052 | 2,052 |
| 4 | MAJOR EQUIPMENT, DHRA, PERSONNEL ADMINISTRATION | 32,263 | 32,263 |
| 17 | INFORMATION SYSTEMS SECURITY | 14,625 | 14,625 |
| 18 | GLOBAL COMMAND AND CONTROL SYS | 5,275 | 5,275 |
| 19 | GLOBAL COMBAT SUPPORT SYSTEM | 2,803 | 2,803 |
| 20 | TELEPORT PROGRAM | 78,227 | 78,227 |
| 21 | ITEMS LESS THAN $5M | 153,288 | 153,288 |
| 22 | NET CENTRIC ENTERPRISE SERVICES (NCES) | 4,391 | 4,391 |
| 23 | DEFENSE INFORMATION SYSTEMS NETWORK | 86,206 | 86,206 |
| 24 | PUBLIC KEY INFRASTRUCTURE | 1,710 | 1,710 |
| 27 | CYBER SECURITY INITIATIVE | 22,493 | 22,493 |
| 28 | MAJOR EQUIPMENT, DLA | 4,846 | 4,846 |
| 29 | COST | 10,478 | 10,478 |
| 30 | MAJOR EQUIPMENT, DODEA, AUTOMATION/EDUCATIONAL SUPPORT & LOGISTICS | 1,451 | 1,451 |
| 31 | VEHICLES | 50 | 50 |
| 32 | OTHER MAJOR EQUIPMENT | 12,007 | 12,007 |
| 34 | TERMINAL HIGH ALTITUDE AREA DEFENSE FIELDING | 858,870 | 586,870 |
| -- | Production Delay Due to Investigation of Failed Safety Component | -- | -272,000 |
| 35 | AEGIS FIELDING | 94,080 | 94,080 |
| 35A | ISRAELI COOPERATIVE PROGRAMS | 0 | 205,000 |
| -- | Iron Dome Program | -- | +205,000 |
| 45 | INFORMATION SYSTEMS SECURITY PROGRAM (ISSP) | 2,546 | 2,546 |
| 50 | MAJOR EQUIPMENT, OSD | 124,050 | 126,450 |
| -- | Northeastern University Autonomous Biomimetic Robotic System | -- | +2,400 |
| 51 | MAJOR EQUIPMENT, INTELLIGENCE | 20,138 | 20,138 |
| 53 | MAJOR EQUIPMENT, TJS | 11,526 | 11,526 |
| 54 | MAJOR EQUIPMENT, WHS | 27,179 | 27,179 |
| 55 | SOF ROTARY WING UPGRADES AND SUSTAINMENT | 79,840 | 79,840 |
| 55A | MH-47G | 0 | 100,449 |
| -- | SOCOM Requested Transfer from P,DW line 56 | -- | +100,449 |
| 56 | MH-47 SERVICE LIFE EXTENSION PROGRAM | 107,934 | 7,485 |
| -- | SOCOM Requested Transfer to P,DW line 55A | -- | -100,449 |
| 57 | MH-60 SOF MODERNIZATION PROGRAM | 179,375 | 137,875 |
| -- | SOCOM Requested Transfer to RDTE,DW line 268 | -- | -25,100 |
| -- | Quantity Reduction Due to Program Delay | -- | -16,400 |
| 58 | NON-STANDARD AVIATION | 179,949 | 58,681 |
| -- | Medium NSAV -- Transfer to Title IX | -- | -121,268 |
| 60 | SOF TANKER RECAPITALIZATION | 19,996 | 4,996 |
| -- | Contract Delays | -- | -15,000 |
| 61 | SOF U-28 | 404 | 404 |
| 62 | RQ-11 UAV | 2,090 | 2,090 |
| 63 | CV-22 SOF MODIFICATION | 124,035 | 124,035 |
| 64 | MQ-1 UAV | 1,948 | 1,948 |
| 65 | MQ-9 UAV | 1,965 | 1,965 |
| 66 | STUASL0 | 12,148 | 12,148 |
| 67 | C-130 MODIFICATIONS | 22,500 | 9,261 |
| -- | Low Cost Modifications, Execution | -- | -7,039 |
| -- | Aircrew Situational Awareness System | -- | -6,200 |
| 68 | AIRCRAFT SUPPORT | 489 | 489 |
| 69X | PROCUREMENT INNOVATION | 0 | 15,000 |
| -- | Procurement Innovation | -- | +15,000 |
| 70 | MK VIII MOD 1 - SEAL DELIVERY VEH | 823 | 823 |
| 71 | SOF ORDNANCE REPLENISHMENT | 79,608 | 79,608 |
| 72 | SOF ORDNANCE ACQUISITION | 24,215 | 24,215 |
| 73 | COMM EQUIPMENT & ELECTRONICS | 58,390 | 44,390 |
| -- | SOF Deployable Node Delays Due to Protests | -- | -14,000 |
| 74 | SOF INTELLIGENCE SYSTEMS | 75,892 | 81,092 |
| -- | Program Increase, Unfunded Requirement | -- | +5,200 |
| 75 | SMALL ARMS & WEAPONS | 30,094 | 31,694 |
| -- | Special Operations Combat Assault Rifle | -- | +1,600 |
| 76 | DCGS-SOF | 5,225 | 5,225 |
| 77 | MARITIME EQUIPMENT MODS | 206 | 206 |
| 79 | SOF COMBATANT CRAFT SYSTEMS | 11,706 | 12,306 |
| -- | Special Operations Craft - Riverine | -- | +4,000 |

| P-1 | -- | Budget Request | Recommendation |
|---|---|---|---|
| -- | Unvalidated Requirement, Large SFA Craft | -- | -3,400 |
| 80 | SPARES AND REPAIR PARTS | 977 | 977 |
| 81 | TACTICAL VEHICLES | 30,965 | 33,365 |
| -- | Program Increase - AFSOC Unfunded Requirement | -- | +2,400 |
| 82 | MISSION TRAINING AND PREPARATIONS SYSTEMS | 28,354 | 18,354 |
| -- | MH-60M Simulator Modernization Program | -- | -10,000 |
| 83 | COMBAT MISSION REQUIREMENTS | 20,000 | 20,000 |
| 84 | MILCON COLLATERAL EQUIPMENT | 102,556 | 102,556 |
| 88 | SOF AUTOMATION SYSTEMS | 52,353 | 52,353 |
| 89 | SOF GLOBAL VIDEO SURVEILLANCE ACTIVITIES | 9,714 | 9,714 |
| 90 | SOF OPERATIONAL ENHANCEMENTS INTELLIGENCE | 30,900 | 30,900 |
| 91 | SOF SOLDIER PROTECTION AND SURVIVAL SYSTEMS | 221 | 5,661 |
| -- | Program Increase - Unfunded Requirement | -- | +5,440 |
| 92 | SOF VISUAL AUGMENTATION, LASERS AND SENSOR SYSTEM | 18,626 | 28,946 |
| -- | Clip-On Thermal Imager | -- | +3,920 |
| -- | Coded Small Lightweight Laser Marker | -- | +2,400 |
| -- | SOVAS Hand Held Imagers – Long Range | -- | +4,000 |
| 93 | SOF TACTICAL RADIO SYSTEMS | 35,234 | 41,154 |
| -- | Program Increase, Unfunded Requirement | -- | +2,320 |
| -- | AN/PRC-148 Radio for Naval Special Warfare | -- | +3,600 |
| 94 | SOF MARITIME EQUIPMENT | 804 | 804 |
| 96 | MISCELLANEOUS EQUIPMENT | 7,774 | 7,774 |
| 97 | SOF OPERATIONAL ENHANCEMENTS | 269,182 | 263,182 |
| -- | Program Increase, HSAC Unfunded Requirement | -- | +4,000 |
| -- | Program Adjustment | -- | -10,000 |
| 98 | PSYOP EQUIPMENT | 25,266 | 25,266 |
| 99 | INSTALLATION FORCE PROTECTION | 90,635 | 90,635 |
| 100 | INDIVIDUAL PROTECTION | 74,686 | 74,686 |
| 101 | DECONTAMINATION | 21,570 | 26,170 |
| -- | Reactive Skin Decontamination Lotion | -- | 4,600 |
| 102 | JOINT BIOLOGICAL DEFENSE PROGRAM | 19,389 | 10,389 |
| -- | Reduction for Anthrax Vaccine Purchased by HHS | -- | -9,000 |
| 103 | COLLECTIVE PROTECTION | 27,542 | 33,942 |
| -- | Chemical Biological Protective Shelters for the Illinois National Guard | -- | +6,400 |
| 104 | CONTAMINATION AVOIDANCE | 136,114 | 136,114 |
| -- | CLASSIFIED PROGRAMS | 682,643 | 681,643 |
| -- | Classified Adjustment | -- | -1,000 |
| -- | -- | -- | -- |
| | TOTAL, PROCUREMENT, DEFENSE-WIDE | 4,280,368 | 4,042,241 |
| -- | -- | -- | -- |
| | DEFENSE PRODUCTION ACT | | |
| -- | -- | -- | -- |
| -- | GALLIUM NITRIDE X-BAND MONOLITHIC MICROWAVE INTEGRATED CIRCUITS | 2,000 | 2,000 |
| -- | GALLIUM NITRIDE RADAR AND ELECTRONIC WARFARE MONOLITHIC MICROWAVE INTEGRATED CIRCUITS | 8,579 | 8,579 |
| -- | GALLIUM NITRIDE ADVANCED ELECTRONIC WARFARE MONOLITHIC MICROWAVE INTEGRATED CIRCUITS | 2,000 | 2,000 |
| -- | BERYLLIUM SUPPLY INDUSTRIAL BASE | 6,897 | 6,897 |
| -- | SPACE | 770 | 770 |
| -- | NATIONAL SECURITY SPACE INDUSTRIAL AND SUPPLY BASE RISK MITIGATION PROGRAM | 8,500 | 10,900 |
| -- | Program Increase | -- | +2,400 |
| -- | ALTERNATIVE ENERGY FROM ORGANIC SOURCES | -- | 3,200 |
| -- | ADVANCED CARBON NANOTUBE VOLUME PRODUCTION FACILITY | -- | 3,120 |
| -- | ADVANCED COMPOSITE RADOME | -- | 3,200 |
| -- | ADVANCED TACTICAL FUELS MANDAN BIOMASS REFINERY | -- | 6,400 |
| -- | AUTOMATED COMPOSITE TECHNOLOGIES AND MANUFACTURING CENTER | -- | 4,000 |
| -- | CONFORMAL COATED CHIP CAPACITOR | -- | 1,280 |
| -- | DOMESTIC PRODUCTION SOURCE FOR GUN HARD INERTIAL MEASUREMENT UNIT | -- | 2,400 |
| -- | EXTREMELY LARGE DOMESTIC EXPENDABLE AND REUSABLE STRUCTURES MANUFACTURING CENTER | -- | 4,000 |
| -- | HIGH RATE POLYIMIDE COMPOSITES FOR MILITARY AIRCRAFT | -- | 1,600 |
| -- | HOSTILE FIRE INDICATOR SYSTEM | -- | 2,400 |
| -- | HYBRID PLASTICS AND POSS NANOTECHNOLOGY ENGINEERING SCALE-UP INITIATIVE | -- | 960 |

| P-1 | -- | Budget Request | Recommendation |
|---|---|---|---|
| | MULTI-MODE CWDM OPTICAL COMPONENT | | |
| -- | PRODUCTION CAPABILITY FOR SPACE AND AVIONICS | -- | 2,400 |
| | NAVY PRODUCTION CAPACITY IMPROVEMENT | | |
| -- | PROJECT AT LEHIGH HEAVY FORGE | -- | 1,600 |
| | PRESERVATION OF DOMESTIC COPPER NICKEL | | |
| -- | TUBING MANUFACTURING | -- | 4,800 |
| -- | TERAHERTZ SPECTROMETER | -- | 2,400 |
| -- | -- | -- | -- |
| -- | TOTAL, DEFENSE PRODUCTION ACT | 28,746 | 74,906 |
| -- | | | |
| -- | TOTAL, PROCUREMENT | 111,189,951 | 102,728,569 |

ACQUISITION CATEGORIES

Category I (ACAT I) Major Defense Acquisition Programs (MDAPs) are the high-cost and special interest programs for which the Under Secretary of Defense (Acquisition, Technology and Logistics) (USD (AT&L)) retains decision authority and conducts more extensive senior-level management reviews. Programs are identified as ACAT I based on their estimated total costs in constant fiscal year 2000 dollars or as designated by the USD (AT&L). Programs costing more than $365,000,000 in research, development, test and evaluation or more than $2,190,000,000 in procurement are automatically considered ACAT I. However, a number of expensive and critical programs, such as the F–22 Raptor and C–17 Globemaster, are falling outside the ACAT I process despite their very high modernization costs. The current criteria for senior level review fail to capture some programs most deserving of that review.

The USD (AT&L) is directed to review the standards used to identify the various acquisition categories and provide a report detailing the steps taken to ensure that programs such as the F–22 and C–17 receive the oversight required of large programs. The report is due to the congressional defense committees not later than 180 days after enactment of this Act.

M4 CARBINE

Industry offers a wide array of commercially available upgrades to improve the reliability, lethality and accuracy of the M4 carbine. However, Army efforts to procure upgrades have not drawn fully on industry's capabilities. Therefore, the Secretary of the Army is directed to ensure that full and open competition maximizing the participation of industry is used in finding vendors for M4 carbine upgrades.

HIGH MOBILITY MULTI-PURPOSE WHEELED VEHICLE

Fiscal year 2011 funding of $989,067,000, the President's request, is recommended for High Mobility Multi-Purpose Wheeled Vehicles (HMMWV), with all funding intended for recapitalization of old HMMWVs and no funding for procurement of new HMMWVs. The Army has been slow to execute fiscal year 2010 funds that were appropriated by Congress as requested by the Army for the procurement of new HMMWVs. The Secretary of the Army is directed to act promptly to obligate the funds appropriated for the procurement of new production HMMWVs in the Department of Defense Appropriations Act, 2010.

BRADLEY FIGHTING VEHICLE

The Congress has been a strong supporter of the Bradley program. It is noted that not all Army National Guard Bradley Fighting Vehicles have been upgraded to a minimum of the Operation Desert Storm Situational Awareness configuration. The Army is expected to use prior year funds to upgrade remaining M2/M3 variants in the Army National Guard.

HIGH MOBILITY ENGINEER EXCAVATOR

In 2007, the Army successfully fielded a high speed, armored, self-deployable excavation system with attachments to execute a wide range of mobility, counter-mobility, survivability, and general engineering missions. It also satisfies specific transportability requirements allowing it to be used by airborne, air assault and light units. Since its fielding, the Army has employed this excavator with great success, especially with regard to route and mine clearing as it provides vastly improved force protection and soldier survivability for engineers performing mine and improvised explosive device clearing missions. The Marine Corps is reviewing the performance of this excavator and is considering adding it to their requirements documents. The Corps is encouraged to procure this machine and to include funding in future Marine Corps budget requests.

EVOLVED EXPENDABLE LAUNCH VEHICLE PRICING

The Secretary of Defense, in consultation with the Director of the National Reconnaissance Office, is directed to analyze the pricing strategies for Evolved Expendable Launch Vehicle (EELV) Launch Services (ELS) that will support both United Launch Alliance and Tier 2 and 3 supplier stability and encourage broader demand for ELS capabilities. This analysis should stress recovery of the marginal costs of the booster alone rather than the fully allocated costs of the EELV Launch Capability contract. The results of this analysis shall be reported to the congressional defense and intelligence committees not later than 90 days after enactment of this Act.

SPECIAL OPERATIONS COMMAND UNFUNDED REQUIREMENTS

The recommendation includes additional funding to address critical capability shortfalls in procurement and research and development for which a requirement has been identified by Special Operations Command (SOCOM) and funding was not included in the fiscal year 2011 budget submission. These program increases are provided in several lines in ''Procurement, Defense-Wide'', and ''Research, Development, Test and Evaluation, Defense-Wide''. This funding should be executed in support of the prioritized unfunded requirements SOCOM has identified and/or submitted to the congressional defense committees. In this regard, funding is provided for the tactical vehicle unfunded requirement identified by Air Force Special Operations Command (AFSOC).

PRINTED CIRCUIT BOARD INDUSTRIAL BASE

The shift in the Department towards commercial off-the-shelf electronics has caused an increased dependence on off-shore circuit boards and a decline in the Nation's printed circuit board industrial base, possibly compromising our Nation's security. Therefore, the Secretary of Defense is directed to conduct an assessment of the domestic circuit board industry and its associated supply chain. This assessment should include a survey of the current capability and capacity of, along with the associated risks to, the domestic printed circuit board industrial base, a forecast of the long term maintenance requirements of the industrial base and an evaluation of the supply base required to ensure that current and future national security requirements can be satisfied domestically. The results of this assessment shall be reported to the congressional defense committees not later than six months after enactment of this Act.

C–17A GLOBEMASTER III

No funds are provided in the bill to acquire additional C–17 airlifter aircraft. Funding provided for C–17 Post Production Support is to protect needed production capabilities, assets, systems and processes for the continued life cycle support of the C–17. The C–17 is not to be used as a source for reprogrammings. The Department is directed to retain appropriated funds in the program.

JOINT SURVEILLANCE TARGET ATTACK RADAR SYSTEM (JSTARS) RE-ENGINING

While no funds are provided specifically for the re-engining effort in the fiscal year 2011 bill, there is substantial unobligated funding available from prior fiscal year appropriations within the JSTARS program. The Air Force may, as needed, use those funds to procure engine ship-sets.

TITLE IV—RESEARCH, DEVELOPMENT, TEST AND EVALUATION

For Research, Development, Test and Evaluation, funds are to be available for fiscal year 2011, as follows:

[in thousands of dollars]:

| R-1 | --- | Budget Request | Recommendation |
|---|---|---|---|
| --- | --- | --- | --- |
| | RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY | | |
| --- | --- | --- | --- |
| 1 | **IN-HOUSE LABORATORY INDEPENDENT RESEARCH** | **21,780** | **21,780** |
| 2 | **DEFENSE RESEARCH SCIENCES** | **195,845** | **223,445** |
| | Michigan State University Center for Advanced Energy Storage Research and Technology | --- | +2,000 |
| | Fuel Cell Hybrid Diesel Engine Project | --- | +1,040 |
| | Ultracold Matter Systems Engineering Initiative at the University of Colorado | --- | +2,000 |
| | Integrated Electronic Product Design | --- | +2,400 |
| | Global Military Operating Environments | --- | +2,000 |
| | Terahertz-Frequency Materials and Devices Research Center | --- | +1,920 |
| | Combat Mental Health Initiative | --- | +2,400 |
| | Bioactive Polymers and Coating Systems for Protection against Bio-threats | --- | +4,000 |
| | High Frequency Devices and Circuits for Nanotubes and Nanowires | --- | +2,400 |
| | Integrated Flexible Electronics | --- | +1,600 |
| | Protection using Ballistic Core Technology | --- | +2,800 |
| | Revolutionary Biomedical Engineering for Surgery and | --- | +1,840 |
| | Vision Integrating Strategies in Ophthalmology and Neurochemistry | --- | +1,200 |
| 3 | **UNIVERSITY RESEARCH INITIATIVES** | **91,161** | **121,206** |
| | Social Work Center for Soldiers and Military Families | --- | +765 |
| | Portable High Performance Sensor Technologies (Columbia College Chicago Construct TrustTable) | --- | +4,000 |
| | Carbon Nanotechnology | --- | +2,000 |
| | Research and Development Initiative - Capacity Building for Stronger National Defense with Greater Diversity | --- | +3,600 |
| | Mobile Nanotechnology-Based Sensor Network System for Ground Vehicles | --- | +880 |
| | Multi-Disciplinary Center for Diagnosis and Treatment of Breast Cancer | --- | +3,200 |
| | Open Source Intelligence for Force Protection and Intelligence Analysis | --- | +2,080 |
| | High Fidelity Medical Simulation to Optimize Healthcare Delivery and Teamwork for Military Use | --- | +1,600 |
| | Cooperative Developmental Energy Program at Fort Valley State University | --- | +1,600 |
| | V72: Transfer to D55 | --- | -3,300 |
| | D55: Transfer from V72 | --- | +3,300 |
| | V72: Non-Department of Defense funding | --- | -3,600 |
| | Advanced Materials Design and Processing Development | --- | +1,600 |
| | Burn and Shock Trauma Institute | --- | +1,920 |
| | High Tech Brain Interface Research | --- | +1,200 |
| | National Security Human Rights Strategy | --- | +7,600 |
| | MRAP Armored Vehicle Precision Engineering and Manufacturing Advancement | --- | +1,600 |
| 4 | **UNIVERSITY AND INDUSTRY RESEARCH CENTERS** | **98,087** | **134,089** |
| | Manufacturing and Industrial Training Center | --- | +400 |
| | Intelligent Network-Centric Sensor Development Program | --- | +2,400 |
| | Appalachian State University/North Carolina Research Campus Human Performance Lab | --- | +762 |
| | Development of Enabling Chemical Technologies for Power from Green Sources | --- | +2,000 |
| | Center for Hetero-Functional Materials | --- | +1,600 |
| | Self-Righting All Sensor Suite | --- | +2,080 |
| | Laser Sinterstation for Rapid Engineering, Development and Production of Aerospace and On-Demand Special Forces Products | --- | +920 |
| | DoD Diabetes Research and Development Initiative | --- | +4,000 |
| | Anode Materials for Improved Lithium Ion Battery Performance | --- | +1,600 |
| | Biomarkers of Exposure to Toxic Industrial Chemicals | --- | +2,000 |
| | Electrolyte Additives for Improved Lithium Ion Battery Performance | --- | +1,440 |
| | Materials Processing and Applications Development Center | --- | +3,200 |
| | Micro-electro-mechanical Systems (MEMS) Antenna for Wireless Communications | --- | +2,400 |
| | Nanoscale Solar Powered Bio-Sensors | --- | +2,400 |
| | National Information Assurance Center | --- | +6,000 |
| | Partnership for National Security | --- | +2,800 |
| 5 | **MATERIALS TECHNOLOGY** | **29,882** | **89,882** |
| | Development of JP-8 Fuel from Domestic Coal | --- | +2,400 |
| | Large-Scale Manufacturing of Revolutionary Nanostructured Materials | --- | +1,600 |

| R-1 | --- | Budget Request | Recommendation |
|---|---|---|---|
| --- | --- | --- | --- |
| | Advanced Nanocomposite Integrated Survivability and Force Protection Systems | --- | +2,800 |
| | Advanced Materials and Manufacturing Solutions to Complex Problems | --- | +3,600 |
| | Advanced Ceramic Material for Lightweight ESAPI Body Armor | --- | +1,600 |
| | Nano-Bio-Hybrid Solar and Light Scavenging | --- | +1,600 |
| | Nanomanufacturing of Integrated Smart Materials Systems | --- | +3,200 |
| | Additive Manufacturing Repair Center | --- | +3,200 |
| | Advanced Ballistic Testing of Lithia Alumina Silicate and Disilicate Glass Ceramic Armor | --- | +3,200 |
| | Affordable Light-Weight Metal Matrix Composite | --- | +2,800 |
| | Ballistic Armor Research | --- | +3,200 |
| | Composite Applied Research and Technology for Tactical Vehicle Security | --- | +2,400 |
| | Implementation of Aging and Battle Damaged Weapon Systems Repair Processes | --- | +1,200 |
| | Lighter Body Armor Inserts for U.S. Soldiers | --- | +2,000 |
| | Magnesium Armor Manufacturing for Ground Vehicles | --- | +1,600 |
| | Materials Technology for LED Lighting Applications | --- | +2,400 |
| | Multifunctional Technologies Alliance | --- | +4,800 |
| | Next Generation Aluminum Armor Plate Alloy | --- | +1,200 |
| | Next Generation High Strength Glass Fibers for Ballistic Armor Applications | --- | +2,000 |
| | Next Generation Lightweight Drive Systems for Army Weapon Systems | --- | +1,600 |
| | Next Generation Materials Corrosion Inhibitor | --- | +2,000 |
| | Next Generation Protective Seat | --- | +4,000 |
| | Renewable Jet Fuel from Lignocellulosic Feedstocks | --- | +1,600 |
| | Surface Preservation/Enhancement Repair Research | --- | +4,000 |
| 6 | **SENSORS AND ELECTRONIC SURVIVABILITY** | **48,929** | **58,129** |
| | Hydrogen Batteries for the Warfighter | --- | +1,200 |
| | Advanced Communications for Mobile Networks | --- | +3,200 |
| | Miniature Universal Electro-optic Soldier Sensor Platform IED Detection | --- | +2,800 |
| | Nanophotonic Devices | --- | +2,000 |
| 7 | **TRACTOR HIP** | **14,624** | **14,624** |
| 8 | **AVIATION TECHNOLOGY** | **43,476** | **49,396** |
| | Advanced Prognostic Capabilities System for Unmanned Aerial Systems | --- | +3,520 |
| | CH-47 Vibration Control System | --- | +2,400 |
| 9 | **ELECTRONIC WARFARE TECHNOLOGY** | **17,330** | **20,930** |
| | Matchbox/MX Server | --- | +3,600 |
| 10 | **MISSILE TECHNOLOGY** | **49,525** | **51,525** |
| | Swarms Defense System | --- | +2,000 |
| 11 | **ADVANCED WEAPONS TECHNOLOGY** | **18,190** | **18,190** |
| 12 | **ADVANCED CONCEPTS AND SIMULATION** | **20,582** | **30,822** |
| | Cognitive Map-Based Modeling and Simulation for Tactical Decision Support | --- | +2,000 |
| | Compact Optical Biothreat Rapid Analyzer for Military Applications | --- | +5,040 |
| | LVC - Advanced Live, Virtual and Constructive Training Systems | --- | +3,200 |
| 13 | **COMBAT VEHICLE AND AUTOMOTIVE TECHNOLOGY** | **64,740** | **93,140** |
| | University of Detroit, Mercy, Advanced Robotics Research and Education | --- | +400 |
| | Enhanced Visual Fidelity Simulation | --- | +2,000 |
| | Multi-Functional Armor Development for Integrated Survivability Suits in Light Tactical Vehicles | --- | +1,600 |
| | Humanoid Robotics for Enhanced Mobility, Agility and Access in Complex Urban Environments | --- | +1,600 |
| | ONAMI Mobile Military Energy Initiative | --- | +2,000 |
| | Advanced Materials Research for Alternative Energy and Transportation | --- | +800 |
| | Defense Advanced Transportation Technology Program, Hybrid Truck Users Forum | --- | +2,400 |
| | Hybrid Electric Drive Vehicle Reliability Research | --- | +2,400 |
| | Manufacturing Process Improvements for Powertrain Components | --- | +3,200 |
| | Simulation Based Reliability and Safety (SimBRS) DoD Program | --- | +4,000 |
| | Unmanned Ground Vehicle Initiative | --- | +8,000 |
| 14 | **BALLISTICS TECHNOLOGY** | **60,342** | **69,342** |
| | Forensic Science Center of Excellence Focusing on National Security | --- | +1,600 |
| | Spider Mortar Base Plate | --- | +800 |
| | Enabling Optimization of Reactive Armor | --- | +5,000 |
| | Eye-safe Standoff Fusion Detection of CBE Threats | --- | +1,600 |

| R-1 | --- | Budget Request | Recommendation |
|---|---|---|---|
| --- | --- | --- | --- |
| | **CHEMICAL, SMOKE AND EQUIPMENT DEFEATING** | | |
| **15** | **TECHNOLOGY** | **5,324** | **16,124** |
| | Developing Molecular Sensors to Detect Pathogens and Toxins | --- | +2,800 |
| | Emerging Chemical Agent Threat | --- | +5,600 |
| | Missouri Multi-Threat Detection Initiative | --- | +2,400 |
| **16** | **JOINT SERVICE SMALL ARMS PROGRAM** | **7,893** | **7,893** |
| **17** | **WEAPONS AND MUNITIONS TECHNOLOGY** | **42,645** | **106,285** |
| | Applied Communications and Information Networking | --- | +3,800 |
| | Accelerated Materials Development and Characterization for Army Cannon Systems | --- | +2,400 |
| | Emerging Technologies in Advanced Materials | --- | +4,000 |
| | Energy Efficient Electronic Systems | --- | +4,800 |
| | Dauphin/Perry Regional Integrated Command Operations Program | --- | +1,600 |
| | Novel Advanced Projectile Technologies | --- | +2,400 |
| | Submerged Munitions Research Program | --- | +2,400 |
| | Unmanned Hybrid Projectile Project | --- | +3,200 |
| | Threat Detection and Neutralization | --- | +3,200 |
| | Scalable Smart Reserve Cell Technology | --- | +2,000 |
| | Southern West Virginia Regional Integrated Command Operations Program | --- | +1,440 |
| | Northern West Virginia Regional Integrated Command Operations Program | --- | +1,200 |
| | Demilitarization Technology Research and Development Initiative | --- | +4,400 |
| | Advanced Lightweight Materials for Enhanced Lethality and Survivability of Warfighter | --- | +1,200 |
| | Advanced Materials and Process for Armament Structures | --- | +4,000 |
| | Laser Guided Energy | --- | +4,400 |
| | NanoTechnology Enterprise Consortium | --- | +4,000 |
| | Powder Injection Molding for Advanced Munitions Applications | --- | +1,600 |
| | Riptide Unmanned Ground Vehicle Weaponization | --- | +2,000 |
| | Self Inerting Munitions | --- | +800 |
| | Static Detonation Chamber | --- | +4,000 |
| | Titanium Extraction, Mining and Process Engineering Research | --- | +4,800 |
| **18** | **ELECTRONICS AND ELECTRONIC DEVICES** | **60,859** | **123,629** |
| | Advanced Portable Power Institute | --- | +440 |
| | New Paltz Power Device Testing Program | --- | +4,000 |
| | Clarkson University Solar Thermal Technology Project | --- | +800 |
| | Mission Based Field Experimentation | --- | +2,400 |
| | Multi-Campus Base Facility Energy Independence Integration | --- | +4,000 |
| | Camp Perry Army National Guard, Base Facility Independence | --- | +2,750 |
| | Unmanned System Algorithm Development | --- | +3,200 |
| | Fuel-Efficient Tactically-Agile Mobile-Electric Power System | --- | +3,200 |
| | McConnellsville Readiness Center Renewable Energy Demonstration Project | --- | +3,200 |
| | Integrated Smart-device Test-wafer Platform | --- | +800 |
| | Advanced Power Source for Future Soldiers | --- | +1,500 |
| | 2.0kW Stirling Tactical Cogeneration System | --- | +2,800 |
| | Advanced High Energy Density Battery Chemistry for Portable Power | --- | +2,640 |
| | Advanced Wearable Power Systems | --- | +2,400 |
| | Army Tactical Asset Visibility | --- | +1,200 |
| | DC Air Conditioner Suitable for PV Solar Air Conditioning Using Novel VSD Technology and Commercial AC Compressors | --- | +2,800 |
| | Extreme Temperature, Lightweight, Lithium-Iron Disulfide Batteries | --- | +800 |
| | High-Frequency, High-Power Electronic and Optoelectric Devices on Aluminum Nitride | --- | +5,200 |
| | Large Format Lithium Ion Battery | --- | +4,000 |
| | Logistics Fuel Processing Advancement | --- | +2,000 |
| | Low Cost Automated Production of Superior High Capacity, High Rate, Rechargeable Lithium-Ion Batteries | --- | +2,400 |
| | Research Program in Plastic Materials for Portable Soldier Power and Electronics | --- | +4,000 |
| | Silicon Carbide Devices for Power Systems | --- | +1,600 |

| R-1 | --- | Budget Request | Recommendation |
|---|---|---|---|
| --- | --- | --- | --- |
| | Stabilized Enzyme Biofuel Call for Unmanned Ground Sensors | --- | +1,600 |
| | Ultra High Efficiency Heat Pump for Cooling and Heating Using In-Rush Control via Variable Speed Operation and Pulsing Refrigerant Flow Control | --- | +3,040 |
| 19 | **NIGHT VISION TECHNOLOGY** | **40,228** | **45,508** |
| | Standoff Improvised Explosive Detection Program at Florida A&M University | --- | +2,800 |
| | National Center for Robotics Engineering and Engineering Technology | --- | +1,280 |
| | Laser Detection of Radionuclides for Nuclear Facilities | --- | +1,200 |
| 20 | **COUNTERMINE SYSTEMS** | **19,118** | **28,318** |
| | Sensors for Terrorist IED Network Defeat only at the University of Rhode Island | --- | +3,600 |
| | Microcantilever MEMS Microsensors for Protection of the Warfighter | --- | +3,200 |
| | Pacific Island UXO Detection and Munition Study | --- | +2,400 |
| 21 | **HUMAN FACTORS ENGINEERING TECHNOLOGY** | **21,042** | **21,042** |
| 22 | **ENVIRONMENTAL QUALITY TECHNOLOGY** | **18,364** | **23,964** |
| | Research, Development and Engineering Command | --- | +4,000 |
| | Responsible Environmental Nanotechnologies | --- | +1,600 |
| 23 | **COMMAND, CONTROL, COMMUNICATIONS TECHNOLOGY** | **25,573** | **25,573** |
| 24 | **COMPUTER AND SOFTWARE TECHNOLOGY** | **6,768** | **8,768** |
| | University of Maryland Center for Advanced Cyber Security Research and Technology Development | --- | +2,000 |
| 25 | **MILITARY ENGINEERING TECHNOLOGY** | **79,189** | **79,304** |
| | Geosciences/Atmospheric Research | --- | +2,400 |
| | Joint Integrated Base Defense Program Office transfer to line 60 at request of the Army | --- | -4,005 |
| | Cellulose Nanocomposites Panels for Forward Operating Base Infrastructure | --- | +1,720 |
| 26 | **MANPOWER/PERSONNEL/TRAINING TECHNOLOGY** | **22,198** | **22,198** |
| 27 | **WARFIGHTER TECHNOLOGY** | **27,746** | **38,146** |
| | Combat Ration Supplements for Improved Physical and Cognitive Performance Using Nanodelivery Systems to Improve Bioavailability | --- | +1,600 |
| | Cognitive Performance of Dismounted Combatants/Homeland Defenders | --- | +1,600 |
| | Adjustable and Adaptive Insulation for Small Tents and Sleeping Bags | --- | +800 |
| | Biosecurity Research for Soldier Food Safety | --- | +2,400 |
| | Improved Thermal Resistant Nylon for Enhanced Durability and Thermal Protection in Combat Uniforms | --- | +2,400 |
| | Laser Studied and Enhanced Reactive Materials: Self-Decontaminating Polymers for Chemical-Biological Defense | --- | +1,600 |
| 28 | **MEDICAL TECHNOLOGY** | **96,797** | **214,343** |
| | Center for Vaccine Scale-Up/Process Research | --- | +1,360 |
| | Development of Drugs for Malaria and Leishmaniasis | --- | +3,400 |
| | New Technologies for Infectious Disease Pathogens | --- | +1,200 |
| | Combat Stress Intervention Program | --- | +1,200 |
| | Bone-Integrated Prosthetics for Combat-Injured Soldiers | --- | +1,600 |
| | North American Clinical Trials Network | --- | +800 |
| | Infectious Diseases Research | --- | +1,280 |
| | Patient Safety Software Application | --- | +1,600 |
| | National Malaria Diagnostic Reference Lab | --- | +2,000 |
| | Neuromechanics Research for Spinal Cord Injury | --- | +560 |
| | Non-Thermal Plasma Wound Treatment | --- | +1,000 |
| | Cancer Vaccine and Immunotherapy Project | --- | +3,600 |
| | Ohio State University - Neurotrauma Battlefield Wound Healing | --- | +2,320 |
| | National Optimum Healing Environments Evaluation | --- | +1,600 |
| | New York Medical College Bioterrorism Training | --- | +1,040 |
| | Drug and Vaccine Testing for Force Protection | --- | +1,600 |
| | Womens Cancer Genomics Center | --- | +3,200 |
| | Seattle University College of Nursing | --- | +2,400 |
| | Pacific Rim Blood Alliance Perfect Match Program | --- | +4,000 |
| | Center for Neuroprosthetics and BioMEMS | --- | +2,800 |
| | Center for Regenerative Biology and Medicine | --- | +2,000 |
| | Identification of the Immune Tolerance to RhD | --- | +960 |
| | Healing our Troops - Trauma Recovery and Suicide Prevention Program | --- | +1,200 |
| | Evaluation of Integrative Approaches to Resilience | --- | +2,800 |
| | Neuro-Performance Research | --- | +2,400 |
| | Improving Soldier Recovery from Catastrophic Bone Injuries | --- | +2,560 |

| R-1 | --- | Budget Request | Recommendation |
|---|---|---|---|
| --- | --- | --- | --- |
| | Blood Loss Therapy for Critically Wounded Warfighters | --- | +2,080 |
| | Human Performance, Movement and Analyses Lab Equipment | --- | +680 |
| | Traumatic Brain Injury and Long-Term Health Effects in the Military | --- | +2,400 |
| | Young Adult Oncology Program | --- | +800 |
| | Inner Ear Research to Improve Hearing Capabilities of Combat Veterans | --- | +800 |
| | Tracking the Health of Soldiers with Advanced Implantable Nano-Sensors | --- | +2,000 |
| | Cyclotron-Based Radiotracer Technology for Advanced High Performance Molecular Imaging of Injuries and Repairs | --- | +4,000 |
| | Technologies for Rapid Response in Interventional Medicine | --- | +800 |
| | Multi-Functional Bone Cements | --- | +1,200 |
| | Heat Illness Research at West Chester University's HEAT Institute to Ensure the Safety of Warfighters | --- | +300 |
| | Cell Based Therapeutic Products for Burns | --- | +3,200 |
| | Center for Advanced Emergency Response Training System | --- | +3,440 |
| | Center for Respiratory Biodefense | --- | +2,400 |
| | Clinical Development of a Norovirus Gastroenteritis Vaccine | --- | +4,000 |
| | Complementary and Alternative Medicine Research for Military Operations | --- | +5,200 |
| | Emerging Infectious Diseases and Links to Desert Environments | --- | +1,600 |
| | FASTinfo: Patient Status Monitor | --- | +800 |
| | Neurotrauma | --- | +4,480 |
| | Locally-Delivered Treatments for Noise Induced Hearing Loss and Tinnitus | --- | +1,600 |
| | Long Term Pain and Infection Management for Combat Casualty Care | --- | +2,200 |
| | New Vaccines for Central Nervous System Disorders | --- | +1,600 |
| | Optical Neural Techniques for Combat and Post-Trauma Healthcare | --- | +2,800 |
| | Oxygen Delivery Patch | --- | +1,200 |
| | Protein Hydrogel for Surgical Repair of Battlefield Injuries | --- | +1,440 |
| | Regenerative Sciences Initiative | --- | +2,880 |
| | Regenerative Therapeutics for Combat Wound Healing | --- | +3,200 |
| | Regenerative Wound Repair Technology | --- | +1,600 |
| | Scleral Healing and Bone Repair with Sphere-templated (6S) Polymers | --- | +1,200 |
| | Spray Dried Plasma | --- | +1,600 |
| | The Operating Room of the Future | --- | +1,600 |
| | Tissue Regeneration Following Injury | --- | +766 |
| | Translational Research in Motor Performance | --- | +1,600 |
| | Treatment of Osteoporosis and Bone Fractures | --- | +1,600 |
| 29 | **WARFIGHTER ADVANCED TECHNOLOGY** | **37,364** | **47,204** |
| | Precision Airdrop Accuracy Enhancement | --- | +1,600 |
| | Advanced Packaging Materials for Combat Rations | --- | +800 |
| | Durability Study on Flame Resistant Garments | --- | +1,200 |
| | Flame and Thermal Protection for the Individual Soldier | --- | +1,840 |
| | Forward Osmosis Water Purification | --- | +800 |
| | Fully-Integrated Head Protection System | --- | +2,000 |
| | Sustainable High Performance Rigid Containers for Military | --- | +1,600 |
| 30 | **MEDICAL ADVANCED TECHNOLOGY** | **71,510** | **289,070** |
| | Peer-Reviewed Neurotoxin Exposure Treatment Parkinsons Research Program | --- | +20,000 |
| | Neurofibromatosis Research | --- | +16,000 |
| | In-Home Tele-Behavioral Health Care Study | --- | +2,000 |
| | Development of a Novel Therapy for Traumatic Injury and Uncontrolled Hemorrhage | --- | +1,120 |
| | Neuroprosthetic Solutions for Restoring Sensorimotor Function | --- | +1,360 |
| | Tele-Health Outreach for Psychological Services | --- | +1,440 |
| | Iowa Simulation Center for Patient Safety and Clinics Skills Enhanced Training of Iowa National Guard and Army | --- | +880 |
| | Operation Re-Entry North Carolina | --- | +2,240 |
| | Ophthalmic Robotic Surgery | --- | +2,960 |
| | ALS Therapy Development Institute Gulf War Research Project | --- | +3,840 |
| | Regenerative Medicine and Advanced Engineering | --- | +1,200 |
| | Center for Integration of Medicine and Innovative | --- | +6,000 |
| | National Functional Genomics Center | --- | +1,600 |
| | Shock Trauma Research Center - Effects of Shock on Cells | --- | +1,200 |
| | Inova Institute for Personalized Medicine and Translational Research | --- | +8,000 |
| | Nursing Clinical Simulation Center | --- | +2,000 |
| | Brain Safety Net | --- | +1,600 |

| R-1 | --- | Budget Request | Recommendation |
|---|---|---|---|
| --- | --- | --- | --- |
| | Center for Genetic Origins of Cancer | --- | +2,000 |
| | Bioinformatics Center at the University of Pittsburgh | --- | +1,600 |
| | Airlift Research Foundation | --- | +1,600 |
| | Montefiore Clinical Looking Glass | --- | +1,200 |
| | Northern Illinois Proton Treatment and Research Center | --- | +2,400 |
| | Hadron Particle Therapy | --- | +1,600 |
| | Soldier Safe Head and Neck Injury Protection | --- | +1,600 |
| | Nicholson Center for Surgical Advancement Medical Robotics and Simulation Research Project | --- | +4,000 |
| | Telemedicine for Trauma Battlefield, Disaster and Large Scale Emergencies | --- | +2,400 |
| | Advanced Restoration Therapies for Spinal Cord Injuries | --- | +800 |
| | Henry Ford Health System Physician Executable Guidelines Systems | --- | +1,600 |
| | Fighting Combat-Related Fatigue Syndrome | --- | +1,600 |
| | Linear Accelerator Cancer Research Project | --- | +2,000 |
| | Maine Institute for Human Genetics and Health | --- | +1,600 |
| | Impact of the Battlefield Environment on Soldiers' and Veterans' Health | --- | +800 |
| | DoD Health IT - Exchange of Diagnostic Images | --- | +2,400 |
| | Parsons Institute for Information Mapping for Defense Health Program | --- | +4,000 |
| | Cancer Initiative for Research at the Dean and Betty Gallo Prostate Cancer Center | --- | +1,600 |
| | Human Genomics, Molecular Epidemiology and Clinical Diagnostics for Infectious Diseases | --- | +1,600 |
| | Neuropsychiatric Trauma in U.S. Combat Troops | --- | +5,000 |
| | Spinal Muscular Atrophy Research Program | --- | +2,400 |
| | Enhancing Soldier Effectiveness at High Altitude | --- | +2,000 |
| | Institute for the Advancement of Bloodless Medicine | --- | +1,520 |
| | Medical Errors Reduction Initiative | --- | +800 |
| | Mass Casualty First Responders Disaster Surge Technology Program | --- | +2,400 |
| | Harbor Hospital Military Medical Simulation and Training Initiative | --- | +2,000 |
| | Multi-Modal Biometric Patient Identification and Registration System | --- | +1,200 |
| | Cyclotron at the UB Clinical and Translational Research Center | --- | +3,680 |
| | Advanced Cancer Genome Institute | --- | +960 |
| | Pediatric Center Research and Clinical Trials | --- | +4,000 |
| | GLA Adjuvants for Influenza/Cancer Vaccines | --- | +1,600 |
| | Bethesda Hospitals Emergency Preparedness Partnership | --- | +1,600 |
| | Surgical Skills and Simulation Training Program | --- | +4,000 |
| | Brain Interventional Initiative | --- | +2,000 |
| | Composite Tissue Allotransplantation | --- | +800 |
| | Anthrax Vaccine Research | --- | +400 |
| | Techniques to Manage Hemorrhage Following Combat Injury | --- | +1,200 |
| | Advanced Regenerative Medicine Therapies for Combat Injuries | --- | +2,400 |
| | Advanced Ultrasound for Combat Casualty Care | --- | +800 |
| | Advancing iPSC Technology for Regenerative Medicine Therapies to Treat Combat Injuries | --- | +2,400 |
| | Amputee Skin Breakdown Research and Development | --- | +2,400 |
| | Army Injury Prevention and Performance Enhancement Research Initiative | --- | +1,600 |
| | Battlefield Telemedicine System | --- | +3,200 |
| | Biosensor, Communicator and Controller System | --- | +4,000 |
| | Blood Safety and Decontamination Technology | --- | +2,400 |
| | Bone Fracture Dart Gun for Rapid Fixation of Battlefield Injuries | --- | +1,000 |
| | Enhanced Gait and Balance Retraining for Injured Soldiers | --- | +1,600 |
| | Highly Functional Neurally Controlled Skeletally Attached and Intelligent Prosthetic Devices | --- | +3,200 |
| | Infection Prevention Program for Battlefield Wounds | --- | +1,600 |
| | Intelligent Orthopedic Fracture Implant Program | --- | +1,200 |
| | Manufacturability of Advanced Prosthetic Limbs | --- | +3,200 |
| | Military Burn Trauma Research Program | --- | +8,000 |
| | Military Drug Management Systems | --- | +1,600 |
| | Military Nutrition Research | --- | +800 |
| | National Biodefense Training Center | --- | +4,000 |
| | Ocular Wound Treatment | --- | +2,000 |
| | Rapid Bedside Cellular Therapy for Burn Wounds | --- | +1,800 |
| | Rehabilitation Technology Transition Center | --- | +2,800 |
| | Smart Prosthetic Hand Technology | --- | +2,400 |
| | Smart Wound Dressing for MRSA-infected Battlefield Wounds | --- | +2,800 |

| R-1 | --- | Budget Request | Recommendation |
|---|---|---|---|
| --- | --- | --- | --- |
| | Staph Vaccine | --- | +4,800 |
| | The Cooperative International Neuromuscular Research Group | --- | +4,160 |
| | Trauma Care, Research and Training | --- | +2,400 |
| | Treatment of Battlefield Spinal Cord and Burn Injuries | --- | +1,600 |
| 31 | **AVIATION ADVANCED TECHNOLOGY** | **57,454** | **81,934** |
| | Enhanced Rapid Tactical Integration for Fielding of Systems Initiative | --- | +4,000 |
| | Installation Support and Production Qualification Testing of Army's First Fielding of V35/85 and Torquemeter Equipment | --- | +2,000 |
| | Parts on Demand for CONUS Operations | --- | +3,200 |
| | Self-Separation Technologies for Army Unmanned Aircraft | --- | +2,000 |
| | Technology Insertion for Army Aviation Legacy Systems | --- | +2,080 |
| | UH-60 Transmission/Gearbox Galvanic Corrosion Reduction | --- | +1,600 |
| | Universal Control Program | --- | +4,000 |
| | Unmanned Aerial Vehicle Resupply (UAVR)-BURRO | --- | +2,400 |
| | Vectored Thrust Ducted Propeller Compound Helicopter Flight Demonstration Program | --- | +3,200 |
| 32 | **WEAPONS AND MUNITIONS ADVANCED TECHNOLOGY** | **64,438** | **103,958** |
| | Armament Research, Development and Engineering Center/Ohio Manufacturing Extension Partnership DoC/DoD Bridge Program | --- | +1,600 |
| | SMDI- Rapid Prototyping Solutions for the Warfighter | --- | +2,000 |
| | Quad City Manufacturing Lab at Rock Island Arsenal | --- | +5,120 |
| | Miniaturization of Electronic Circuitry to Reduce Electronic Susceptibilities | --- | +2,400 |
| | Next Generation Machining Technology and Equipment | --- | +1,600 |
| | National Nanotechnology Manufacturing Center | --- | +1,200 |
| | Munitions Technology Advanced Development for Pennsylvania Innovative and Advanced Technology Association | --- | +1,600 |
| | Advanced Medium Caliber Tungsten Penetrators | --- | +3,200 |
| | Advanced Reactive Hybrid Armor Material Technology | --- | +2,560 |
| | Advanced Robot and Sensor Technologies for Surveillance and Energy Efficiency Applications | --- | +2,000 |
| | Containment Vehicle for the Suppression and Transport of Munitions and IEDs | --- | +1,600 |
| | Experimental Fighting Vehicle | --- | +6,000 |
| | Lightweight Cannon Recoil Reduction | --- | +1,600 |
| | Lightweight Munitions and Surveillance System for Unmanned Air Vehicles | --- | +3,840 |
| | Non-Lethal Portable Vehicle Immobilization Device for Large Vehicles | --- | +800 |
| | Stand-off IED Detection | --- | +2,400 |
| 33 | **COMBAT VEHICLE AND AUTOMOTIVE ADV TECHNOLOGY** | **89,499** | **193,299** |
| | Autonomous Connected Vehicle Proving Center | --- | +1,600 |
| | Accelerated Advanced Manufacturing Open Innovation Network for Transportation | --- | +4,000 |
| | Flammability, Smoke, Toxicity Standards for Military Ground Vehicles to Improve Health for the Troops | --- | +3,840 |
| | Model Based Enterprise Tools for Reverse Engineering | --- | +3,800 |
| | Development and Demonstration of an Expeditionary Closed Loop System to Produce JP-8 from Algae | --- | +2,400 |
| | Advanced Battery Manufacturing Research and Development | --- | +800 |
| | Smart Plug-in Hybrid Electric Vehicle Program | --- | +2,400 |
| | Advanced Motion Simulation System | --- | +400 |
| | Advanced Thermal Management Systems | --- | +1,600 |
| | Alternative Energy | --- | +36,320 |
| | Development of Large Scale PEM Electrolysis for Hydrogen Fueling of Ground Vehicle Fleets | --- | +1,600 |
| | Force Projection Technology Development | --- | +3,200 |
| | Future Tactical Truck Composite Shelter | --- | +1,600 |
| | Ground System Power and Mobility Enhancement | --- | +8,000 |
| | Hydraulic Hybrid Vehicles for the Tactical Wheeled Fleet | --- | +2,160 |
| | Hydrocarbon Fueled Solid Oxide Fuel Cell Manufacturability | --- | +1,600 |
| | Improved Ground System Survivability | --- | +4,000 |
| | Joint Vehicle Lifecycle Management | --- | +2,400 |
| | Lightweight Armored Hybrid Power Generating Tactical Vehicle | --- | +1,600 |
| | Military Installation Electric Vehicle Demonstration Project | --- | +1,600 |
| | Nanophosphate Battery Storage for the Smart Grid and V2G Integration | --- | +1,600 |
| | On-Board Vehicle Power Systems Development | --- | +3,680 |
| | Plug-in Hybrid Electric Cargo Vehicle | --- | +3,200 |
| | Rubber Track Conversion System for MRAP Vehicles | --- | +1,600 |

| R-1 | --- | Budget Request | Recommendation |
|---|---|---|---|
| --- | --- | --- | --- |
| | Sustainable Water Production | --- | +2,000 |
| | Threat Cue Research | --- | +1,600 |
| | Vehicle Electronics and Architecture Development | --- | +4,000 |
| | Zouline Armor | --- | +1,200 |
| 34 | **COMMAND, CONTROL, COMMUNICATIONS ADV TECH** | **8,102** | **12,102** |
| | Multi Frequency Meshed Battle-Cloud Network | --- | +4,000 |
| 35 | **MANPOWER, PERSONNEL AND TRAINING ADV TECH** | **7,921** | **7,921** |
| 36 | **ELECTRONIC WARFARE ADVANCED TECHNOLOGY** | **50,359** | **51,559** |
| | Cybersecurity in Tactical Environments | --- | +1,200 |
| 37 | **TRACTOR HIKE** | **8,015** | **8,015** |
| 38 | **NEXT GENERATION TRAINING & SIMULATION SYSTEMS** | **15,334** | **19,894** |
| | Center for Experiential Technologies for Urban Warfare and Disaster Response | --- | +2,960 |
| | Virtual Medical Simulation Training Center | --- | +800 |
| | Combat Medic Trainer | --- | +800 |
| 39 | **TRACTOR ROSE** | **12,309** | **12,309** |
| 41 | **MILITARY HIV RESEARCH** | **6,688** | **26,688** |
| | HIV Research | --- | +20,000 |
| 42 | **COMBATING TERRORISM, TECHNOLOGY DEVELOPMENT** | **10,550** | **10,550** |
| 43 | **ELECTRONIC WARFARE TECHNOLOGY** | **18,350** | **23,150** |
| | Advanced Ground Electronic Warfare System | --- | +2,400 |
| | Advanced Ground EW and Signals Intelligence System | --- | +2,400 |
| 44 | **MISSILE AND ROCKET ADVANCED TECHNOLOGY** | **84,553** | **96,973** |
| | Captive Carry Sensor Test-Bed | --- | +1,200 |
| | Continuous Threat Alerting Sensing System | --- | +1,600 |
| | P 704 excessive growth without strategy | --- | -5,500 |
| | Cyberspace Technology Integration | --- | +3,360 |
| | Advanced Commercial Technology Insertion for Aviation and Missile Research, Development and Engineering | --- | +2,480 |
| | Army Responsive Tactical Space System Exerciser (ARTSSE) | --- | +2,080 |
| | Low-Cost Anti-Tamper Integrated Circuit | --- | +3,600 |
| | Rapid Response Hostile Fire Detection and Active Protection of Ground and Air Vehicles Sensor | --- | +3,600 |
| 45 | **TRACTOR CAGE** | **9,986** | **9,986** |
| 46 | **LANDMINE WARFARE AND BARRIER ADVANCED TECH** | **26,953** | **30,953** |
| | Force Protection Demining | --- | +4,000 |
| 47 | **JOINT SERVICE SMALL ARMS PROGRAM** | **9,151** | **9,151** |
| 48 | **NIGHT VISION ADVANCED TECHNOLOGY** | **39,912** | **54,792** |
| | Compact Airborne Multi-Mission Payload | --- | +2,400 |
| | Enhanced Situational Awareness Technology Demonstrator | --- | +1,600 |
| | Mini Long Range Scout Surveillance System | --- | +2,080 |
| | Smart Sensor Supercomputing Center | --- | +7,200 |
| | Spider Munitions System Research | --- | +1,600 |
| 49 | **ENVIRONMENTAL QUALITY TECHNOLOGY DEMO** | **15,878** | **20,678** |
| | West Point Solar Energy Security Project | --- | +4,000 |
| | Permafrost Tunnel | --- | +800 |
| 50 | **MILITARY ENGINEERING ADVANCED TECHNOLOGY** | **27,393** | **44,713** |
| | Program reduction | --- | -3,000 |
| | University Center for Disaster Preparedness and Emergency Response | --- | +1,200 |
| | Distributed Power from Wastewater | --- | +1,200 |
| | 2nd Generation Fully Fungible Biofuels | --- | +4,000 |
| | Advanced Energy Storage Systems for Military Use | --- | +1,600 |
| | Advanced High Performance Coatings for DoD Infrastructure | --- | +1,600 |
| | Biomass to Liquid Fuel Using Synthetic Enzymes (Phase II) | --- | +1,600 |
| | Photovoltaic Technology Development | --- | +4,000 |
| | Production of Wood-Based Diesel and Jet Fuel at Pulp and Paper Facilities | --- | +2,400 |
| | Projectile Penetration Research | --- | +1,920 |
| | Solar-Assisted Hot Water and Space Conditioning | --- | +800 |
| 51 | **ADVANCED TACTICAL COMPUTER SCIENCE AND SENSOR TECHNOLOGY** | **24,873** | **26,073** |
| | Shared Vision | --- | +1,200 |
| 53 | **ARMY MISSILE DEFENSE SYSTEMS INTEGRATION** | **11,455** | **46,155** |
| | Vertical Integration for Missile Defense Surveillance Data | --- | +3,560 |
| | Thermal and Electrical Nanoscale Transport | --- | +1,200 |
| | Adaptive Lightweight Materials for Missile Defense | --- | +4,000 |
| | Adaptive Robotics Technology for Space, Air and Missiles | --- | +4,320 |
| | Advanced Cavitation Power Technology | --- | +3,300 |
| | Advanced Environmental Control System | --- | +3,200 |
| | Advanced Fuel Cell Research Program | --- | +2,400 |
| | Alternative Power Technology for Missile Defense | --- | +1,600 |
| | Detection Algorithms and Software for Force Protection | --- | +960 |

| R-1 | --- | Budget Request | Recommendation |
|---|---|---|---|
| --- | --- | --- | --- |
| | Discriminatory Imaging and Network Advancement for Missiles, Aviation and Space | --- | +5,200 |
| | High Temperature Polymers for Missile System Applications | --- | +3,200 |
| | Real Time MS Laser Applied Research | --- | +1,760 |
| 54 | ARMY MISSILE DEFENSE SYSTEMS INTEGRATION (SPACE) | 27,551 | 44,831 |
| | Miniaturized Satellite Technology Development and Testing | --- | +1,600 |
| | Army Responsive Tactical Space | --- | +1,600 |
| | Cyber Assurance Tool Set | --- | +3,680 |
| | High Altitude Shuttle System | --- | +3,200 |
| | Nanocomposite Enhanced Radar and Aerospace Materials | --- | +1,600 |
| | Positron Capture and Storage | --- | +2,400 |
| | Small Agile Tactical Spacecraft | --- | +3,200 |
| 55 | AIR AND MISSILE DEFENSE SYSTEMS ENGINEERING | 0 | 800 |
| | Data Analytics for Conditioned Based Maintenance of Weapon Systems | --- | +800 |
| 56 | LANDMINE WARFARE AND BARRIER - ADV DEV | 15,596 | 15,596 |
| 57 | SMOKE, OBSCURANT AND TARGET DEFEATING SYS-ADV DEV | 2,425 | 2,425 |
| 58 | TANK AND MEDIUM CALIBER AMMUNITION | 42,183 | 37,183 |
| | AKE 120mm cartridge EMD Phase II contract award delay | --- | -5,000 |
| 59 | ADVANCED TANK ARMAMENT SYSTEM (ATAS) | 136,302 | 207,702 |
| | S-MOD milestone B delay | --- | -57,000 |
| | Stryker DVH | --- | +128,400 |
| 60 | SOLDIER SUPPORT AND SURVIVABILITY | 18,556 | 8,239 |
| | Joint Integrated Base Defense Program Office - transfer from line 25 at request of the Army | --- | +4,005 |
| | REF funded in Title IX | --- | -14,322 |
| 61 | TACTICAL ELECTRONIC SURVEILLANCE SYSTEM - AD | 17,962 | 12,162 |
| | Unsustained growth | --- | -5,800 |
| 62 | NIGHT VISION SYSTEMS ADVANCED DEVELOPMENT | 0 | 5,159 |
| | CSP - transfer from line 177 at request of the Army | --- | +5,159 |
| 63 | ENVIRONMENTAL QUALITY TECHNOLOGY | 4,695 | 9,895 |
| | Biowaste to Bioenergy Center | --- | +2,800 |
| | Hawaii Undersea Military Munitions Assessment | --- | +2,400 |
| 64 | WARFIGHTER INFORMATION NETWORK-TACTICAL | 190,903 | 190,903 |
| 65 | NATO RESEARCH AND DEVELOPMENT | 5,060 | 5,060 |
| 66 | AVIATION - ADV DEV | 8,355 | 8,355 |
| 67 | LOGISTICS AND ENGINEER EQUIPMENT - ADV DEV | 80,490 | 66,915 |
| | JLTV EMD contract award delay | --- | -15,175 |
| | Expeditionary Water Reclamation System | --- | +1,600 |
| 68 | COMBAT SERVICE SUPPORT CONTROL SYSTEM EVALUATION | 14,290 | 14,290 |
| 69 | MEDICAL SYSTEMS - ADV DEV | 28,132 | 29,732 |
| | Wireless Medical Monitoring System (WiMed) | --- | +1,600 |
| 70 | SOLDIER SYSTEMS - ADVANCED DEVELOPMENT | 48,323 | 48,323 |
| 71 | INTEGRATED BROADCAST SERVICE | 970 | 970 |
| 72 | ENDURANCE UAVS | 93,000 | 93,000 |
| 73 | AIRCRAFT AVIONICS | 89,210 | 74,210 |
| | SOSCOE Apache Block III integration change in requirements | --- | -15,000 |
| 74 | ARMED, DEPLOYABLE OH-58D | 72,550 | 72,550 |
| 75 | ELECTRONIC WARFARE DEVELOPMENT | 172,269 | 152,955 |
| | CIRCM test and evaluation funds requested ahead of need | --- | -22,514 |
| | Hostile Fire Detection for US Army/Navy helicopters | --- | +3,200 |
| 76 | JOINT TACTICAL RADIO | 784 | 784 |
| 77 | ALL SOURCE ANALYSIS SYSTEM | 22,574 | 18,074 |
| | EMD contract award delay | --- | -4,500 |
| 78 | TRACTOR CAGE | 23,194 | 23,194 |
| 79 | INFANTRY SUPPORT WEAPONS | 80,337 | 72,337 |
| | S62: Milestone B delay | --- | -10,000 |
| | Portable Helicopter Oxygen Delivery System Console | --- | +2,000 |
| 80 | MEDIUM TACTICAL VEHICLES | 3,710 | 3,710 |
| 81 | SMOKE, OBSCURANT AND TARGET DEFEATING SYS-SDI | 5,335 | 5,335 |
| 82 | JAVELIN | 9,999 | 0 |
| | Lack of acquisition strategy | --- | -9,999 |
| 83 | FAMILY OF HEAVY TACTICAL VEHICLES | 3,519 | 13,119 |
| | Family of Heavy Tactical Vehicles | --- | +9,600 |
| 84 | AIR TRAFFIC CONTROL | 9,892 | 9,892 |
| 85 | LIGHT TACTICAL WHEELED VEHICLES | 1,990 | 1,990 |
| 86 | NON-LINE OF SIGHT LAUNCH SYSTEM | 81,247 | 0 |
| | Program termination | --- | -81,247 |
| 89 | FCS SYSTEMS OF SYSTEMS ENGR & PROGRAM MGMT | 568,711 | 498,711 |
| | Program reduction | --- | -70,000 |
| 90 | FCS RECONNAISSANCE (UAV) PLATFORMS | 50,304 | 50,304 |
| 91 | FCS UNMANNED GROUND VEHICLES | 249,948 | 200,000 |

| R-1 | --- | Budget Request | Recommendation |
|---|---|---|---|
| --- | --- | --- | --- |
| | Program reduction | --- | -49,948 |
| 92 | FCS UNATTENDED GROUND SENSORS | 7,515 | 7,515 |
| 93 | FCS SUSTAINMENT & TRAINING R&D | 610,389 | 610,389 |
| 95 | NIGHT VISION SYSTEMS - SDD | 52,549 | 52,549 |
| 96 | COMBAT FEEDING, CLOTHING, AND EQUIPMENT | 2,118 | 2,118 |
| 97 | NON-SYSTEM TRAINING DEVICES - SDD | 27,756 | 27,756 |
| 98 | AIR DEFENSE COMMAND, CONTROL AND INTELLIGENCE | 34,209 | 34,209 |
| 99 | CONSTRUCTIVE SIMULATION SYSTEMS DEVELOPMENT | 30,291 | 31,491 |
| | Small Footprint Wide Angle Visual Display | --- | +1,200 |
| 100 | AUTOMATIC TEST EQUIPMENT DEVELOPMENT | 14,041 | 14,041 |
| 101 | DISTRIBUTIVE INTERACTIVE SIMULATIONS (DIS) - SDD | 15,547 | 15,547 |
| 103 | COMBINED ARMS TACTICAL TRAINER (CATT) CORE | 27,670 | 27,670 |
| 105 | WEAPONS AND MUNITIONS - SDD | 24,345 | 20,145 |
| | PGK Increment II EMD delay | --- | -9,000 |
| | 155mm Less Toxic Smoke Projectile | --- | +4,800 |
| 106 | LOGISTICS AND ENGINEER EQUIPMENT - SDD | 41,039 | 42,639 |
| | Basecamp Environmental Management Systems | --- | +1,600 |
| 107 | COMMAND, CONTROL, COMMUNICATIONS SYSTEMS - SDD | 90,736 | 75,736 |
| | JBC-P unsustained growth | --- | -15,000 |
| 108 | MEDICAL MATERIEL/MEDICAL BIOLOGICAL DEFENSE EQUIPMENT | 34,474 | 38,074 |
| | Automated Critical Care System | --- | +3,600 |
| 109 | LANDMINE WARFARE/BARRIER - SDD | 95,577 | 52,297 |
| | Project 016: Scorpion acceleration funded in prior approval reprogramming | --- | -16,000 |
| | Project 415: ASTAMIDS/GSTAMIDS lack of acquisition strategy | --- | -30,000 |
| | AT4-Confined Space Tandem Warhead YJ05 | --- | +2,720 |
| 110 | ARTILLERY MUNITIONS | 26,371 | 26,371 |
| 111 | COMBAT IDENTIFICATION | 29,884 | 3,000 |
| | Unexecutable request | --- | -26,884 |
| 112 | ARMY TACTICAL COMMAND & CONTROL HARDWARE & SOFTWARE | 60,970 | 60,970 |
| 113 | GENERAL FUND ENTERPRISE BUSINESS SYSTEM (GFEBS) | 13,576 | 13,576 |
| 114 | FIREFINDER | 24,736 | 24,736 |
| 115 | SOLDIER SYSTEMS - WARRIOR DEM/VAL | 20,886 | 20,886 |
| 116 | ARTILLERY SYSTEMS | 53,624 | 103,624 |
| | Program increase | --- | +20,000 |
| | Transfer from WTCV,A line 12 for Paladin PIM | --- | +30,000 |
| 117 | PATRIOT/MEADS COMBINED AGGREGATE PROGRAM | 467,139 | 467,139 |
| 118 | NUCLEAR ARMS CONTROL MONITORING SENSOR NETWORK | 7,276 | 7,276 |
| 119 | INFORMATION TECHNOLOGY DEVELOPMENT | 23,957 | 23,957 |
| 120 | ARMY INTEGRATED MILITARY HUMAN RESOURCES SYSTEM (A-IMH | 100,500 | 60,500 |
| | Excessive growth without acquisition strategy | --- | -40,000 |
| 121 | JOINT AIR-TO-GROUND MISSILE (JAGM) | 130,340 | 130,340 |
| 122 | SLAMRAAM | 23,700 | 23,700 |
| 123 | PAC-2/MSE MISSILE | 62,500 | 62,500 |
| 124 | ARMY INTEGRATED AIR AND MISSILE DEFENSE (AIAMD) | 251,124 | 251,124 |
| 125 | MANNED GROUND VEHICLE | 934,366 | 461,100 |
| | Program adjustment | --- | -473,266 |
| 126 | AERIAL COMMON SENSOR | 211,500 | 211,500 |
| 127 | TROJAN - RH12 | 3,697 | 3,697 |
| 128 | ELECTRONIC WARFARE DEVELOPMENT | 21,571 | 13,571 |
| | EW5: Unsustained growth | --- | -8,000 |
| 129 | THREAT SIMULATOR DEVELOPMENT | 26,158 | 32,398 |
| | Integrated Cyber Test and Evaluation Environment | --- | +6,240 |
| 130 | TARGET SYSTEMS DEVELOPMENT | 8,614 | 8,614 |
| 131 | MAJOR T&E INVESTMENT | 42,102 | 42,102 |
| 132 | RAND ARROYO CENTER | 20,492 | 20,492 |
| 133 | ARMY KWAJALEIN ATOLL | 163,788 | 163,788 |
| 134 | CONCEPTS EXPERIMENTATION PROGRAM | 17,704 | 17,704 |
| 136 | ARMY TEST RANGES AND FACILITIES | 393,937 | 412,257 |
| | Army Test Range Infrastructure unfunded requirement | --- | +18,320 |
| 137 | ARMY TECHNICAL TEST INSTRUMENTATION AND TARGETS | 59,040 | 72,560 |
| | Advanced CB Aerosol Referee Instrumentation for Dugway | --- | +3,200 |
| | Triad Phase 3 | --- | +1,600 |
| | Test and Evaluation Instrumentation unfunded requirement | --- | +8,720 |
| 138 | SURVIVABILITY/LETHALITY ANALYSIS | 41,812 | 43,412 |
| | Test and Evaluation Instrumentation unfunded requirement | --- | +1,600 |
| 139 | DOD HIGH ENERGY LASER TEST FACILITY | 4,710 | 8,710 |
| | HELSTF | --- | +4,000 |
| 140 | AIRCRAFT CERTIFICATION | 5,055 | 5,055 |
| 141 | METEOROLOGICAL SUPPORT TO RDT&E ACTIVITIES | 7,185 | 7,185 |

| R-1 | --- | Budget Request | Recommendation |
|---|---|---|---|
| --- | --- | --- | --- |
| 142 | MATERIEL SYSTEMS ANALYSIS | 18,078 | 22,318 |
| | Test and Evaluation Instrumentation unfunded requirement | --- | +1,200 |
| | VePro - Implementation of Fatigue Data Analysis and Management Methods to Extend Vehicle Life | --- | +3,040 |
| 143 | EXPLOITATION OF FOREIGN ITEMS | 5,460 | 5,460 |
| 144 | SUPPORT OF OPERATIONAL TESTING | 68,191 | 68,191 |
| 145 | ARMY EVALUATION CENTER | 61,450 | 64,090 |
| | Test and Evaluation Instrumentation unfunded requirement | --- | +2,640 |
| 146 | SIMULATION & MODELING FOR ACQ, RQTS, & TNG (SMART) | 3,926 | 3,926 |
| 147 | PROGRAMWIDE ACTIVITIES | 73,685 | 73,685 |
| 148 | TECHNICAL INFORMATION ACTIVITIES | 48,309 | 48,309 |
| 149 | MUNITIONS STANDARDIZATION, EFFECTIVENESS AND SAFETY | 53,338 | 68,822 |
| | Nano Advanced Cluster Energetics | --- | +4,000 |
| | Defense Metals Technology Center | --- | +2,400 |
| | Stark State College Materials Joining and Welding Center | --- | +2,000 |
| | Advanced Foamed Celluloid Technology | --- | +2,400 |
| | Project 862: 155mm HE projectile underfunded new start | --- | -9,296 |
| | Army Range Technology Program | --- | +5,000 |
| | Demilitarization of HC White Smokes | --- | +2,000 |
| | Large Caliber Parts Upgrade | --- | +1,600 |
| | Press-Loaded Explosive Projectile Washout Line | --- | +1,200 |
| | Unserviceable Ammunition Demilitarization via Chemical Acid Dissolution | --- | +2,080 |
| | Zirconium Oxychloride Manufacturing Optimization | --- | +2,100 |
| 150 | ENVIRONMENTAL QUALITY TECHNOLOGY MGMT SUPPORT | 3,195 | 3,195 |
| 151 | MANAGEMENT HEADQUARTERS (RESEARCH AND DEVELOPMENT) | 16,154 | 16,154 |
| 153 | MLRS PRODUCT IMPROVEMENT PROGRAM | 51,619 | 25,619 |
| | GMLRS AW EMD contract award delay | --- | -26,000 |
| 154 | AEROSTAT JOINT PROJECT OFFICE | 372,493 | 372,493 |
| 155 | INTELLIGENCE SUPPORT TO CYBER (ISC) MIP | 2,360 | 2,360 |
| 156 | ADV FIELD ARTILLERY TACTICAL DATA SYSTEM | 24,622 | 24,622 |
| 157 | COMBAT VEHICLE IMPROVEMENT PROGRAMS | 204,481 | 207,681 |
| | Vibration Management Enhancement Program | --- | +3,200 |
| 158 | MANEUVER CONTROL SYSTEM | 25,540 | 25,540 |
| 159 | AIRCRAFT MODS/PRODUCT IMPROVEMENT PROGRAMS | 134,999 | 124,856 |
| | P430: Chinook RW crashworthy seating previously fully funded | --- | -10,143 |
| 160 | AIRCRAFT ENGINE COMPONENT IMPROVEMENT PROG | 710 | 710 |
| 161 | DIGITIZATION | 6,329 | 6,329 |
| 162 | FORCE XXI BATTLE COMMAND, BRIGADE AND BELOW (FBCB2) | 3,935 | 3,935 |
| 163 | MISSILE/AIR DEFENSE PRODUCT IMPROVEMENT PROGRAM | 24,280 | 27,480 |
| | Sentinel Active Electronically Scanned Array | --- | +3,200 |
| 165 | TRACTOR CARD | 14,870 | 14,870 |
| 167 | JOINT TACTICAL GROUND SYSTEM | 12,403 | 12,403 |
| 168 | JOINT HIGH SPEED VESSEL (JHSV) | 3,153 | 3,153 |
| 170 | SECURITY AND INTELLIGENCE ACTIVITIES | 0 | 2,000 |
| | Distributive Crowd Behavior Modeling for Irregular Warfare Training and Research | --- | +2,000 |
| 171 | INFORMATION SYSTEMS SECURITY PROGRAM | 54,784 | 11,905 |
| | Protected Information - Biometrics - transfer to line 171x | --- | -42,879 |
| 171x | FAMILY OF BIOMETRICS | 0 | 43,479 |
| | Protected Information - Biometrics - transfer from line 171 | --- | +42,879 |
| | Biometrics DNA | --- | +600 |
| 172 | GLOBAL COMBAT SUPPORT SYSTEM | 125,569 | 125,569 |
| 173 | SATCOM GROUND ENVIRONMENT (SPACE) | 33,694 | 33,694 |
| 174 | WWMCCS/GLOBAL COMMAND AND CONTROL SYS | 13,024 | 13,024 |
| 177 | TACTICAL UNMANNED AERIAL VEHICLES | 54,300 | 52,741 |
| | CSP: transfer of HD IR funds to line 62, at request of the Army for execution | --- | -5,159 |
| | 4th Generation Wireless RF Target Exploitation from Unmanned Aerial Vehicles | --- | +3,600 |
| 178 | DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS | 103,002 | 103,002 |
| 179 | MQ-1 SKY WARRIOR A UAV | 123,156 | 123,156 |
| 180 | RQ-11 UAV | 1,599 | 1,599 |
| 181 | RQ-7 UAV | 7,805 | 7,805 |
| 183 | BIOMETRICS ENABLED INTELLIGENCE | 14,114 | 2,114 |
| | Protected Information - Biometrics | --- | -12,000 |
| 185 | END ITEM INDUSTRIAL PREPAREDNESS ACTIVITIES | 61,098 | 79,898 |
| | Monitoring and Control of Manufacturing Connectivity | --- | +1,600 |
| | Titanium Stockpile Pilot Program | --- | +2,400 |

| R-1 | --- | Budget Request | Recommendation |
|---|---|---|---|
| --- | --- | --- | --- |
| | Advanced Ultrasonic Inspection of Helicopter Rotor Blades and Condition Monitoring of Helicopter Components | --- | +1,600 |
| | End Item Industrial Preparedness Activities | --- | +1,600 |
| | Improved Manufacturing Processes Demonstration Program for Army Tactical Vehicles | --- | +1,200 |
| | Polymeric Web Run-Flat Tire Inserts for Convoy Protection | --- | +3,200 |
| | Smart Machine Platform Initiative | --- | +2,800 |
| | Superior Weapons Systems Through Castings | --- | +2,000 |
| | Vet-Biz Initiative for National Sustainment | --- | +2,400 |
| xx | **RESEARCH AND DEVELOPMENT INNOVATION** | **0** | **105,000** |
| | Research and Development Innovation | --- | +105,000 |
| | **CLASSIFIED PROGRAMS** | **4,447** | **4,447** |
| | --- | --- | --- |
| | **TOTAL, RESEARCH, DEVELOPMENT, TEST & EVALUATION, ARMY** | **10,333,392** | **10,775,081** |
| --- | --- | --- | --- |
| | **RESEARCH, DEVELOPMENT, TEST & EVALUATION, NAVY** | | |
| --- | --- | --- | --- |
| 1 | **UNIVERSITY RESEARCH INITIATIVES** | **108,679** | **115,079** |
| | Center for Island Sustainability | --- | +800 |
| | Gulf of Mexico/Texas Border Geoid Model | --- | +1,600 |
| | Center for Assured Critical Application and Infrastructure Security | --- | +3,200 |
| | Spin-Torque Effect Research for MRAM | --- | +800 |
| 2 | **IN-HOUSE LABORATORY INDEPENDENT RESEARCH** | **17,979** | **21,179** |
| | STEM/Energy and Power Career Development Initiative | --- | +3,200 |
| 3 | **DEFENSE RESEARCH SCIENCES** | **429,767** | **445,317** |
| | Jet Engine Noise Reduction | --- | +3,040 |
| | Characterization and Exploitation of Magnetic and Electric Fields in the Coastal Ocean Environment-Dania Beach | --- | +1,600 |
| | High-Precision Nanoparticle Formation Control | --- | +800 |
| | Traumatic Brain Injury Research | --- | +4,000 |
| | Human Neural Cell-based Biosensor | --- | +960 |
| | ONAMI Nanoelectronics, Nanometrology and Nanobiotechnology Initiative | --- | +2,750 |
| | Texas Microfactory | --- | +2,400 |
| 4 | **POWER PROJECTION APPLIED RESEARCH** | **98,150** | **108,550** |
| | Program for Space and Defense Nano-Photovoltaics | --- | +1,600 |
| | Aging Military Aircraft Fleet Support | --- | +1,600 |
| | Guidance, Navigation, Control and Targeting System | --- | +5,600 |
| | Millimeter Wave Imaging | --- | +1,600 |
| 5 | **FORCE PROTECTION APPLIED RESEARCH** | **107,448** | **171,588** |
| | Agent Defeat by Energetic Nano-Materials | --- | +1,600 |
| | Anthropomorphic Test Device Sensors for Kinetic and Impact Networks | --- | +1,500 |
| | Arena Testing Utilizing LASER Systems | --- | +1,040 |
| | Integration of Electro-Kinetic Weapons into Next Generation of Navy Ships | --- | +4,400 |
| | Advanced Energy Systems Integration | --- | +3,200 |
| | Advanced Energetics Initiative | --- | +3,200 |
| | Carbon Composite Thin Films for Power Generation and Energy Storage in Military and Civilian Settings | --- | +800 |
| | Applied Research in Intelligent Autonomous Systems | --- | +1,200 |
| | Alternative Energy | --- | +40,000 |
| | Advanced Simulation Tools for Aircraft Structures Made of Composite Materials | --- | +800 |
| | Fuel Efficient, High Specific Power Engine for USVs | --- | +2,000 |
| | Naval Port Security System | --- | +4,400 |
| 6 | **MARINE CORPS LANDING FORCE TECHNOLOGY** | **43,776** | **44,976** |
| | Light Weight Water Resistant Body Armor for Special Operations | --- | +1,200 |
| 7 | **MATERIALS, ELECTRONICS AND COMPUTER TECHNOLOGY** | **0** | **1,600** |
| | Infrared Materials Laboratories | --- | +1,600 |
| 8 | **COMMON PICTURE APPLIED RESEARCH** | **70,168** | **79,768** |
| | Coactive Design of Human and Robot Teams for Materials Handling and IED Response | --- | +3,200 |
| | Cognitive Radio Institute | --- | +400 |
| | Unmanned Ground Vehicle Mobility for Complex Urban Environments in Coastal Zones | --- | +3,200 |
| | Cosite Interference Mitigation Suite | --- | +1,200 |
| | Network-centric Communications Using All-digital Radio Frequency Systems | --- | +1,600 |
| 9 | **WARFIGHTER SUSTAINMENT APPLIED RESEARCH** | **113,724** | **128,724** |
| | Biosensors for Defense Application | --- | +2,000 |
| | Advanced Composite Maritime Manufacturing | --- | +1,200 |

| R-1 | --- | Budget Request | Recommendation |
|---|---|---|---|
| --- | --- | --- | --- |
| | Fuel and Energy Laboratory | --- | +800 |
| | Managing and Extending DoD Asset Lifecycles | --- | +1,600 |
| | Nanotechnology for Anti-Reverse Engineering | --- | +1,600 |
| | Neural Control of External Devices (Limb Movement) | --- | +1,200 |
| | Polymer Science Research and Development | --- | +4,200 |
| | Productization of Anti-fouling and Fouling Release Coating Systems | --- | +2,400 |
| 10 | RF SYSTEMS APPLIED RESEARCH | 83,902 | 83,902 |
| 11 | OCEAN WARFIGHTING ENVIRONMENT APPLIED RESEARCH | 49,491 | 52,691 |
| | Ellipsoidal Unmanned Underwater Vehicle | --- | +1,600 |
| | Littoral Battlespace Sensing-UUV | --- | +1,600 |
| 12 | JOINT NON-LETHAL WEAPONS APPLIED RESEARCH | 6,002 | 6,002 |
| 13 | UNDERSEA WARFARE APPLIED RESEARCH | 69,186 | 72,386 |
| | Turbulence Research Facility | --- | +3,200 |
| 14 | MINE AND EXPEDITIONARY WARFARE APPLIED RESEARCH | 36,833 | 39,633 |
| | Inland Water Quality and Desalination Program | --- | +1,600 |
| | Virtual Onboard Analyst for Multi-Sensor Mine Detection | --- | +1,200 |
| 15 | POWER PROJECTION ADVANCED TECHNOLOGY | 117,908 | 124,708 |
| | Countermine LIDAR UAV-based System | --- | +2,000 |
| | Smart Instrument Development for the Magdalena Ridge Observatory | --- | +4,800 |
| 16 | FORCE PROTECTION ADVANCED TECHNOLOGY | 61,877 | 83,957 |
| | Mobile Laser Deposition Work Cell | --- | +2,400 |
| | Agile Port and High Speed Ship Technology Transition Program | --- | +1,600 |
| | Joint Force Deployment Command and Control - Joint Deployment Distribution Support Platform Prototype | --- | +800 |
| | Advanced Ship Self Defense Technology Testing | --- | +4,880 |
| | Advanced Technology for Networked Autonomous Unmanned Systems | --- | +1,600 |
| | Formable Textile for Complex Shaped Aerospace Composite Structures | --- | +1,600 |
| | High Temperature Fuel Cells | --- | +2,400 |
| | M65 Bismaleimide Carbon Fiber Prepreg | --- | +2,800 |
| | Rare Earth Alternatives for Permanent Magnet Motors | --- | +4,000 |
| 17 | COMMON PICTURE ADVANCED TECHNOLOGY | 96,720 | 102,320 |
| | 4-D Data Fusion and Visualization | --- | +1,600 |
| | Intelligent Decision Exploration | --- | +4,000 |
| 18 | WARFIGHTER SUSTAINMENT ADVANCED TECHNOLOGY | 98,261 | 99,461 |
| | Nanofluidic Lubricants for Increased Fuel Efficiency in Heavy Duty Vehicles | --- | +1,200 |
| 19 | ELECTROMAGNETIC SYSTEMS ADVANCED TECHNOLOGY | 82,143 | 99,143 |
| | Hawaii Surveillance Initiative | --- | +17,000 |
| 20 | MARINE CORPS ADVANCED TECHNOLOGY DEMONSTRATION (ATD) | 115,089 | 120,689 |
| | MEMS Microdetonator Packaging Technology for Advanced DoD Weapons | --- | +2,400 |
| | Navy Nanotechnology Fuze-on-a-Chip | --- | +3,200 |
| 21 | JOINT NON-LETHAL WEAPONS TECHNOLOGY DEVELOPMENT | 11,131 | 11,131 |
| 22 | WARFIGHTER PROTECTION ADVANCED TECHNOLOGY | 18,076 | 68,536 |
| | C.W Bill Young Bone Marrow Donor Recruitment and Research Program | --- | +31,500 |
| | Pervasive Healthcare Technology | --- | +2,000 |
| | Navy Special Warfare Performance and Injury Prevention Program for SBT 22 at Stennis Space Center | --- | +2,400 |
| | Program Increase - Tactical Athlete Program | --- | +5,760 |
| | Hearing Restoration through Cellular Regeneration | --- | +2,400 |
| | In-Field Body Temperature Conditioner | --- | +2,400 |
| | Silicon Nanofiber Medical Devices for the Warfighter | --- | +4,000 |
| 23 | UNDERSEA WARFARE ADVANCED TECHNOLOGY | 49,276 | 56,476 |
| | Underwater Warhead Research | --- | +3,200 |
| | Program Increase - ASW Research | --- | +4,000 |
| 24 | NAVY WARFIGHTING EXPERIMENTS AND DEMONSTRATIONS | 53,177 | 53,177 |
| 25 | MINE AND EXPEDITIONARY WARFARE ADVANCED TECHNOLOGY | 21,941 | 21,941 |
| XX | RESEARCH AND DEVELOPMENT INNOVATION | 0 | 105,000 |
| | Research and Development Innovation | --- | +105,000 |
| 26 | AIR/OCEAN TACTICAL APPLICATIONS | 123,331 | 118,331 |
| | JMAPS program delay | --- | -5,000 |
| 27 | AVIATION SURVIVABILITY | 9,480 | 16,680 |
| | Design for Maintainability Man-Machine Interface Lab | --- | +1,600 |
| | Boat | --- | +4,000 |

| R-1 | --- | Budget Request | Recommendation |
|---|---|---|---|
| --- | --- | --- | --- |
| | Intelligent Autonomy Technology Transition/Intelligence Gathering Uninhabited System | --- | +1,600 |
| 28 | DEPLOYABLE JOINT COMMAND AND CONTROL | 4,275 | 4,275 |
| 29 | ASW SYSTEMS DEVELOPMENT | 8,249 | 8,249 |
| 30 | TACTICAL AIRBORNE RECONNAISSANCE | 6,452 | 6,452 |
| 31 | ADVANCED COMBAT SYSTEMS TECHNOLOGY | 1,658 | 1,658 |
| 32 | SURFACE AND SHALLOW WATER MINE COUNTERMEASURES | 81,347 | 79,247 |
| | Unmanned Surface Sweep System program delay | --- | -2,100 |
| 33 | SURFACE SHIP TORPEDO DEFENSE | 57,796 | 50,796 |
| | Milestone B delay | --- | -7,000 |
| 34 | CARRIER SYSTEMS DEVELOPMENT | 93,830 | 91,830 |
| | Navy requested transfer to line 49 for Automatic Test and Re-Test | --- | -2,000 |
| 35 | SHIPBOARD SYSTEM COMPONENT DEVELOPMENT | 51 | 16,151 |
| | Advanced Fluid Controls for Shipboard Applications | --- | +3,600 |
| | DDG-51 Hybrid Drive System | --- | +12,500 |
| 36 | PILOT FISH | 81,784 | 81,784 |
| 37 | RETRACT LARCH | 142,858 | 142,858 |
| 38 | RETRACT JUNIPER | 134,497 | 134,497 |
| 39 | RADIOLOGICAL CONTROL | 1,358 | 1,358 |
| 40 | SURFACE ASW | 21,673 | 21,673 |
| 41 | ADVANCED SUBMARINE SYSTEM DEVELOPMENT | 608,566 | 582,066 |
| | Battery Research Initiative | --- | +4,000 |
| | CISRT Enabling Materials Technology | --- | +1,600 |
| | Controllable Shock Absorber for Advanced Submarine Weapon Shock Mitigation | --- | +2,400 |
| | Development of Hybrid Multi-functional Composites for Submarine Structures | --- | +4,000 |
| | Quiet Drive Advanced Rotary Actuator | --- | +2,400 |
| | Submarine Payload Integration | --- | +6,400 |
| | Wave Energy Conversion for Persistent Surveillance and Communications | --- | +2,000 |
| | Execution delays | --- | -49,300 |
| 42 | SUBMARINE TACTICAL WARFARE SYSTEMS | 5,590 | 5,590 |
| 43 | SHIP CONCEPT ADVANCED DESIGN | 17,883 | 18,683 |
| | Composite Surface Ship Louvers | --- | +800 |
| 44 | SHIP PRELIMINARY DESIGN & FEASIBILITY STUDIES | 1,796 | 8,996 |
| | Bow Lifting Body Ship Research | --- | +7,200 |
| 45 | ADVANCED NUCLEAR POWER SYSTEMS | 366,509 | 366,509 |
| 46 | ADVANCED SURFACE MACHINERY SYSTEMS | 5,459 | 15,859 |
| | Fan Coil Assembly of the Future | --- | +2,000 |
| | High Efficiency Power Electronics Module | --- | +2,000 |
| | Hybrid Propulsion/Power Generation for Increased Fuel Efficiency for Surface Combatants | --- | +6,400 |
| 47 | CHALK EAGLE | 447,804 | 447,804 |
| 48 | LITTORAL COMBAT SHIP (LCS) | 226,288 | 194,788 |
| | LCS-2 post shakedown availability delay | --- | -15,800 |
| | LCS-1 post shakedown availability planning funding excess | --- | -500 |
| | NLOS missile termination | --- | -15,400 |
| | Steel Hardening for U.S. Navy Littoral Combat Ships | --- | +2,400 |
| | Program Increase - Mine Warfare Testing Disruption | --- | +4,000 |
| | Navy requested transfer to line 49 for Automatic Test and Re-Test | --- | -2,000 |
| | Program Increase - Small Business Technology Insertion (Mine Warfare Modules) | --- | +8,000 |
| | LCS Axial Flow High Power Density Waterjets | --- | +2,800 |
| | Savings from accelerated DT | --- | -15,000 |
| 49 | COMBAT SYSTEM INTEGRATION | 24,344 | 34,344 |
| | Navy requested transfer from lines 34, 48, 107, 122 and 136 for Automatic Test and Re-Test | --- | +10,000 |
| 50 | CONVENTIONAL MUNITIONS | 5,388 | 5,388 |
| 51 | MARINE CORPS ASSAULT VEHICLES | 242,765 | 222,765 |
| | Expeditionary Fighting Vehicle | --- | -165,000 |
| | Termination Liability | --- | +145,000 |
| 52 | MARINE CORPS GROUND COMBAT/SUPPORT SYSTEM | 40,505 | 36,345 |
| | USMC Military Fleet Computer Co-simulation | --- | +640 |
| | Decision and Energy Reduction Tool | --- | +1,600 |
| | Expeditionary Capabilities Laboratory | --- | +5,600 |
| | JLTV EMD contract award delay | --- | -12,000 |
| 53 | JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT | 25,873 | 25,873 |
| 54 | COOPERATIVE ENGAGEMENT | 52,282 | 52,282 |
| 55 | OCEAN ENGINEERING TECHNOLOGY DEVELOPMENT | 13,560 | 17,880 |
| | PACNORWEST Large Diameter Unmanned Undersea Vehicle Experimentation | --- | +4,320 |
| 56 | ENVIRONMENTAL PROTECTION | 20,207 | 26,847 |
| | Puget Sound Littoral Environmental Sensing Network | --- | +4,960 |
| | Graywater Treatment Technology | --- | +880 |

| R-1 | --- | Budget Request | Recommendation |
|---|---|---|---|
| --- | --- | --- | --- |
| | Internet-Based Installation Environmental Management Information System | --- | +800 |
| 57 | NAVY ENERGY PROGRAM | 30,403 | 37,603 |
| | Program Increase - Alternative Energy from Organic Sources | --- | +4,000 |
| | High Density Energy Storage | --- | +3,200 |
| 58 | FACILITIES IMPROVEMENT | 3,746 | 12,866 |
| | Critical Power Securitization for Naval Installations | --- | +2,960 |
| | Tidal Energy Test Platform | --- | +3,760 |
| | Puget Sound Baseline Monitoring/Intrusion Detection System | --- | +1,600 |
| | UPSIDE Extension to Virtual Perimeter Monitoring System | --- | +800 |
| 59 | CHALK CORAL | 71,920 | 71,920 |
| 60 | NAVY LOGISTIC PRODUCTIVITY | 4,139 | 8,939 |
| | Hawaii Event Response Command Center | --- | +2,400 |
| | Real-Time Tactical Intelligence Collection System | --- | +2,400 |
| 61 | RETRACT MAPLE | 219,463 | 219,463 |
| 62 | LINK PLUMERIA | 58,030 | 58,030 |
| 63 | RETRACT ELM | 183,187 | 183,187 |
| 64 | SHIP SELF DEFENSE | 4,385 | 4,385 |
| 65 | LINK EVERGREEN | 41,433 | 41,433 |
| 66 | SPECIAL PROCESSES | 36,457 | 36,457 |
| 67 | NATO RESEARCH AND DEVELOPMENT | 9,196 | 9,196 |
| 68 | LAND ATTACK TECHNOLOGY | 905 | 905 |
| 69 | NONLETHAL WEAPONS | 43,272 | 44,072 |
| | Non-Lethal Defense Technologies | --- | +800 |
| 70 | JOINT PRECISION APPROACH AND LANDING SYSTEMS | 159,151 | 159,151 |
| 73 | DIRECTED ENERGY AND ELECTRIC WEAPON SYSTEMS | --- | 16,400 |
| | Global Law Enforcement Support for Counter-Narcotics | --- | +2,400 |
| | High Power Laser Technologies Initiative | --- | +1,600 |
| | Naval Electronic Warfare Technology Integration Center | --- | +2,400 |
| | Research Airship | --- | +2,000 |
| | Directed Energy Development and Test | --- | +8,000 |
| 74 | TACTICAL AIR DIRECTIONAL INFRARED COUNTERMEASURES | 51,693 | 51,693 |
| 75 | JOINT COUNTER RADIO CONTROLLED IED ELECTRONIC WARFARE | 56,542 | 50,242 |
| | Program delay | --- | -6,300 |
| 76 | PRECISION STRIKE WEAPONS DEVELOPMENT PROGRAM | 25,121 | 25,121 |
| 77 | SPACE & ELECTRONIC WARFARE (SEW) ARCHITECTURE/ENGINE | 34,793 | 34,793 |
| 78 | ASW SYSTEMS DEVELOPMENT - MIP | 2,161 | 2,161 |
| 79 | SUBMARINE TACTICAL WARFARE SYSTEMS - MIP | 4,253 | 4,253 |
| 80 | ELECTRONIC WARFARE DEVELOPMENT - MIP | 663 | 663 |
| 81 | OTHER HELO DEVELOPMENT | 44,329 | 44,329 |
| 82 | AV-8B AIRCRAFT - ENG DEV | 22,867 | 22,867 |
| 83 | STANDARDS DEVELOPMENT | 45,667 | 45,667 |
| 84 | MULTI-MISSION HELICOPTER UPGRADE DEVELOPMENT | 55,792 | 55,792 |
| 85 | AIR/OCEAN EQUIPMENT ENGINEERING | 5,735 | 5,735 |
| 86 | P-3 MODERNIZATION PROGRAM | 3,574 | 3,574 |
| 87 | WARFARE SUPPORT SYSTEM | 3,733 | 8,533 |
| | Tunable MicroRadio for Military Applications | --- | +4,800 |
| 88 | TACTICAL COMMAND SYSTEM | 89,955 | 87,955 |
| | Systems engineering growth | --- | -2,000 |
| 89 | ADVANCED HAWKEYE | 171,132 | 171,132 |
| 90 | H-1 UPGRADES | 60,498 | 60,498 |
| 90A | NAVAL AIRSHIP | --- | 8,000 |
| | Military Propulsion Advanced Program | --- | +8,000 |
| 91 | ACOUSTIC SEARCH SENSORS | 64,834 | 64,834 |
| 92 | V-22A | 46,070 | 44,425 |
| | Fuel forward funded in fiscal year 2010 supplemental | --- | -1,645 |
| 93 | AIR CREW SYSTEMS DEVELOPMENT | 8,689 | 11,189 |
| | Transfer from AP,N line 52 for Common Mobile Aircrew Restraint System | --- | +2,500 |
| 94 | EA-18 | 22,042 | 21,773 |
| | Fuel forward funded in fiscal year 2010 supplemental | --- | -269 |
| 95 | ELECTRONIC WARFARE DEVELOPMENT | 80,819 | 80,819 |
| 96 | VH-71A EXECUTIVE HELO DEVELOPMENT | 159,785 | 159,785 |
| 97 | NEXT GENERATION JAMMER (NGJ) | 120,602 | 90,602 |
| | Technology development contract delay | --- | -30,000 |
| 98 | JOINT TACTICAL RADIO SYSTEM - NAVY (JTRS-NAVY) | 687,723 | 627,723 |
| | Airborne Maritime Fixed unjustified increase | --- | -60,000 |
| 100 | SURFACE COMBATANT COMBAT SYSTEM ENGINEERING | 193,933 | 193,933 |
| 101 | LPD-17 CLASS SYSTEMS INTEGRATION | 1,373 | 23,113 |
| | Gulf Coast Land Based Test Facility | --- | +21,740 |
| 102 | SMALL DIAMETER BOMB (SDB) | 44,091 | 24,091 |

| R-1 | --- | Budget Request | Recommendation |
|---|---|---|---|
| --- | --- | --- | --- |
| | Program delay | --- | -20,000 |
| 103 | STANDARD MISSILE IMPROVEMENTS | 96,186 | 96,186 |
| 104 | AIRBORNE MCM | 45,885 | 45,885 |
| 105 | NAVAL INTEGRATED FIRE CONTROL-COUNTER AIR SYSTEMS ENG | 21,517 | 21,517 |
| 106 | ADVANCED ABOVE WATER SENSORS | 274,371 | 276,771 |
| | Electronic Periscope Detection Radar | --- | +2,400 |
| 107 | SSN-688 AND TRIDENT MODERNIZATION | 118,897 | 114,997 |
| | Navy requested transfer to line 49 for Automatic Test and Re-Test | --- | -2,000 |
| | TB-33 Thinline Towed Array | --- | +2,800 |
| | Communications at Speed and Depth | --- | -4,700 |
| 108 | AIR CONTROL | 5,665 | 5,665 |
| 109 | SHIPBOARD AVIATION SYSTEMS | 70,117 | 70,117 |
| 110 | COMBAT INFORMATION CENTER CONVERSION | 5,044 | 5,044 |
| 111 | NEW DESIGN SSN | 155,489 | 176,289 |
| | Program Increase - Small Business Technology Insertion | --- | +16,000 |
| | Common Command and Control System Module | --- | +4,800 |
| 112 | SUBMARINE TACTICAL WARFARE SYSTEM | 50,537 | 65,337 |
| | Artificial Intelligence-Based Combat System | --- | +4,000 |
| | Organic Submarine Airborne ISRT Deployment | --- | +3,600 |
| | SSGN Weapon Launch Technology Insertion | --- | +1,600 |
| | Submarine Environment for Evaluation and Development | --- | +3,200 |
| | Weapon Acquisition and Firing System | --- | +2,400 |
| 113 | SHIP CONTRACT DESIGN/LIVE FIRE T&E | 153,686 | 169,886 |
| | Automated Fiber Optic Manufacturing Initiative | --- | +3,200 |
| | Full Ship Shock Trial Alternative transfer from line 136 | --- | +13,000 |
| 114 | NAVY TACTICAL COMPUTER RESOURCES | 4,443 | 4,443 |
| 115 | MINE DEVELOPMENT | 5,455 | 5,455 |
| 116 | LIGHTWEIGHT TORPEDO DEVELOPMENT | 25,282 | 25,282 |
| 117 | JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT | 10,489 | 10,489 |
| 118 | PERSONNEL, TRAINING, SIMULATION, AND HUMAN FACTORS | 10,759 | 10,759 |
| 119 | JOINT STANDOFF WEAPON SYSTEMS | 12,567 | 12,567 |
| 120 | SHIP SELF DEFENSE (DETECT & CONTROL) | 45,930 | 51,130 |
| | Persistent Surveillance Wave Power Buoy System | --- | +2,800 |
| | Wind-Powered Autonomous Unmanned Surface Vessel | --- | +2,400 |
| 121 | SHIP SELF DEFENSE (ENGAGE: HARD KILL) | 5,860 | 17,860 |
| | Laser Phalanx | --- | +12,000 |
| 122 | SHIP SELF DEFENSE (ENGAGE: SOFT KILL/EW) | 84,525 | 82,525 |
| | Navy requested transfer to line 49 for Automatic Test and Re-Test | --- | -2,000 |
| 123 | INTELLIGENCE ENGINEERING | 6,820 | 6,820 |
| 124 | MEDICAL DEVELOPMENT | 12,337 | 53,137 |
| | Wound Care Research | --- | +10,400 |
| | Military Dental Research | --- | +6,400 |
| | City of Hope National Medical Center Advanced Molecular Medical Initiative | --- | +1,600 |
| | National Functional Genomics Center Collaborating Site | --- | +4,000 |
| | Proton Therapy Institute | --- | +8,000 |
| | U.S. Navy Pandemic Influenza Vaccine Program | --- | +1,600 |
| | Repair | --- | +1,600 |
| | Treatment and Rehabilitation Solutions for Battlefield Cranio-Facial Wounds | --- | +4,000 |
| | Vision Restoration using Wireless Retinal Implants | --- | +3,200 |
| 125 | NAVIGATION/ID SYSTEM | 66,636 | 66,636 |
| 126 | JOINT STRIKE FIGHTER (JSF) - EMD | 667,916 | 613,864 |
| | Block IV capabilities funding ahead of need | --- | -29,052 |
| | Underexecution of test program | --- | -25,000 |
| 127 | JOINT STRIKE FIGHTER (JSF) | 707,791 | 901,806 |
| | Block IV capabilities funding ahead of need | --- | -29,000 |
| | Fuel forward funded in fiscal year 2010 supplemental | --- | -1,985 |
| | Alternate engine development | --- | +225,000 |
| 128 | INFORMATION TECHNOLOGY DEVELOPMENT | 22,783 | 22,783 |
| 129 | INFORMATION TECHNOLOGY DEVELOPMENT | 28,280 | 53,980 |
| | Intelligent Integrated Manufacturing System | --- | +2,400 |
| | Condition-based Maintenance Enabling Technologies Program | --- | +2,040 |
| | Cyber Engineering and Technology Development Center Project | --- | +1,600 |
| | Digitization, Integration and Analyst Access of NCIS Files | --- | +1,020 |
| | Integration of Logistics Information for Knowledge Projection and Readiness Assessment Program | --- | +1,360 |
| | METOC Integrated Network-Centric Technology Systems | --- | +2,400 |
| | Production Efficiency Program | --- | +1,680 |
| | Southern Maryland Defense Facility Fiber Connectivity Initiative | --- | +6,000 |
| | Supply Chain Logistics Capability at the ABL NIROP | --- | +3,200 |

| R-1 | --- | Budget Request | Recommendation |
|---|---|---|---|
| --- | --- | --- | --- |
| | SPAWAR Systems Center (SSC/ITC), Atlantic New Orleans | --- | +4,000 |
| 130 | NAVY INTEGRATED MILITARY HUMAN RESOURCES SYSTEM | 27,444 | 15,444 |
| | Reduction to pre-development activities | --- | -12,000 |
| 131 | CH-53K | 577,435 | 577,435 |
| 133 | JOINT AIR-TO-GROUND MISSILE (JAGM) | 100,846 | 100,846 |
| 134 | MULTI-MISSION MARITIME AIRCRAFT (MMA) | 929,240 | 941,240 |
| | Program Increase - Small Business Technology Insertion | --- | +12,000 |
| 136 | DDG-1000 | 549,241 | 534,241 |
| | Navy requested transfer to line 49 for Automatic Test and Re-Test | --- | -2,000 |
| | Full Ship Shock Trial Alternative transfer to line 113 | --- | -13,000 |
| 137 | TACTICAL COMMAND SYSTEM - MIP | 1,318 | 1,318 |
| 138 | SSN-688 AND TRIDENT MODERNIZATION - MIP | 1,415 | 1,415 |
| 139 | TACTICAL CRYPTOLOGIC SYSTEMS | 17,019 | 12,387 |
| | Execution delays | --- | -4,632 |
| 140 | THREAT SIMULATOR DEVELOPMENT | 18,755 | 18,755 |
| 141 | TARGET SYSTEMS DEVELOPMENT | 66,066 | 66,066 |
| 142 | MAJOR T&E INVESTMENT | 37,522 | 44,722 |
| | SOF COMMS, PSYOPS | --- | +4,000 |
| | Surveillance and Strike Mission Radar Test Bed | --- | +3,200 |
| 143 | STUDIES AND ANALYSIS SUPPORT - NAVY | 8,149 | 8,149 |
| 144 | CENTER FOR NAVAL ANALYSES | 49,165 | 49,165 |
| 146 | TECHNICAL INFORMATION SERVICES | 662 | 15,062 |
| | Hawaii Technology Development Venture | --- | +10,000 |
| | Integrated Manufacturing Enterprise | --- | +2,800 |
| | Virtual Business Accelerator for the Silicon Prairie | --- | +1,600 |
| 147 | MANAGEMENT, TECHNICAL & INTERNATIONAL SUPPORT | 58,329 | 58,329 |
| 148 | STRATEGIC TECHNICAL SUPPORT | 3,451 | 3,451 |
| 149 | RDT&E SCIENCE AND TECHNOLOGY MANAGEMENT | 72,094 | 72,094 |
| 150 | RDT&E SHIP AND AIRCRAFT SUPPORT | 95,332 | 93,871 |
| | Fuel forward funded in fiscal year 2010 supplemental | --- | -1,461 |
| 151 | TEST AND EVALUATION SUPPORT | 376,418 | 376,418 |
| 152 | OPERATIONAL TEST AND EVALUATION CAPABILITY | 15,746 | 15,746 |
| 153 | NAVY SPACE AND ELECTRONIC WARFARE (SEW) SUPPORT | 4,013 | 4,013 |
| 154 | SEW SURVEILLANCE/RECONNAISSANCE SUPPORT | 19,700 | 19,700 |
| 155 | MARINE CORPS PROGRAM WIDE SUPPORT | 17,721 | 20,521 |
| | Enhanced Logistics Data Analysis via Data Pedigree | --- | +1,200 |
| | Global Supply Chain Management - Center for Advanced Logistics Management | --- | +1,600 |
| 156 | TACTICAL CRYPTOLOGIC ACTIVITIES | 1,859 | 1,859 |
| 157 | SERVICE SUPPORT TO JFCOM, JNTC | 4,260 | 4,260 |
| 161 | UNMANNED COMBAT AIR VEHICLE (UCAV) ADVANCED COMPONENT | 266,368 | 266,368 |
| 162 | STRATEGIC SUB & WEAPONS SYSTEM SUPPORT | 81,184 | 75,584 |
| | Nuclear Security Sensor System | --- | +3,600 |
| | Virtual Maintenance Engineering Platform for SSGN Voyage Repair | --- | +800 |
| | Conventional Trident Modification | --- | -10,000 |
| 163 | SSBN SECURITY TECHNOLOGY PROGRAM | 34,997 | 34,997 |
| 164 | SUBMARINE ACOUSTIC WARFARE DEVELOPMENT | 6,815 | 6,815 |
| 165 | NAVY STRATEGIC COMMUNICATIONS | 10,331 | 10,331 |
| 166 | RAPID TECHNOLOGY TRANSITION (RTT) | 35,120 | 35,120 |
| 167 | F/A-18 SQUADRONS | 148,438 | 150,938 |
| | High Performance Military Aircraft Noise Reduction | --- | +2,500 |
| 168 | E-2 SQUADRONS | 19,011 | 22,211 |
| | Airborne High Gain UHF ESA | --- | +3,200 |
| 169 | FLEET TELECOMMUNICATIONS (TACTICAL) | 26,894 | 30,894 |
| | Virtual Secure Enclave | --- | +4,000 |
| 170 | TOMAHAWK AND TOMAHAWK MISSION PLANNING CENTER (TMPC) | 10,587 | 13,627 |
| | Tomahawk Cost Reduction Initiative | --- | +3,040 |
| 171 | INTEGRATED SURVEILLANCE SYSTEM | 23,464 | 23,464 |
| 172 | AMPHIBIOUS TACTICAL SUPPORT UNITS | 4,357 | 4,357 |
| 173 | CONSOLIDATED TRAINING SYSTEMS DEVELOPMENT | 50,750 | 50,750 |
| 174 | CRYPTOLOGIC DIRECT SUPPORT | 1,519 | 1,519 |
| 175 | ELECTRONIC WARFARE (EW) READINESS SUPPORT | 39,398 | 39,398 |
| 176 | HARM IMPROVEMENT | 14,207 | 12,207 |
| | Systems engineering growth | --- | -2,000 |
| 177 | TACTICAL DATA LINKS | 28,854 | 28,854 |
| 178 | SURFACE ASW COMBAT SYSTEM INTEGRATION | 32,877 | 36,877 |
| | Program Increase - Small Business Technology Insertion | --- | +4,000 |
| 179 | MK-48 ADCAP | 26,234 | 34,234 |
| | Program Increase - Small Business Technology Insertion | --- | +8,000 |
| 180 | AVIATION IMPROVEMENTS | 133,611 | 105,330 |

| R-1 | --- | Budget Request | Recommendation |
|---|---|---|---|
| --- | --- | --- | --- |
| | F-135 engine ahead of need | --- | -27,000 |
| | Multi-purpose bomb rack program delay | --- | -5,721 |
| | Solid State Arc Fault Detection with Arc Location System | --- | +1,240 |
| | Wireless Sensors for Navy Aircraft | --- | +3,200 |
| 181 | NAVY SCIENCE ASSISTANCE PROGRAM | 3,535 | 3,535 |
| 182 | OPERATIONAL NUCLEAR POWER SYSTEMS | 74,229 | 74,229 |
| 183 | MARINE CORPS COMMUNICATIONS SYSTEMS | 245,298 | 234,098 |
| | Enhance STRIKE Functionality and Integrate Actionable Intelligence into National Intelligence Systems | --- | +1,200 |
| | Joint Cooperative Target Identification - Ground | --- | -12,400 |
| 184 | MARINE CORPS GROUND COMBAT/SUPPORTING ARMS SYSTEMS | 100,424 | 84,824 |
| | Marine personnel carrier program delay | --- | -20,000 |
| | Energy Efficient and Survivable Tent Technology | --- | +2,400 |
| | Inertial North Finding for Handheld Sensors | --- | +1,200 |
| | IUID Web-Based Tracking and Accountability Software | --- | +3,200 |
| | MPC Performance Feedback and Assessment System | --- | +1,600 |
| | LAV-AT contract delay | --- | -4,000 |
| 185 | MARINE CORPS COMBAT SERVICES SUPPORT | 19,466 | 21,066 |
| | Joint Modular Intermodal Container | --- | +1,600 |
| 186 | USMC INTELLIGENCE/ELECTRONIC WARFARE SYSTEMS | 20,316 | 20,316 |
| 187 | TACTICAL AIM MISSILES | 912 | 912 |
| 188 | ADVANCED MEDIUM RANGE AIR-TO-AIR MISSILE (AMRAAM) | 2,633 | 2,633 |
| 189 | JOINT HIGH SPEED VESSEL (JHSV) | 3,586 | 3,586 |
| 194 | SATELLITE COMMUNICATIONS (SPACE) | 422,268 | 422,268 |
| 195 | CONSOLIDATED AFLOAT NETWORK ENTERPRISE SERVICES | 63,563 | 44,563 |
| | Increment 1 transition contract delay | --- | -19,000 |
| 196 | INFORMATION SYSTEMS SECURITY PROGRAM | 25,934 | 25,934 |
| 199 | CONSOLIDATED AFLOAT NETWORK ENTERPRISE SERVICES - MIP | 8,375 | 8,375 |
| 201 | COBRA JUDY | 36,527 | 36,527 |
| 202 | NAVY METEOROLOGICAL AND OCEAN SENSORS-SPACE (METOC) | 63,878 | 63,878 |
| 203 | JOINT MILITARY INTELLIGENCE PROGRAMS | 4,435 | 4,435 |
| 204 | TACTICAL UNMANNED AERIAL VEHICLES | 35,212 | 18,912 |
| | Marinized UAS | --- | -16,300 |
| 206 | AIRBORNE RECONNAISSANCE SYSTEMS | --- | 53,400 |
| | Program increase | --- | +5,200 |
| | EP-3/SPA systems development | --- | +45,000 |
| | Fusion Exploitation Algorithm Targeting High Altitude Reconnaissance | --- | +3,200 |
| 207 | MANNED RECONNAISSANCE SYSTEMS | 19,263 | 19,263 |
| 208 | DISTRIBUTED COMMON GROUND SYSTEMS/SURFACE SYSTEMS | 8,377 | 8,377 |
| 209 | DISTRIBUTED COMMON GROUND SYSTEMS/SURFACE SYSTEMS | 16,665 | 16,665 |
| 210 | RQ-4 UAV | 529,250 | 529,250 |
| 211 | MQ-8 UAV | 10,665 | 10,665 |
| 212 | RQ-11 UAV | 512 | 512 |
| 213 | RQ-7 UAV | 934 | 934 |
| 214 | SMALL (LEVEL 0) TACTICAL UAS (STUASL0) | 26,209 | 26,209 |
| 215 | SMALL (LEVEL 0) TACTICAL UAS (STUASL0) | 18,098 | 12,710 |
| | STUAS Lite termination | --- | -5,388 |
| 218 | MODELING AND SIMULATION SUPPORT | 8,158 | 8,158 |
| 219 | DEPOT MAINTENANCE (NON-IF) | 18,649 | 18,649 |
| 220 | AVIONICS COMPONENT IMPROVEMENT PROGRAM | 3,250 | 4,250 |
| | Avionics Research and Development Laboratory | --- | +1,000 |
| 221 | INDUSTRIAL PREPAREDNESS | 46,173 | 54,173 |
| | Lightweight Ship Structures Technologies to Reduce Total Ownership Costs | --- | +3,200 |
| | Life Extension of Navy Weapon System Structures through AMP Technologies | --- | +1,600 |
| | Out of Autoclave Composite Wing Project | --- | +2,400 |
| | Rapid Casting Technology for Naval Castings | --- | +800 |
| 222 | MARITIME TECHNOLOGY (MARITECH) | --- | 2,000 |
| | Navy Ordnance Real-Time Location System Using Passive Radio Frequency Identification | --- | +2,000 |
| | CLASSIFIED PROGRAMS | 1,284,901 | 1,499,901 |
| | Classified adjustment | --- | +215,000 |
| --- | --- | --- | --- |
| | TOTAL, RESEARCH, DEVELOPMENT, TEST & EVALUATION, NAVY | 17,693,496 | 18,447,913 |
| --- | --- | --- | --- |
| | RESEARCH, DEVELOPMENT, TEST & EVALUATION, AIR FORCE | | |
| --- | --- | --- | --- |

| R-1 | --- | Budget Request | Recommendation |
|---|---|---|---|
| --- | --- | --- | --- |
| 1 | **DEFENSE RESEARCH SCIENCES** | **350,978** | **356,898** |
| | Advanced Performance Aircraft Engine Laboratory | --- | +2,320 |
| | Center for Microplasma Science and Technology | --- | +1,200 |
| | Chabot Space and Science Center | --- | +800 |
| | Development and Validation of Advanced Design Technologies for Hypersonic Research | --- | +1,600 |
| 2 | **UNIVERSITY RESEARCH INITIATIVES** | **136,297** | **156,137** |
| | Center for Metamaterials and Nanophotonics for Advanced Technology | --- | +2,960 |
| | Hypersonic Wind Tunnel | --- | +3,200 |
| | ARL-ONAMI Center for Nanoarchitectures for Enhanced Performance | --- | +1,600 |
| | BattleSpace: Reducing Military Decision Cycles, Phase II | --- | +2,000 |
| | Computer Network Attack/Computer Network Defense | --- | +800 |
| | Cyber Innovation Center - Research and Development Seed Fund | --- | +4,000 |
| | Cyberattack Forecasting | --- | +2,080 |
| | Institute for Advanced Energy Studies | --- | +3,200 |
| 3 | **HIGH ENERGY LASER RESEARCH INITIATIVES** | **13,198** | **13,198** |
| 4 | **MATERIALS** | **137,273** | **169,993** |
| | Blast Resistant Concrete Products | --- | +2,400 |
| | Pennsylvania NanoMaterials Commercialization Center | --- | +1,600 |
| | Rio Grande Valley Nanotech Institute | --- | +1,600 |
| | Accelerated Insertion of Advanced Materials and Certification for Military Aircraft Structure Material | --- | +2,000 |
| | Advanced Aerospace Carbon Foam Heat Exchangers | --- | +3,200 |
| | Air Force Minority Leaders Program | --- | +2,400 |
| | Aircraft Fatigue Modeling and Simulation | --- | +3,200 |
| | Conducting Polymer Stress and Polymer Damage Sensors for Composites | --- | +1,600 |
| | Energy Efficiency, Recovery and Generation | --- | +800 |
| | LGX High Temperature Acoustic Wave Sensors for Monitoring of Aerospace Components | --- | +2,400 |
| | Nanocomposites for Lightning Protection of Composite Airframe Structures | --- | +2,400 |
| | ONAMI Safer Nanomaterials and Nanomanufacturing | --- | +3,200 |
| | Partnership for Emerging Energy Technologies | --- | +1,600 |
| | Wyoming Army National Guard Joint Training and Experimentation Center | --- | +4,320 |
| 5 | **AEROSPACE VEHICLE TECHNOLOGIES** | **144,699** | **151,499** |
| | UAV Sensor and Maintenance Development Center | --- | +4,000 |
| | Unmanned Aerial System Exploitation | --- | +2,800 |
| 6 | **HUMAN EFFECTIVENESS APPLIED RESEARCH** | **87,452** | **91,052** |
| | Vigilance Assistance in Screening, Surveillance and Reconnaissance | --- | +3,600 |
| 7 | **AEROSPACE PROPULSION** | **207,049** | **214,849** |
| | Advanced Research Laboratory Upgrade for Material Sciences and Aeronautics | --- | +1,200 |
| | National Test Facility for Aerospace Fuels and Propulsion | --- | +1,920 |
| | AFRL Edwards Rocket Test Stand 2-A Improvements | --- | +2,400 |
| | In-Space Solar Electric Resource Transport Development | --- | +800 |
| | Military Base Energy Security Demonstration Project | --- | +1,600 |
| | Renewable Aromatic Jet Fuel Components for DoD Energy Needs | --- | +2,880 |
| | Unjustified program growth | --- | -3,000 |
| 8 | **AEROSPACE SENSORS** | **157,497** | **174,217** |
| | Program Increase - Materials for Structures, Propulsion, and Subsystems | --- | +2,400 |
| | Advanced Integrated Microsystems for Military Systems | --- | +4,000 |
| | Gallium Nitride Materials for High Performance Devices | --- | +2,800 |
| | Information Quality Tools for Persistent Surveillance Data Sets | --- | +1,600 |
| | On-Chip Integrated Photonic Polymer Transceiver | --- | +4,000 |
| | Random Obfuscating Compiler Anti-Tamper Software | --- | +1,920 |
| 9 | **SPACE TECHNOLOGY** | **111,857** | **124,577** |
| | Technology Research and Innovation Outreach for Space | --- | +2,400 |
| | Center for Solar Electricity and Hydrogen | --- | +4,000 |
| | Nuclear Test Monitoring Seismic Research | --- | +4,000 |
| | Reconfigurable Electronics and Non-Volatile Memory Research | --- | +720 |
| | Space Plasma Research Augmentation | --- | +1,600 |
| 10 | **CONVENTIONAL MUNITIONS** | **61,330** | **61,330** |
| 11 | **DIRECTED ENERGY TECHNOLOGY** | **103,596** | **114,896** |
| | Re-alignment of funding for ground optical imaging research and technology | --- | +11,300 |
| 13 | **DOMINANT INFORMATION SCIENCES AND METHODS** | **117,283** | **115,783** |
| | Transfer to line 11 | --- | -1,500 |
| 14 | **HIGH ENERGY LASER RESEARCH** | **53,384** | **53,384** |
| 15 | **ADVANCED MATERIALS FOR WEAPON SYSTEMS** | **33,414** | **59,454** |

| R-1 | --- | Budget Request | Recommendation |
|---|---|---|---|
| --- | --- | --- | --- |
| | Advanced Solar Photovoltaics and Power Conversion Modules | --- | +1,360 |
| | Wayne State University Sonic IR Imaging Technology Development | --- | +800 |
| | Transfer to line 11 | --- | -1,000 |
| | Advanced Aircraft Maintenance Technologies | --- | +1,600 |
| | Aircraft Evaluation Readiness Initiative | --- | +2,080 |
| | Alaska Industrial Supercritical Water | --- | +800 |
| | KC-135 Structural Teardown Examination | --- | +1,600 |
| | Metals Affordability Initiative | --- | +8,000 |
| | Military Waste-to-Energy Project using the Hydro-Thermal Energy Conversion Process | --- | +4,000 |
| | Science, Technology, Academic, Research, Outreach Program | --- | +3,280 |
| | Sewage-Derived Biofuels Project | --- | +3,520 |
| 16 | **SUSTAINMENT SCIENCE AND TECHNOLOGY (S&T)** | **2,935** | **2,935** |
| 17 | **ADVANCED AEROSPACE SENSORS** | **44,677** | **50,777** |
| | SiC RF Power for Airborne Avionics and Radar | --- | +1,600 |
| | Silicon Carbide Material Manufacturing Initiative | --- | +4,500 |
| 18 | **AEROSPACE TECHNOLOGY DEV/DEMO** | **53,588** | **52,588** |
| | Transfer to line 11 | --- | -1,000 |
| 19 | **AEROSPACE PROPULSION AND POWER TECHNOLOGY** | **136,135** | **145,735** |
| | Renewable Hydrocarbon Fuels for Military Applications | --- | +4,000 |
| | Texas Research Institute for Environmental Studies | --- | +2,800 |
| | Transfer to line 11 | --- | -2,000 |
| | Algal Biofuels for Aviation | --- | +1,600 |
| | Silicon Carbide Power Modules for the F-35 Joint Strike Fighter | --- | +3,200 |
| 20 | **CREW SYSTEMS AND PERSONNEL PROTECTION TECHNOLOGY** | **0** | **1,600** |
| | Joint Strike Fighter Authentic Tactical Fighting System | --- | +1,600 |
| 21 | **ELECTRONIC COMBAT TECHNOLOGY** | **16,992** | **16,992** |
| 22 | **ADVANCED SPACECRAFT TECHNOLOGY** | **83,705** | **82,755** |
| | Microsatellite Autonomous Assembly | --- | +1,440 |
| | Transfer to line 11 | --- | -3,590 |
| | Secure Supply of High-Purity Carbon Nanotube Solutions | --- | +1,200 |
| 23 | **MAUI SPACE SURVEILLANCE SYSTEM (MSSS)** | **5,899** | **23,799** |
| | Program increase | --- | +7,500 |
| | Flash Hyper-Dimensional Imaging System for Space Situational Awareness and Ballistic Missile Defense | --- | +3,200 |
| | PanSTARRS | --- | +7,200 |
| 24 | **HUMAN EFFECTIVENESS ADVANCED TECHNOLOGY DEVELOPMENT** | **24,814** | **26,414** |
| | PhasorBIRD Tracker Development | --- | +1,600 |
| 25 | **CONVENTIONAL WEAPONS TECHNOLOGY** | **15,755** | **15,755** |
| 26 | **ADVANCED WEAPONS TECHNOLOGY** | **17,461** | **28,261** |
| | Counter-MANPAD RF Amplifier | --- | +1,600 |
| | LIDAR Applications for Vehicles with Analysis | --- | +5,200 |
| | Real-time Optical Surveillance Applications | --- | +4,000 |
| 27 | **MANUFACTURING TECHNOLOGY PROGRAM** | **39,701** | **54,501** |
| | Washington Aerospace Training and Research Center | --- | +800 |
| | Supply Chain Solutions Lab | --- | +1,200 |
| | Program Increase - Best Industrial Process for Department of Defense Depots | --- | +8,000 |
| | Advanced Development of Aerospace Fabrication and Assembly Technologies | --- | +1,600 |
| | Next Generation Casting Initiative | --- | +1,600 |
| | Rapid Automated Processing of Advanced Low | --- | +1,600 |
| 28 | **BATTLESPACE KNOWLEDGE DEVELOPMENT & DEMONSTRATION** | **32,382** | **40,782** |
| | Cyber Security Shield Initiative | --- | +2,400 |
| | Computer and Communications Network Vulnerability Solutions | --- | +3,600 |
| | Cyber Center for Innovation and Education | --- | +2,400 |
| 30 | **HIGH ENERGY LASER ADVANCED TECHNOLOGY PROGRAM** | **1,847** | **1,847** |
| XX | **RESEARCH AND DEVELOPMENT INNOVATION** | **0** | **105,000** |
| | Research and Development Innovation | --- | +105,000 |
| 31 | **INTELLIGENCE ADVANCED DEVELOPMENT** | **5,019** | **6,619** |
| | Collaboration Gateway | --- | +1,600 |
| 32 | **PHYSICAL SECURITY EQUIPMENT** | **3,576** | **1,000** |
| | Unjustified program request | --- | -2,576 |
| 33 | **GPS III - OPERATIONAL CONTROL SEGMENT** | **0** | **356,867** |
| | Operational Control Segment (OCX), transfer from line 212 | --- | +356,867 |
| 34 | **ADVANCED EHF MILSATCOM (SPACE)** | **351,817** | **394,817** |
| | Program Increase - Capabilities Insertion Program | --- | +43,000 |
| 35 | **POLAR MILSATCOM (SPACE)** | **164,232** | **164,232** |
| 36 | **SPACE CONTROL TECHNOLOGY** | **45,012** | **51,412** |

| R-1 | --- | Budget Request | Recommendation |
|---|---|---|---|
| --- | --- | --- | --- |
| | Advanced Sensor Data Integration for Space Superiority | --- | +2,400 |
| | High Accuracy Network Determination System-Intelligent Optical Network for Space Situational Awareness | --- | +4,000 |
| 37 | COMBAT IDENTIFICATION TECHNOLOGY | 26,172 | 36,172 |
| | Program Increase - Automatic Dependent Surveillance - Broadcast | --- | +10,000 |
| 38 | NATO RESEARCH AND DEVELOPMENT | 4,372 | 4,372 |
| 39 | INTERNATIONAL SPACE COOPERATIVE R&D | 635 | 635 |
| 40 | SPACE PROTECTION PROGRAM (SPP) | 8,349 | 8,349 |
| 42 | INTEGRATED BROADCAST SERVICE | 20,580 | 20,580 |
| 43 | INTERCONTINENTAL BALLISTIC MISSILE | 66,745 | 66,745 |
| 44 | WIDEBAND GAPFILLER SYSTEM RDT&E (SPACE) | 36,123 | 79,123 |
| | Program Increase - Capabilities Insertion Program | --- | +43,000 |
| 45 | POLLUTION PREVENTION (DEM/VAL) | 2,534 | 2,534 |
| 46 | JOINT PRECISION APPROACH AND LANDING SYSTEMS | 13,952 | 13,952 |
| 47 | NEXT GENERATION BOMBER | 198,957 | 198,957 |
| 48 | BATTLE MGMT COM & CTRL SENSOR DEVELOPMENT | 0 | 12,000 |
| | Program Increase - GMTI Radar Development | --- | +12,000 |
| 49 | HARD AND DEEPLY BURIED TARGET DEFEAT SYSTEM | 22,389 | 22,389 |
| 50 | JOINT DUAL ROLE AIR DOMINANCE MISSILE | 9,799 | 9,799 |
| 51 | REQUIREMENTS ANALYSIS AND MATURATION | 34,339 | 34,339 |
| 52 | NEXT-GENERATION MILSATCOM TECHNOLOGY DEVELOPMENT | 0 | 20,000 |
| | Program Increase - Acquisition Planning and Studies | --- | +20,000 |
| 53 | GROUND ATTACK WEAPONS FUZE DEVELOPMENT | 32,513 | 22,513 |
| | Program delay | --- | -10,000 |
| 54 | ALTERNATIVE FUELS | 24,064 | 24,064 |
| 55 | AUTOMATED AIR-TO-AIR REFUELING | 85 | 85 |
| 56 | OPERATIONALLY RESPONSIVE SPACE | 93,978 | 129,498 |
| | Program Increase - Responsive Launch Capabilities | --- | +32,000 |
| | Space Sensor Data Link Technology | --- | +3,520 |
| 57 | TECH TRANSITION PROGRAM | 12,260 | 12,260 |
| 58 | NATIONAL POLAR-ORBITING OPERATIONAL ENVIRONMENTAL SAT | 325,505 | 100,000 |
| | Program Reduction | --- | -225,505 |
| 58A | DEFENSE WEATHER SATELLITE SYSTEM (DWSS) | | 75,000 |
| | DWSS-only for defense sensor development | --- | +75,000 |
| 59 | GLOBAL BROADCAST SERVICE (GBS) | 18,171 | 18,171 |
| 60 | NUCLEAR WEAPONS SUPPORT | 60,545 | 65,345 |
| | Nuclear Enterprise Surety Tracking II | --- | +4,000 |
| | High Energy Conventional Energetics | --- | +800 |
| 62 | SPECIALIZED UNDERGRADUATE FLIGHT TRAINING | 8,066 | 13,666 |
| | AT-6B Demonstration for the Air National Guard | --- | +5,600 |
| 64 | ELECTRONIC WARFARE DEVELOPMENT | 89,966 | 89,966 |
| 65 | JOINT TACTICAL RADIO | 631 | 631 |
| 66 | TACTICAL DATA NETWORKS ENTERPRISE | 102,941 | 102,941 |
| 67 | PHYSICAL SECURITY EQUIPMENT | 50 | 50 |
| 68 | SMALL DIAMETER BOMB (SDB) | 153,505 | 100,505 |
| | SDB II - Contract Award Delay | --- | -53,000 |
| 69 | COUNTERSPACE SYSTEMS | 40,276 | 40,276 |
| 70 | SPACE SITUATION AWARENESS SYSTEMS | 426,525 | 350,425 |
| | SBSS Follow On | --- | -45,100 |
| | Space Fence | --- | -35,000 |
| | Integration of Missile Defense Agency radar systems into Space Surveillance Network | --- | +4,000 |
| 71 | AIRBORNE ELECTRONIC ATTACK | 25,937 | 25,937 |
| 72 | SPACE BASED INFRARED SYSTEM (SBIRS) HIGH EMD | 530,047 | 530,047 |
| 74 | ARMAMENT/ORDNANCE DEVELOPMENT | 6,693 | 11,493 |
| | Network Centric Airborne Defense Element | --- | +4,800 |
| 75 | SUBMUNITIONS | 1,622 | 1,622 |
| 76 | AGILE COMBAT SUPPORT | 37,987 | 37,987 |
| 77 | LIFE SUPPORT SYSTEMS | 10,650 | 12,650 |
| | Active Noise Reduction Communication Ear Plug for Military Aircrew | --- | +2,000 |
| 78 | COMBAT TRAINING RANGES | 36,905 | 36,905 |
| 79 | INTEGRATED COMMAND & CONTROL APPLICATIONS (IC2A) | 10 | 810 |
| | Service Oriented Architecture Implementation for Cyber-Security Tools | --- | +800 |
| 80 | INTELLIGENCE EQUIPMENT | 1,364 | 1,364 |
| 81 | JOINT STRIKE FIGHTER (JSF) | 883,773 | 1,277,810 |
| | Air Force requested transfer from line 135 | --- | +159,837 |
| | Mitigating RoHS Lead-Free Issues in Aeropsace Circuit Board Manufacturing | --- | +1,600 |
| | Alternate Engine Development | --- | +225,000 |
| | Air Force requested transfer for Auto GCAS from AP,AF line 43 | --- | +7,600 |
| 82 | INTERCONTINENTAL BALLISTIC MISSILE | 71,843 | 71,843 |

| R-1 | --- | Budget Request | Recommendation |
|---|---|---|---|
| --- | --- | --- | --- |
| 83 | EVOLVED EXPENDABLE LAUNCH VEHICLE PROGRAM (SPACE) | 30,245 | 55,245 |
| | Program Increase - EELV Common Upper Stage | --- | +25,000 |
| 85 | NEXT GENERATION AERIAL REFUELING AIRCRAFT | 863,875 | 0 |
| | Transfer to Tanker Transfer Fund | --- | -863,875 |
| 86 | CSAR HH-60 RECAPITALIZATION | 12,584 | 0 |
| | Program Termination | --- | -12,584 |
| 86A | HH-60 RDT&E | 0 | 1,934 |
| | Terrain and Traffic Avoidance Systems - Transfer from line 86 | --- | +1,934 |
| 88 | HC/MC-130 RECAP RDT&E | 15,536 | 15,536 |
| 91 | SINGLE INTEGRATED AIR PICTURE (SIAP) | 1,832 | 0 |
| | Program termination | --- | -1,832 |
| 92 | FULL COMBAT MISSION TRAINING | 57,393 | 57,393 |
| 94 | JOINT CARGO AIRCRAFT (JCA) | 26,407 | 26,407 |
| 95 | CV-22 | 18,270 | 18,270 |
| 96 | AIRBORNE SENIOR LEADER C3 (SLC3S) | 15,826 | 7,826 |
| | Contract award delay for SLC3S-A Communications Program (SCP) | --- | -8,000 |
| 97 | THREAT SIMULATOR DEVELOPMENT | 21,245 | 21,245 |
| 98 | MAJOR T&E INVESTMENT | 61,587 | 65,187 |
| | Holloman High Speed Test Track - Expanded Test Capability | --- | +3,600 |
| 99 | RAND PROJECT AIR FORCE | 26,752 | 26,752 |
| 101 | INITIAL OPERATIONAL TEST & EVALUATION | 20,665 | 20,665 |
| 102 | TEST AND EVALUATION SUPPORT | 759,868 | 762,868 |
| | Minority Defense Federal Supply Initiative | --- | +3,000 |
| 103 | ROCKET SYSTEMS LAUNCH PROGRAM (SPACE) | 23,551 | 23,551 |
| 104 | SPACE TEST PROGRAM (STP) | 47,623 | 47,623 |
| 105 | FACILITIES RESTORATION & MODERNIZATION - TEST & EVAL | 46,327 | 51,927 |
| | Base Facility Energy Independence | --- | +2,400 |
| | Inter-Base Facility Energy Independence | --- | +3,200 |
| 106 | FACILITIES SUSTAINMENT - TEST AND EVALUATION SUPPORT | 27,579 | 27,579 |
| 107 | MULTI-SERVICE SYSTEMS ENGINEERING INITIATIVE | 18,901 | 18,901 |
| 108 | ACQUISITION AND MANAGEMENT SUPPORT | 24,968 | 24,968 |
| 109 | GENERAL SKILL TRAINING | 1,544 | 1,544 |
| 111 | INTERNATIONAL ACTIVITIES | 3,764 | 3,764 |
| 113 | COMMON VERTICAL LIFT SUPPORT PLATFORM | 0 | 4,000 |
| | Air Force requested transfer from AP,AF line 18 | --- | +4,000 |
| 114 | AIR FORCE INTEGRATED MILITARY HUMAN RESOURCES SYSTEM | 43,300 | 23,300 |
| | Funding ahead of need | | -20,000 |
| 115 | ANTI-TAMPER TECHNOLOGY EXECUTIVE AGENCY | 42,255 | 42,255 |
| 117 | B-52 SQUADRONS | 146,096 | 147,396 |
| | EHF Request - early to need | --- | -24,700 |
| | Program Increase to continue advanced targeting pod integration | --- | +6,500 |
| | Air Force requested transfer from AP,AF line 38 for Internal Weapons Bay | --- | +13,000 |
| | B-52 Satellite Communications | --- | +6,500 |
| 118 | AIR-LAUNCHED CRUISE MISSILE (ALCM) | 3,631 | 3,631 |
| 119 | B-1B SQUADRONS | 33,234 | 34,834 |
| | B-1B AESA Radar Operational Utility Evaluation | --- | +1,600 |
| 120 | B-2 SQUADRONS | 260,466 | 276,466 |
| | Program Increase - Mixed Loads and Other Capabilities | --- | +16,000 |
| 121 | STRAT WAR PLANNING SYSTEM - USSTRATCOM | 28,441 | 28,441 |
| 122 | NIGHT FIST - USSTRATCOM | 5,359 | 5,359 |
| 125 | REGION/SECTOR OPERATION CONTROL CENTER MODERNIZATION | 23,732 | 23,732 |
| 126 | STRATEGIC AEROSPACE INTELLIGENCE SYSTEM ACTIVITIES | 15 | 15 |
| 127 | WARFIGHTER RAPID ACQUISITION PROCESS (WRAP) RAPID TRAN | 10,580 | 10,580 |
| 128 | MQ-9 UAV | 125,427 | 125,427 |
| 129 | MULTI-PLATFORM ELECTRONIC WARFARE EQUIPMENT | 15,574 | 15,574 |
| 130 | A-10 SQUADRONS | 5,661 | 5,661 |
| 131 | F-16 SQUADRONS | 129,103 | 129,103 |
| 132 | F-15E SQUADRONS | 222,677 | 207,677 |
| | Contract award delays | --- | -15,000 |
| 133 | MANNED DESTRUCTIVE SUPPRESSION | 12,937 | 12,937 |
| 134 | F-22 SQUADRONS | 576,330 | 511,330 |
| | Modernization program | --- | -100,000 |
| | MADL - Transfer from line 155 | --- | +35,000 |
| 135 | F-35 SQUADRONS | 217,561 | 0 |
| | Block 4 Development | --- | -57,724 |
| | Air Force requested transfer to line 81 | --- | -159,837 |

| R-1 | --- | Budget Request | Recommendation |
|---|---|---|---|
| --- | --- | --- | --- |
| 136 | TACTICAL AIM MISSILES | 6,040 | 6,040 |
| 137 | ADVANCED MEDIUM RANGE AIR-TO-AIR MISSILE (AMRAAM) | 62,922 | 62,922 |
| 138 | JOINT HELMET MOUNTED CUEING SYSTEM (JHMCS) | 2,407 | 2,407 |
| 139 | COMBAT RESCUE AND RECOVERY | 944 | 944 |
| 140 | COMBAT RESCUE - PARARESCUE | 2,921 | 2,921 |
| 141 | AF TENCAP | 11,648 | 11,648 |
| 142 | PRECISION ATTACK SYSTEMS PROCUREMENT | 3,017 | 3,017 |
| 143 | COMPASS CALL | 20,652 | 20,652 |
| 144 | AIRCRAFT ENGINE COMPONENT IMPROVEMENT PROGRAM | 147,396 | 120,626 |
| | F-135 Component Improvement Program - premature request | --- | -26,770 |
| 146 | JOINT AIR-TO-SURFACE STANDOFF MISSILE (JASSM) | 20,000 | 20,000 |
| 147 | AIR AND SPACE OPERATIONS CENTER (AOC) | 93,102 | 93,102 |
| 148 | CONTROL AND REPORTING CENTER (CRC) | 58,313 | 58,313 |
| 149 | AIRBORNE WARNING AND CONTROL SYSTEM (AWACS) | 239,755 | 229,755 |
| | Contract award and schedule delays for Block 40/45 EMD and DRAGON | --- | -10,000 |
| 151 | ADVANCED COMMUNICATIONS SYSTEMS | 67,532 | 67,532 |
| 153 | COMBAT AIR INTELLIGENCE SYSTEM ACTIVITIES | 3,310 | 3,310 |
| 154 | THEATER BATTLE MANAGEMENT (TBM) C4I | 15,170 | 15,170 |
| 155 | FIGHTER TACTICAL DATA LINK | 85,492 | 23,992 |
| | MADL - Transfer to line 134 | --- | -61,500 |
| 157 | C2ISR TACTICAL DATA LINK | 1,584 | 1,584 |
| 158 | COMMAND AND CONTROL (C2) CONSTELLATION | 24,229 | 24,229 |
| 159 | JOINT SURVEILLANCE AND TARGET ATTACK RADAR SYSTEM | 168,917 | 168,917 |
| 160 | SEEK EAGLE | 19,263 | 19,263 |
| 161 | USAF MODELING AND SIMULATION | 21,638 | 23,158 |
| | Critical Infrastructure Cyber Operations Simulation | --- | +1,520 |
| 162 | WARGAMING AND SIMULATION CENTERS | 6,020 | 6,020 |
| 163 | DISTRIBUTED TRAINING AND EXERCISES | 2,863 | 2,863 |
| 164 | MISSION PLANNING SYSTEMS | 79,112 | 79,912 |
| | Education | --- | +800 |
| 165 | INFORMATION WARFARE SUPPORT | 2,294 | 4,694 |
| | Electromagnetic Battlespace Management | --- | +2,400 |
| 166 | CYBER COMMAND ACTIVITIES | 1,117 | 1,117 |
| 173 | SPACE SUPERIORITY INTELLIGENCE | 10,006 | 10,006 |
| 174 | E-4B NATIONAL AIRBORNE OPERATIONS CENTER (NAOC) | 12,532 | 12,532 |
| 175 | MINIMUM ESSENTIAL EMERGENCY COMMUNICATIONS NETWORK | 78,784 | 68,984 |
| | MMPU Production - Air Force requested transfer to MP,AF line 9 | --- | -9,800 |
| 176 | INFORMATION SYSTEMS SECURITY PROGRAM | 140,017 | 140,017 |
| 177 | GLOBAL COMBAT SUPPORT SYSTEM | 3,393 | 3,393 |
| 178 | GLOBAL COMMAND AND CONTROL SYSTEM | 3,055 | 11,612 |
| | Defense Energy and Awareness Program | --- | +6,400 |
| | Air Force requested transfer from line 179 | --- | +2,157 |
| 179 | JOINT COMMAND AND CONTROL PROGRAM (JC2) | 2,157 | 0 |
| | Air Force requested transfer to line 178 | --- | -2,157 |
| 180 | MILSATCOM TERMINALS | 186,582 | 306,282 |
| | FAB-T - Air Force requested transfer from AP,AF line 75 | --- | +119,700 |
| 182 | AIRBORNE SIGINT ENTERPRISE | 149,268 | 144,268 |
| | Program execution | --- | -5,000 |
| 185 | GLOBAL AIR TRAFFIC MANAGEMENT (GATM) | 5,708 | 5,708 |
| 186 | CYBER SECURITY INITIATIVE | 2,030 | 2,030 |
| 187 | DOD CYBER CRIME CENTER | 279 | 279 |
| 188 | SATELLITE CONTROL NETWORK (SPACE) | 21,667 | 21,667 |
| 189 | WEATHER SERVICE | 32,373 | 32,373 |
| 190 | AIR TRAFFIC CONTROL, APPROACH, & LANDING SYSTEM (ATC) | 33,268 | 35,668 |
| | Transportable Transponder Landing System | --- | +2,400 |
| 191 | AERIAL TARGETS | 63,573 | 58,573 |
| | Program execution | --- | -5,000 |
| 194 | SECURITY AND INVESTIGATIVE ACTIVITIES | 469 | 469 |
| 196 | DEFENSE JOINT COUNTERINTELLIGENCE ACTIVITIES | 40 | 40 |
| 198 | NAVSTAR GLOBAL POSITIONING SYSTEM (USER EQUIPMENT) | 165,936 | 165,936 |
| 199 | NAVSTAR GLOBAL POSITIONING SYSTEM (SPACE AND CONTROL) | 34,471 | 34,471 |
| 201 | SPACE AND MISSILE TEST AND EVALUATION CENTER | 4,572 | 4,572 |
| 202 | SPACE WARFARE CENTER | 2,929 | 2,929 |
| 203 | SPACELIFT RANGE SYSTEM (SPACE) | 9,933 | 9,933 |
| 204 | INTELLIGENCE SUPPORT TO INFORMATION OPERATIONS | 1,254 | 1,254 |

| R-1 | --- | Budget Request | Recommendation |
|---|---|---|---|
| --- | --- | --- | --- |
| 206 | AIRBORNE RECONNAISSANCE SYSTEMS | 168,963 | 93,943 |
| | Wide Area Airborne Surveillance Program of Record - ahead of need | --- | -78,700 |
| | Unmanned Aerial Vehicle Environment-Aware Adaptive Monitoring | --- | +3,680 |
| 207 | MANNED RECONNAISSANCE SYSTEMS | 15,337 | 15,337 |
| 208 | DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS | 93,398 | 85,898 |
| | Program Reduction | --- | -7,500 |
| 209 | PREDATOR UAV (JMIP) | 28,913 | 23,913 |
| | Program execution | --- | -5,000 |
| 210 | RQ-4 UAV | 251,318 | 220,318 |
| | Execution adjustment | --- | -31,000 |
| 211 | NETWORK-CENTRIC COLLABORATIVE TARGET (TIARA) | 7,267 | 7,267 |
| 212 | GPS III SPACE SEGMENT | 828,171 | 446,304 |
| | Operational Control Segment (OCX) - Transfer to line 33 | --- | -381,867 |
| 213 | JSPOC MISSION SYSTEM | 132,706 | 109,506 |
| | JSPOC Mission System | --- | -28,000 |
| | Karnac | --- | +4,800 |
| 214 | INTELLIGENCE SUPPORT TO INFORMATION WARFARE | 5,512 | 5,512 |
| 215 | NUDET DETECTION SYSTEM (SPACE) | 72,199 | 72,199 |
| 216 | NATIONAL SECURITY SPACE OFFICE | 10,630 | 0 |
| | Program termination - Funding transferred to Executive Agent for Space, Operation and Maintenance, Air Force | --- | -10,630 |
| 217 | SPACE SITUATION AWARENESS OPERATIONS | 43,838 | 43,838 |
| 218 | INFORMATION OPS TECHNOLOGY INTEGRATION & TOOL DEVELOP | 21,912 | 22,712 |
| | Cyber Transition Program | --- | +800 |
| 219 | SHARED EARLY WARNING (SEW) | 2,952 | 2,952 |
| 220 | C-130 AIRLIFT SQUADRON | 113,107 | 43,472 |
| | Air Force requested transfer to AP,AF line 61 | --- | -69,635 |
| 221 | C-5 AIRLIFT SQUADRONS | 58,990 | 58,990 |
| 222 | C-17 AIRCRAFT | 177,212 | 162,212 |
| | Contract award delays | --- | -15,000 |
| 223 | C-130J PROGRAM | 26,770 | 26,770 |
| 224 | LARGE AIRCRAFT IR COUNTERMEASURES (LAIRCM) | 17,227 | 17,227 |
| 225 | KC-135S | 20,453 | 20,453 |
| 226 | KC-10S | 56,669 | 41,669 |
| | Milestone B slip | --- | -15,000 |
| 227 | OPERATIONAL SUPPORT AIRLIFT | 4,988 | 4,988 |
| 228 | C-STOL AIRCRAFT | 1,283 | 3,683 |
| | Next Generation Simulation Training for AFSOC Pararescue Forces | --- | +2,400 |
| 230 | SPECIAL TACTICS / COMBAT CONTROL | 7,345 | 7,345 |
| 231 | DEPOT MAINTENANCE (NON-IF) | 1,514 | 1,514 |
| 234 | LOGISTICS INFORMATION TECHNOLOGY (LOGIT) | 227,614 | 227,614 |
| 235 | SUPPORT SYSTEMS DEVELOPMENT | 6,141 | 44,221 |
| | Demonstration and Validation of Renewable Energy Technology | --- | +1,600 |
| | Alternative energy research and integration | --- | +32,000 |
| | Freedom Fuels/Coal Fuel Alliance | --- | +2,480 |
| | University Level Technology Research and Analysis | --- | +2,000 |
| 235A | AIR FORCE RECRUITING INFORMATION SUPPORT SYSTEM | 0 | 5,100 |
| | Air Force Recruiting Information Support System—Air Force requested transfer from OM,AF | --- | +5,100 |
| 236 | OTHER FLIGHT TRAINING | 667 | 667 |
| 237 | JOINT NATIONAL TRAINING CENTER | 9 | 9 |
| 239 | OTHER PERSONNEL ACTIVITIES | 116 | 116 |
| 240 | JOINT PERSONNEL RECOVERY AGENCY | 6,107 | 6,107 |
| 242 | CIVILIAN COMPENSATION PROGRAM | 7,811 | 7,811 |
| 243 | PERSONNEL ADMINISTRATION | 11,179 | 11,179 |
| 244 | FINANCIAL MANAGEMENT INFORMATION SYSTEMS DEVELOPMENT | 49,816 | 49,816 |
| | CLASSIFIED PROGRAMS | 12,406,781 | 12,916,531 |
| | Classified Adjustment | --- | +508,790 |
| | Close Proximity Space Situational Awareness | --- | +960 |
| --- | --- | --- | --- |
| | TOTAL, RESEARCH, DEVELOPMENT, TEST & EVALUATION, AIR FORCE | 27,247,302 | 27,006,965 |
| --- | --- | --- | --- |
| | RESEARCH, DEVELOPMENT, TEST & EVALUATION, DEFENSE-WIDE | | |
| --- | --- | --- | --- |
| | DTRA UNIVERSITY STRATEGIC PARTNERSHIP BASIC | | |
| 1 | RESEARCH | 47,412 | 47,412 |
| 2 | DEFENSE RESEARCH SCIENCES | 328,195 | 303,159 |
| | Self-Organized High-Assurance Wireless Networks | --- | +200 |
| | STEM Initiative | --- | +800 |
| | Islet Cell Resource Center at Georgetown University | --- | +2,000 |

| R-1 | --- | Budget Request | Recommendation |
|---|---|---|---|
| --- | --- | --- | --- |
| | Infectious Disease Research | --- | +1,200 |
| | Vaccine Stabilization Initiative | --- | +1,600 |
| | Barry University Institute for Collaborative Sciences Research | --- | +800 |
| | Ant-Based Cyber Defense | --- | +864 |
| | Excessive growth | --- | -32,500 |
| 3 | **GOVT/INDUSTRY COSPONSORSHIP OF UNIVERSITY RESEARCH** | **0** | **6,600** |
| | Integrated Cryo-cooled High Power Density Systems | --- | +3,200 |
| | Advanced Nanocomposite Battery Materials | --- | +3,400 |
| 5 | **NATIONAL DEFENSE EDUCATION PROGRAM** | **109,911** | **98,503** |
| | Unexecutable growth | --- | -15,600 |
| | STEM Initiative - Vandenberg Air Force Base | --- | +1,600 |
| | STEM Outreach Education in Southwest Indiana | --- | +992 |
| | Diversity Transformation - Applicable Knowledge of Global and Cultural Perspectives | --- | +800 |
| | STEM-UP Inglewood School District | --- | +800 |
| 6 | **CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM** | **49,508** | **60,708** |
| | Synchrotron Beamline and Experimental Station | --- | +1,600 |
| | Enhancing Vaccine Development and Capacity | --- | +1,600 |
| | Viral WMD - Protection and Treatment for the Warfighter | --- | +2,000 |
| | Immunotherapeutics | --- | +1,200 |
| | Portable Rapid Bacterial Warfare Detection Unit | --- | +4,800 |
| 7 | **INSENSITIVE MUNITIONS--EXPLORATORY DEVELOPMENT** | **22,448** | **20,448** |
| | Excessive growth | --- | -2,000 |
| 8 | **HISTORICALLY BLACK COLLEGES & UNIV (HBCU) SCIENCE** | **15,067** | **26,667** |
| | Program Increase | --- | +8,000 |
| | Nanoscience and Biotechnology Laboratories and Research Program | --- | +1,600 |
| | Morehouse College John H. Hopps Defense Research Scholars Program | --- | +2,000 |
| 9 | **LINCOLN LABORATORY RESEARCH PROGRAM** | **32,830** | **32,830** |
| 10 | **INFORMATION AND COMMUNICATIONS TECHNOLOGY** | **281,262** | **253,262** |
| | DISCOVER contract award delays | --- | -10,000 |
| | Extreme Computing contract award delays | --- | -18,000 |
| 11 | **COGNITIVE COMPUTING SYSTEMS** | **90,143** | **90,143** |
| 12 | **MACHINE INTELLIGENCE** | **44,682** | **44,682** |
| 13 | **BIOLOGICAL WARFARE DEFENSE** | **32,692** | **34,692** |
| | Center for the Diagnosis of Pathogens | --- | +2,000 |
| 14 | **CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM** | **169,287** | **200,747** |
| | Rapid Forensic Evaluation of Microbes in Biodefense | --- | +1,280 |
| | Chemical and Biological Agent Fate Appropriate Response Operational Tool | --- | +2,400 |
| | Protecting Military Personnel and the Nation Against Agents of Bioterror - Developing a Therapeutic Drug with Activity Against Multiple and Unforeseen Bio-Threat Agents | --- | +800 |
| | Garden State Cancer Vaccine Development Program | --- | +2,400 |
| | TMTI BA 5 unexecutable funding transferred back to S&T at request of the Department | --- | +5,000 |
| | Accelerated Vaccine Design and Development Toolkit | --- | +1,600 |
| | Advanced Novel Drug Development for the Warfighter | --- | +2,100 |
| | Anti-Viral Vaccine Development | --- | +4,880 |
| | Chemical/Biological Infrared Detection System | --- | +2,400 |
| | Contaminated Human Remains Pouch | --- | +2,400 |
| | Paintshield for Protection from Microbial Threats | --- | +3,200 |
| | National Center for Therapeutics Manufacturing | --- | +3,000 |
| 15 | **JOINT DATA MANAGEMENT ADVANCED DEVELOPMENT** | **3,261** | **0** |
| | Duplicate effort | --- | -3,261 |
| 16 | **CYBER SECURITY RESEARCH** | **10,000** | **5,000** |
| | Lack of authorization | --- | -5,000 |
| 17 | **HUMAN, SOCIAL AND CULTURE BEHAVIOR MODELING (HSCB) APP** | **9,499** | **7,999** |
| | Excessive growth | --- | -1,500 |
| 18 | **TACTICAL TECHNOLOGY** | **224,378** | **233,578** |
| | Center for Critical and Strategic Materials | --- | +1,200 |
| | Center of Excellence for Research in Ocean Sciences (CEROS) | --- | +8,000 |
| 19 | **MATERIALS AND BIOLOGICAL TECHNOLOGY** | **312,586** | **312,642** |
| | Maine Natural Biopolymer Research and Development Partnership | --- | +1,056 |
| | Strategic Materials | --- | +4,000 |
| | Unsustained growth | --- | -5,000 |
| 20 | **ELECTRONICS TECHNOLOGY** | **286,936** | **266,936** |
| | Excessive growth | --- | -20,000 |
| 21 | **WEAPONS OF MASS DESTRUCTION DEFEAT TECHNOLOGIES** | **212,742** | **220,642** |

| R-1 | --- | Budget Request | Recommendation |
|---|---|---|---|
| --- | --- | --- | --- |
| | Center for Nonproliferation Studies at the Monterey Institute of International Studies | --- | +1,600 |
| | Reachback Decision Informatics Research Program | --- | +3,500 |
| | National Center for Blast Mitigation and Protection | --- | +1,200 |
| | University Strategic Partnerships | --- | +1,600 |
| 22 | SPECIAL OPERATIONS TECHNOLOGY DEVELOPMENT | 26,545 | 36,745 |
| | Program Increase - Unfunded Requirement | --- | +15,200 |
| | Unexecutable growth | --- | -5,000 |
| 24 | JOINT MUNITIONS ADVANCED TECH INSENSITIVE MUNITIONS AD | 20,556 | 15,556 |
| | Unjustified growth | --- | -5,000 |
| 25 | SO/LIC ADVANCED DEVELOPMENT | 44,423 | 44,423 |
| 26 | COMBATING TERRORISM TECHNOLOGY SUPPORT | 85,299 | 133,667 |
| | SOF Mission Based Equipage | --- | +1,840 |
| | Early Responders Distance Learning Center | --- | +1,008 |
| | Combating Terrorism - Value-Added Application of Effective Measurement and Financial Efficiency Associated with Terrorism and Counter-terrorism Risks, Hazards and Vulnerabilities | --- | +1,600 |
| | Affordable Robust Mid-Sized Unmanned Ground Vehicle | --- | +2,400 |
| | Chemterrorism Operations for Public Emergency Response | --- | +3,200 |
| | Covert Sensing and Tagging System | --- | +800 |
| | Cross Lingual Information Correlation | --- | +1,600 |
| | DB-110 on MQ-9 | --- | +2,400 |
| | Dynamic Flow Management System | --- | +1,600 |
| | Expeditionary Surveillance and Reconnaissance Program | --- | +7,200 |
| | Heron TP UAS | --- | +6,400 |
| | Integrated Rugged Checkpoint Container | --- | +2,000 |
| | Integrated Support System for Soldiers | --- | +1,360 |
| | Ka-Band Mini-Multimode Search and Imaging Radar Completion and Flight Testing | --- | +2,400 |
| | Reconnaissance and Data Exploitation System | --- | +3,200 |
| | Technical Exploitation Operations Center, Gowen Field | --- | +2,800 |
| | Technology for Rapid Foreign Language Acquisition for Specialized Military and Intelligence Purposes | --- | +2,560 |
| | Transparent Lithia Alumina Silicate Glass Ceramic Armor Systems | --- | +2,800 |
| | Unmanned Aerial Platforms to Support First Responders During Local and National Disaster | --- | +1,200 |
| 27 | COUNTERPROLIFERATION INITIATIVES--PROLIF PREV & DEFEAT | 295,163 | 295,163 |
| 28 | BALLISTIC MISSILE DEFENSE TECHNOLOGY | 132,220 | 92,220 |
| | SM-3 Block IIB Development transfer to line 84, AEGIS BMD | --- | -40,000 |
| 29 | JOINT ADVANCED CONCEPTS | 6,808 | 6,808 |
| 30 | JOINT DOD-DOE MUNITIONS TECHNOLOGY DEVELOPMENT | 22,700 | 22,700 |
| 31 | AGILE TRANSPO FOR THE 21ST CENTURY (AT21) - THEATER CA | 750 | 750 |
| 32 | ADVANCED AEROSPACE SYSTEMS | 303,078 | 241,378 |
| | ArcLight | --- | -5,000 |
| | ISIS lack of transition partner | --- | -21,700 |
| | MoTr program delays | --- | -15,000 |
| | Vulture program descope and delays | --- | -20,000 |
| 33 | SPACE PROGRAMS AND TECHNOLOGY | 98,130 | 98,130 |
| 34 | CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM - ADVANCED DEVELOPMENT | 177,113 | 235,813 |
| | Monmouth University Dynamic Visualization Information Project | --- | +3,500 |
| | Bioterrorism and Battlefield Medical Solutions | --- | +4,000 |
| | Automated Sample Preparation for Biological Detection | --- | +800 |
| | TMTI BA 5 unexecutable funding transferred back to S&T at request of the Department | --- | +45,600 |
| | Army Plant Vaccine Development Program | --- | +2,400 |
| | NIDS Handheld Common Identifier for Biological Agents | --- | +2,400 |
| 35 | JOINT ELECTRONIC ADVANCED TECHNOLOGY | 8,386 | 8,386 |
| 36 | JOINT CAPABILITY TECHNOLOGY DEMONSTRATIONS | 206,917 | 201,517 |
| | Unjustified growth | --- | -15,000 |
| | Cultural Intelligence for Enhanced Strategic Communications | --- | +1,600 |
| | MAGIC UAS | --- | +8,000 |
| 37 | NETWORKED COMMUNICATIONS CAPABILITIES | 30,035 | 25,035 |
| | Unjustified growth | --- | -5,000 |
| 38 | JOINT DATA MANAGEMENT RESEARCH | 6,289 | 4,289 |
| | Excessive growth | --- | -2,000 |
| 39 | BIOMETRICS SCIENCE AND TECHNOLOGY | 11,416 | 11,416 |
| 40 | CYBER SECURITY ADVANCED RESEARCH | 10,000 | 5,000 |
| | Lack of authorization | --- | -5,000 |

| R-1 | --- | Budget Request | Recommendation |
|---|---|---|---|
| --- | --- | --- | --- |
| | HUMAN, SOCIAL AND CULTURE BEHAVIOR MODELING | | |
| 41 | (HSCB) ADV | 11,510 | 10,510 |
| | Excessive growth | --- | -1,000 |
| | DEFENSE-WIDE MANUFACTURING SCIENCE AND | | |
| 42 | TECHNOLOGY PROG | 18,916 | 46,676 |
| | Ohio Enhanced Defense Alternate Energy Suppliers Program | --- | +3,760 |
| | Industrial Base Innovation Fund | --- | +24,000 |
| 43 | JOINT ROBOTICS PROGRAM/AUTONOMOUS SYSTEMS | 9,943 | 13,143 |
| | National Robotics Training Center | --- | +3,200 |
| | GENERIC LOGISTICS R&D TECHNOLOGY | | |
| 44 | DEMONSTRATIONS | 20,542 | 40,402 |
| | Eastern Kentucky University Cellulosic-Derived Biofuels Research Project | --- | +2,400 |
| | Next Generation Manufacturing Technologies Initiative | --- | +3,000 |
| | Woody Biomass Conversion to Jet Fuel | --- | +2,500 |
| | Biofuels Program | --- | +1,600 |
| | Commodity Management Systems Consolidation Program | --- | +1,360 |
| | Continuous Acquisition and Life-Cycle Support Integrated Data Environment and Defense Logistics Enterprise Services Program | --- | +2,720 |
| | Electronic Commodity Project | --- | +680 |
| | Green Product Evaluation and Implementation Program | --- | +2,400 |
| | Radio Frequency Identification Technologies | --- | +1,000 |
| | Thin-Film PV Module Deployment and Verification | --- | +2,200 |
| | DEPLOYMENT AND DISTRIBUTION ENTERPRISE | | |
| 45 | TECHNOLOGY | 29,109 | 29,109 |
| 46 | STRATEGIC ENVIRONMENTAL RESEARCH PROGRAM | 68,021 | 65,421 |
| | Environmental Baseline Assessment and Monitoring U.S. Navy South Florida Testing Facility Offshore Range | --- | +1,400 |
| | Unexecutable growth | --- | -4,000 |
| | MICROELECTRONIC TECHNOLOGY DEVELOPMENT AND | | |
| 47 | SUPPORT | 26,878 | 41,198 |
| | Superconducting Quantum Information Technology | --- | +2,320 |
| | Electronics and Materials for Flexible Sensors and Transponders | --- | +5,200 |
| | 3-D Laser Radar Technology Development | --- | +2,800 |
| | Rapid DNA Identification System | --- | +1,600 |
| | Terrorist Threat Detection System for Shipping Containers | --- | +2,400 |
| 48 | JOINT WARFIGHTING PROGRAM | 10,966 | 10,966 |
| 49 | ADVANCED ELECTRONICS TECHNOLOGIES | 197,098 | 200,298 |
| | Institute of Advanced Flexible Manufacturing Systems | --- | +3,200 |
| | HIGH PERFORMANCE COMPUTING MODERNIZATION | | |
| 52 | PROGRAM | 200,986 | 245,746 |
| | High Performance Computational Design of Novel Materials | --- | +3,000 |
| | High Performance Computing in Biomedical Engineering and Health Sciences Benefitting the Warfighter | --- | +1,760 |
| | Program adjustment | --- | +40,000 |
| | COMMAND, CONTROL AND COMMUNICATIONS | | |
| 53 | SYSTEMS | 219,809 | 219,809 |
| 54 | CLASSIFIED DARPA PROGRAMS | 167,008 | 150,308 |
| | Poor justification materials | --- | -16,700 |
| 55 | NETWORK-CENTRIC WARFARE TECHNOLOGY | 234,985 | 227,985 |
| | Unsustained growth | --- | -7,000 |
| 56 | SENSOR TECHNOLOGY | 205,032 | 205,032 |
| | DISTRIBUTED LEARNING ADVANCED TECHNOLOGY | | |
| 58 | DEVELOPMENT | 13,986 | 13,986 |
| 59 | SOFTWARE ENGINEERING INSTITUTE | 30,910 | 30,910 |
| 61 | QUICK REACTION SPECIAL PROJECTS | 78,244 | 61,844 |
| | Excessive growth | --- | -13,000 |
| | P826 - Excess to Quick Reaction Fund requirements | --- | -7,000 |
| | Mobile Renewable Energy for U.S. Bases in Afghanistan | --- | +2,400 |
| | Warfighter Interoperability Technologies | --- | +1,200 |
| 62 | JOINT EXPERIMENTATION | 111,946 | 91,946 |
| | Excessive growth | --- | -20,000 |
| 63 | MODELING AND SIMULATION MANAGEMENT OFFICE | 38,140 | 33,140 |
| | Unexecutable growth | --- | -5,000 |
| 64 | DIRECTED ENERGY RESEARCH | 98,688 | 123,688 |
| | Program Increase | --- | +25,000 |
| 65 | TEST & EVALUATION SCIENCE & TECHNOLOGY | 97,642 | 99,242 |
| | Active Duty Military Training and Entrepreneurship Program | --- | +1,600 |
| 66 | TECHNOLOGY TRANSFER | 23,310 | 24,270 |
| | Unjustified growth | --- | -6,000 |
| | FirstLink | --- | +1,600 |
| | Center for Innovation at Arlington | --- | +2,160 |
| | MilTech Extension Program | --- | +1,600 |
| | SpringBoard Technology Transfer | --- | +1,600 |

| R-1 | --- | Budget Request | Recommendation |
|---|---|---|---|
| --- | --- | --- | --- |
| | SPECIAL OPERATIONS ADVANCED TECHNOLOGY | | |
| 67 | DEVELOPMENT | 30,806 | 48,726 |
| | SOF ACTD Programs | --- | +8,000 |
| | Partnership for Defense Innovation Wi-Fi Laboratory Testing and Assessment Center | --- | +2,400 |
| | Antennas and Carbon Nanotube Devices for Intelligence | --- | +1,600 |
| | Collision Avoidance System for UAVs | --- | +1,600 |
| | Escalation of Force Non-Lethal Technology for Special Operations Forces | --- | +2,400 |
| | Small Assault Vessel Expeditionary | --- | +1,920 |
| 68 | AVIATION ENGINEERING ANALYSIS | 4,234 | 4,234 |
| | SOF INFORMATION & BROADCAST SYSTEMS | | |
| 69 | ADVANCED TECHNOLOG | 4,942 | 4,942 |
| 69X | INNOVATIVE RESEARCH | 0 | 124,200 |
| | Program adjustment | --- | +124,200 |
| | NUCLEAR AND CONVENTIONAL PHYSICAL SECURITY | | |
| 70 | EQUIPMENT | 32,132 | 35,332 |
| | Street Sweeper | --- | +3,200 |
| 71 | RETRACT LARCH | 21,592 | 21,592 |
| 72 | JOINT ROBOTICS PROGRAM | 9,878 | 9,878 |
| 73 | ADVANCE SENSOR APPLICATIONS PROGRAM | 18,060 | 18,060 |
| | ENVIRONMENTAL SECURITY TECHNICAL | | |
| 74 | CERTIFICATION PROGRAM | 30,419 | 39,219 |
| | Inland Empire Groundwater Perchlorate Remediation | --- | +6,400 |
| | Toxic Chemicals and Hazardous Material Improvement and Remediation | --- | +2,400 |
| | BALLISTIC MISSILE DEFENSE TERMINAL DEFENSE | | |
| 75 | SEGMENT | 436,482 | 431,482 |
| | Funding no longer required for transition to Reagan Test Site | --- | -5,000 |
| | BALLISTIC MISSILE DEFENSE MIDCOURSE DEFENSE | | |
| 76 | SEGMENT | 1,346,181 | 1,311,181 |
| | Excess Award Fee and Test and Integration Delays | --- | -35,000 |
| 78 | CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM | 277,062 | 287,562 |
| | Improved Nerve Agent Treatment System - slow obligation rate in fiscal year 2010 | --- | -5,000 |
| | Butanol Production Research | --- | +6,960 |
| | Lightweight Chemical/Biological Ensemble execution delays | --- | -1,000 |
| | Advanced Non-Woven Biological and Chemical Agent Protective Gear | --- | +2,080 |
| | Automated Picoliter Digital Nucleic Acid Analysis for Medical Biologic Detection and Diagnostics | --- | +1,300 |
| | Detecting Exposure to Nerve Agents | --- | +2,160 |
| | Military Medical Decontamination System | --- | +4,000 |
| 79 | BALLISTIC MISSILE DEFENSE SENSORS | 454,859 | 392,159 |
| | Transfer to line 88 for Concurrent Test, Training and Operations | --- | -35,900 |
| | Transfer to line 88 for TPY-2 C2BMC Fielding | --- | -13,000 |
| | Transfer to line 88 for BMDS Radars Communications Sustainment (TPY-2) | --- | -13,800 |
| 81 | BALLISTIC MISSILE DEFENSE TEST & TARGETS | 1,113,425 | 1,008,525 |
| | Transfer to lines 82 and 88 | --- | -94,900 |
| | Funding no longer required for move to Reagan Test Site | --- | -5,000 |
| | Program Growth in Program Operations Systems Engineering and Systems Management | --- | -5,000 |
| 82 | BALLISTIC MISSILE DEFENSE ENABLING PROGRAMS | 402,769 | 406,269 |
| | Transfer from line 81 | --- | +43,500 |
| | Excessive contractor support, advisory services and program growth | --- | -40,000 |
| 83 | SPECIAL PROGRAMS - MDA | 270,189 | 245,189 |
| | Transfer to higher priority near-term MDA procurement programs | --- | -25,000 |
| 84 | AEGIS BMD | 1,467,278 | 1,573,278 |
| | Program growth | --- | -12,000 |
| | Navy requested transfer from OP,N line 109 | --- | +72,500 |
| | Aegis BMD Ships - Navy requested transfer from OM,N line 1B5B | --- | +1,500 |
| | SM-3 Block IIB Development - transfer from line 28 | --- | +40,000 |
| | Multiple-Target-Tracking Optical Sensor-Array Technology | --- | +4,000 |
| 85 | SPACE SURVEILLANCE & TRACKING SYSTEM | 112,678 | 112,678 |
| | BALLISTIC MISSILE DEFENSE SYSTEM SPACE | | |
| 87 | PROGRAMS | 10,942 | 10,942 |
| 88 | BALLISTIC MISSILE DEFENSE C2BMC | 342,625 | 456,725 |
| | Transfer from line 81 for Concurrent Test, Training and Operations | --- | +51,400 |
| | Transfer from line 79 for Concurrent Test, Training and Operations | --- | +35,900 |
| | Transfer from line 79 for TPY-2 C2BMC Fielding | --- | +13,000 |

| R-1 | --- | Budget Request | Recommendation |
|---|---|---|---|
| --- | --- | --- | --- |
| | Transfer from line 79 for BMDS Radar Communications Sustainement (TPY-2) | --- | +13,800 |
| 90 | BALLISTIC MISSILE DEFENSE JOINT WARFIGHTER SUPPORT | 68,726 | 58,726 |
| | Duplication of effort with MDA core programs | --- | -10,000 |
| 91 | CENTER (MDIOC) | 86,198 | 86,198 |
| 92 | REGARDING TRENCH | 7,529 | 7,529 |
| 93 | SEA BASED X-BAND RADAR (SBX) | 153,056 | 153,056 |
| 98 | ISRAELI COOPERATIVE PROGRAMS | 121,735 | 209,935 |
| | David's Sling Weapons Program | --- | +38,000 |
| | Arrow System Improvement Program (ASIP) | --- | +42,000 |
| | Arrow 3 Upper Tier Interceptor Program | --- | +8,200 |
| 99 | HUMANITARIAN DEMINING | 14,735 | 15,335 |
| | ORDATA II | --- | +600 |
| 100 | COALITION WARFARE | 13,786 | 13,786 |
| 101 | DEPARTMENT OF DEFENSE CORROSION PROGRAM | 4,802 | 48,142 |
| | Corrosion Training Simulation | --- | +1,840 |
| | National Center for Education Research on Corrosion and Materials Performance | --- | +2,000 |
| | Corrosion Control, Prevention and Prediction through Polymer | --- | +4,800 |
| | Department of Defense Corrosion Prevention and Control Program | --- | +34,700 |
| 102 | DOD UNMANNED AIRCRAFT SYSTEM (UAS) COMMON DEVELOPMENT | 49,292 | 53,292 |
| | Center for UAS Research, Education and Training | --- | +4,000 |
| 104 | HUMAN, SOCIAL AND CULTURE BEHAVIOR MODELING (HSCB) RES | 7,459 | 7,459 |
| 105 | JOINT SYSTEMS INTEGRATION COMMAND (JSIC) | 19,413 | 19,413 |
| 106 | JOINT FIRES INTEGRATION & INTEROPERABILITY TEAM | 16,637 | 16,637 |
| 107 | LAND-BASED SM-3 (LBSM3) | 281,378 | 281,378 |
| 108 | AEGIS SM-3 BLOCK IIA CO-DEVELOPMENT | 318,800 | 322,000 |
| | Chemical Vapor Composite Silicon Carbide and Silicon Carbide Corrugated Mirror Processes for the SM-3 Block IIA Telescope | --- | +3,200 |
| 109 | PRECISION TRACKING SPACE SYSTEM RDT&E | 66,969 | 36,969 |
| | Transfer to higher priority near-term MDA procurement programs | --- | -30,000 |
| 110 | AIRBORNE INFRARED (ABIR) | 111,671 | 76,671 |
| | Transfer to higher priority near-term MDA procurement programs | --- | -35,000 |
| 111 | REDUCTION OF TOTAL OWNERSHIP COST | 20,310 | 20,310 |
| 112 | JOINT ELECTROMAGNETIC TECHNOLOGY (JET) PROGRAM | 4,027 | 4,027 |
| 113 | DEFENSE ACQUISITION CHALLENGE PROGRAM (DACP) | 24,344 | 24,344 |
| 114 | NUCLEAR AND CONVENTIONAL PHYSICAL SECURITY EQUIPMENT | 7,973 | 7,973 |
| 115 | PROMPT GLOBAL STRIKE CAPABILITY DEVELOPMENT | 239,861 | 239,861 |
| 116 | CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM | 407,162 | 301,922 |
| | Plague Vaccine - slow obligation rate in fiscal year 2010 | --- | -5,000 |
| | TMTI BA 5 unexecutable funding transferred back to S&T at request of the Department | --- | -65,600 |
| | Bioscavenger Increment II schedule delays | --- | -12,000 |
| | Decontamination Family of Systems schedule delays | --- | -9,000 |
| | Next Generation Chemical Standoff Detection schedule delays | --- | -9,000 |
| | SSI NBCRS growth without acquisition strategy | --- | -6,000 |
| | Joint Services Aircrew Mask (JSAM) Don/Doff In-flight Upgrade | --- | +1,360 |
| 117 | JOINT ROBOTICS PROGRAM | 4,155 | 4,155 |
| 118 | ADVANCED IT SERVICES JOINT PROGRAM OFFICE (AITS-JPO) | 49,364 | 23,695 |
| | Technology Initiatives Investment Fund | --- | -25,669 |
| 119 | JOINT TACTICAL INFORMATION DISTRIBUTION SYSTEM (JTIDS) | 20,954 | 20,954 |
| 120 | WEAPONS OF MASS DESTRUCTION DEFEAT CAPABILITIES | 7,307 | 10,507 |
| | Electric Grid Test Bed | --- | +3,200 |
| 121 | INFORMATION TECHNOLOGY DEVELOPMENT | 11,937 | 11,937 |
| 122 | DEFENSE INTEGRATED MILITARY HUMAN RESOURCES SYSTEM | 11,800 | 11,800 |
| 123 | BUSINESS TRANSFORMATION AGENCY R&D ACTIVITIES | 184,131 | 181,166 |
| | VIPS Increment II contract award in fiscal year 2012 | --- | -2,965 |
| 124 | HOMELAND PERSONNEL SECURITY INITIATIVE | 391 | 391 |
| 125 | OUSD(C) IT DEVELOPMENT INITIATIVES | 5,000 | 5,000 |
| 126 | TRUSTED FOUNDRY | 35,512 | 40,312 |
| | Trusted Foundry | --- | +4,800 |

| R-1 | --- | Budget Request | Recommendation |
|---|---|---|---|
| --- | --- | --- | --- |
| 128 | GLOBAL COMBAT SUPPORT SYSTEM | 17,842 | 17,842 |
| 130 | WOUNDED ILL AND INJURED SENIOR OVERSIGHT COMMITTEE OFF | 1,590 | 1,590 |
| 132 | DEFENSE READINESS REPORTING SYSTEM (DRRS) | 5,113 | 5,113 |
| 133 | JOINT SYSTEMS ARCHITECTURE DEVELOPMENT | 8,052 | 8,052 |
| 134 | CENTRAL TEST AND EVALUATION INVESTMENT DEVELOPMENT | 162,286 | 168,686 |
| | Border Security and Defense Systems Research | --- | +2,400 |
| | Pacific Region Interoperability Test and Evaluation | --- | +4,000 |
| 135 | ASSESSMENTS AND EVALUATIONS | 2,500 | 5,700 |
| | Jefferson Program | --- | +3,200 |
| 136 | THERMAL VICAR | 8,851 | 8,851 |
| 137 | JOINT MISSION ENVIRONMENT TEST CAPABILITY (JMETC) | 10,287 | 10,287 |
| 138 | TECHNICAL STUDIES, SUPPORT AND ANALYSIS | 49,282 | 55,682 |
| | Energy Storage Systems for DoD | --- | +6,400 |
| 139 | USD(A&T)--CRITICAL TECHNOLOGY SUPPORT | 4,743 | 4,743 |
| 140 | FOREIGN MATERIAL ACQUISITION AND EXPLOITATION | 95,520 | 95,520 |
| 141 | JOINT THEATER AIR AND MISSILE DEFENSE ORGANIZATION | 94,577 | 94,577 |
| 142 | CLASSIFIED PROGRAM USD(P) | 0 | 106,000 |
| | Classified Program USD(P) | --- | +106,000 |
| 143 | FOREIGN COMPARATIVE TESTING | 32,755 | 27,755 |
| | Unjustified growth | --- | -5,000 |
| 144 | SYSTEMS ENGINEERING | 29,824 | 37,024 |
| | Sustainment of fiscal year 2010 level | --- | +7,200 |
| 145 | NUCLEAR MATTERS - PHYSICAL SECURITY | 6,264 | 6,264 |
| 146 | SUPPORT TO NETWORKS AND INFORMATION INTEGRATION | 15,091 | 15,091 |
| 147 | GENERAL SUPPORT TO USD (INTELLIGENCE) | 6,227 | 6,227 |
| 147X | DEFENSE-WIDE ELECTRONIC PROCUREMENT CAPACITY | 0 | 12,000 |
| | Program increase - contract management services program | --- | +12,000 |
| 148 | CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM | 120,995 | 120,995 |
| 155 | SMALL BUSINESS INNOVATION RESEARCH/CHALLENGE ADMINISTR | 2,189 | 2,189 |
| 156 | DEFENSE TECHNOLOGY ANALYSIS | 13,858 | 11,158 |
| | P796 - Technical Grand Challenge Program | --- | -2,700 |
| 157 | FORCE TRANSFORMATION DIRECTORATE | 19,701 | 19,701 |
| 158 | DEFENSE TECHNICAL INFORMATION CENTER (DTIC) | 61,054 | 58,554 |
| | Excessive growth | --- | -2,500 |
| 159 | R&D IN SUPPORT OF DOD ENLISTMENT, TESTING & EVALUATION | 64,737 | 66,737 |
| | Cybersecurity and Operational Identity Management | --- | +2,000 |
| 160 | DEVELOPMENT TEST AND EVALUATION | 18,688 | 25,888 |
| | Sustainment of fiscal year 2010 level | --- | +7,200 |
| 161 | DARPA AGENCY RELOCATION | 11,000 | 11,000 |
| 162 | MANAGEMENT HEADQUARTERS (RESEARCH & DEVELOPMENT) | 56,257 | 56,257 |
| 163 | BUDGET AND PROGRAM ASSESSMENTS | 6,099 | 6,099 |
| 164 | AVIATION SAFETY TECHNOLOGIES | 10,900 | 10,900 |
| 165 | JOINT STAFF ANALYTICAL SUPPORT | 23,081 | 8,081 |
| | Growth without acquisition strategy | --- | -15,000 |
| 168 | SUPPORT TO INFORMATION OPERATIONS (IO) CAPABILITIES | 31,500 | 36,500 |
| | Virtual Integrated Support for the Information Operations eNvironment | --- | +5,000 |
| 169 | INFORMATION TECHNOLOGY RAPID ACQUISITION | 5,135 | 5,135 |
| 170 | CYBER SECURITY INITIATIVE | 10,000 | 10,000 |
| 171 | INTELLIGENCE SUPPORT TO INFORMATION OPERATIONS (IO) | 21,272 | 21,272 |
| 173 | WARFIGHTING AND INTELLIGENCE-RELATED SUPPORT | 845 | 845 |
| 174 | COCOM EXERCISE ENGAGEMENT AND TRAINING TRANSFORMATION | 92,253 | 55,488 |
| | Playas Training and Research Center Joint National Training Experiment | --- | +2,400 |
| | P 754 - Initiatives funded by Services | --- | -33,315 |
| | P 764 - NPSUE funding without program | --- | -10,250 |
| | Agile Software Capability Intervention | --- | +1,600 |
| | Modeling and Simulation Development in Support of National Security Training and Decision Analysis | --- | +2,800 |
| 175 | PENTAGON RESERVATION | 20,482 | 20,482 |
| 176 | MANAGEMENT HEADQUARTERS - MDA | 29,754 | 29,754 |
| 177 | IT SOFTWARE DEV INITIATIVES | 278 | 278 |
| | CLASSIFIED PROGRAMS | 61,577 | 61,577 |
| 178 | DEFENSE INFORMATION SYSTEM FOR SECURITY (DISS) | 5,522 | 1,000 |
| | Unjustified program | --- | -4,522 |

| R-1 | --- | Budget Request | Recommendation |
|---|---|---|---|
| --- | --- | --- | --- |
| 179 | REGIONAL INTERNATIONAL OUTREACH & PARTNERSHIP FOR PEAC | 2,139 | 2,139 |
| 180 | OVERSEAS HUMANITARIAN ASSISTANCE SHARED INFORMATION SY | 290 | 290 |
| 181 | CHEMICAL AND BIOLOGICAL DEFENSE (OPERATIONAL SYSTEMS D | 6,634 | 6,634 |
| 183 | JOINT INTEGRATION AND INTEROPERABILITY | 44,139 | 44,139 |
| 185 | CLASSIFIED PROGRAMS | 2,288 | 2,288 |
| 186 | C4I INTEROPERABILITY | 74,023 | 74,023 |
| 188 | JOINT/ALLIED COALITION INFORMATION SHARING | 9,379 | 9,379 |
| 195 | NATIONAL MILITARY COMMAND SYSTEM-WIDE SUPPORT | 467 | 467 |
| 196 | DEFENSE INFO INFRASTRUCTURE ENGINEERING AND INTEGRATION | 16,629 | 36,629 |
| | Cyber Security Pilot Programs | --- | +20,000 |
| 197 | LONG HAUL COMMUNICATIONS (DCS) | 9,130 | 13,130 |
| | Critical Asset Protection for Electro-Magnetic Pulse | --- | +4,000 |
| 198 | MINIMUM ESSENTIAL EMERGENCY COMMUNICATIONS NETWORK | 9,529 | 9,529 |
| 199 | PUBLIC KEY INFRASTRUCTURE (PKI) | 8,881 | 8,881 |
| 200 | KEY MANAGEMENT INFRASTRUCTURE (KMI) | 45,941 | 45,941 |
| 201 | INFORMATION SYSTEMS SECURITY PROGRAM | 14,077 | 14,077 |
| 202 | INFORMATION SYSTEMS SECURITY PROGRAM | 388,827 | 390,827 |
| | Ensuring Reliable Internet Communications | --- | +2,000 |
| 205 | C4I FOR THE WARRIOR | 2,261 | 2,261 |
| 206 | GLOBAL COMMAND AND CONTROL SYSTEM | 26,247 | 25,047 |
| | Fiscal year 2012 testing | --- | -1,200 |
| 207 | JOINT SPECTRUM CENTER | 20,991 | 20,991 |
| 208 | NET-CENTRIC ENTERPRISE SERVICES (NCES) | 3,366 | 3,606 |
| | Creating an Assured Joint DoD and Interagency Interoperable Net-Centric Enterprise | --- | +240 |
| 209 | JOINT MILITARY DECEPTION INITIATIVE | 1,161 | 1,161 |
| 210 | TELEPORT PROGRAM | 6,880 | 6,880 |
| 211 | SPECIAL APPLICATIONS FOR CONTINGENCIES | 16,272 | 23,872 |
| | Maritime ISR Technology Center | --- | +1,600 |
| | Quiet Tactical UAV Development | --- | +3,200 |
| | UAV/UAS Test Facility | --- | +2,800 |
| 214 | CYBER SECURITY INITIATIVE | 501 | 2,101 |
| | Secure Procurement Logistics Project | --- | +1,600 |
| 216 | CYBER SECURITY INITIATIVE | 2,251 | 3,851 |
| | Cyber Security Initiative | --- | +1,600 |
| 217 | CYBER SECURITY INITIATIVE | 10,486 | 10,486 |
| 221 | POLICY R&D PROGRAMS | 9,136 | 9,136 |
| 223 | NET CENTRICITY | 29,831 | 14,831 |
| | Unjustified growth | --- | -15,000 |
| 227 | DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS | 1,290 | 1,290 |
| 230 | DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS | 3,513 | 3,513 |
| 232 | MQ-1 PREDATOR A UAV | 98 | 98 |
| 234 | HOMELAND DEFENSE TECHNOLOGY TRANSFER PROGRAM | 2,988 | 2,988 |
| 235 | INT'L INTELLIGENCE TECHNOLOGY ASSESSMENT, ADVANCEMENT | 1,416 | 1,416 |
| 245 | INDUSTRIAL PREPAREDNESS | 21,798 | 21,798 |
| 246 | LOGISTICS SUPPORT ACTIVITIES | 2,813 | 2,813 |
| 247 | MANAGEMENT HEADQUARTERS (JCS) | 2,807 | 2,807 |
| 249 | NATO AGS | 93,885 | 93,885 |
| 250 | MQ-9 UAV | 98 | 98 |
| 252 | SPECIAL OPERATIONS AVIATION SYSTEMS ADVANCED DEV | 68,691 | 68,691 |
| 253 | SPECIAL OPERATIONS TACTICAL SYSTEMS DEVELOPMENT | 1,582 | 1,582 |
| 254 | SPECIAL OPERATIONS INTELLIGENCE SYSTEMS DEVELOPMENT | 23,879 | 30,279 |
| | Program Increase - Unfunded Requirement | --- | +1,600 |
| | Advanced, Long Endurance Unattended Ground Sensor Technologies | --- | +2,000 |
| | Camouflage Direction-finding Antennas Program | --- | +2,800 |
| 255 | SOF OPERATIONAL ENHANCEMENTS | 62,592 | 69,692 |
| | Program Increase - Unfunded Requirement | --- | +4,000 |
| | Program termination | --- | -2,900 |
| | ASIC Miniaturization for SOF Sensor and Night Vision Technologies | --- | +4,000 |
| | Upgrade of FilmArray Bio-threat Detection System | --- | +2,000 |
| 256 | SPECIAL OPERATIONS CV-22 DEVELOPMENT | 14,406 | 14,406 |
| 257 | JOINT MULTI-MISSION SUBMERSIBLE | 14,924 | 0 |
| | SOCOM requested transfer to line 269 | --- | -14,924 |
| 259 | MISSION TRAINING AND PREPARATION SYSTEMS (MTPS) | 2,915 | 2,915 |

| R-1 | --- | Budget Request | Recommendation |
|---|---|---|---|
| --- | --- | --- | --- |
| 261 | MC130J SOF TANKER RECAPITALIZATION | 7,624 | 7,624 |
| 262 | SOF COMMUNICATIONS EQUIPMENT AND ELECTRONICS SYSTEMS | 1,922 | 922 |
| | Execution delays | --- | -1,000 |
| 263 | SOF TACTICAL RADIO SYSTEMS | 2,347 | 2,347 |
| 264 | SOF WEAPONS SYSTEMS | 479 | 479 |
| 265 | SOF SOLDIER PROTECTION AND SURVIVAL SYSTEMS | 593 | 2,193 |
| | Responsive Textiles | --- | +1,600 |
| 267 | SOF TACTICAL VEHICLES | 1,994 | 994 |
| | Change in requirements | --- | -1,000 |
| 268 | SOF ROTARY WING AVIATION | 14,473 | 33,715 |
| | SOCOM requested transfer from P,DW line 57 | --- | +19,242 |
| 269 | SOF UNDERWATER SYSTEMS | 13,986 | 31,950 |
| | Lithium Ion Battery Safety - Detection and Control | --- | +1,600 |
| | SOCOM requested transfer from line 257 | --- | +14,924 |
| | Phoenix Non-Gasoline Burning Outboard Engine | --- | +1,440 |
| 270 | SOF SURFACE CRAFT | 2,933 | 18,933 |
| | Program Increase - CCM Unfunded Requirement | --- | +16,000 |
| 271 | SOF PSYOP | 4,193 | 4,193 |
| 272 | SOF GLOBAL VIDEO SURVEILLANCE ACTIVITIES | 5,135 | 5,135 |
| 273 | SOF OPERATIONAL ENHANCEMENTS INTELLIGENCE | 9,167 | 9,167 |
| | CLASSIFIED PROGRAMS | 3,832,019 | 4,037,531 |
| | Classified adjustment | --- | +179,552 |
| | Armed Forces Health and Food Supply Research | --- | +3,200 |
| | Center for Intelligence and Security Studies | --- | +3,000 |
| | Collaboration for Improved Missile Assessments | --- | +2,000 |
| | Hawaii Advanced Laboratory for Information Integration | --- | +2,960 |
| | Initiative to Advance Adaptive Petascale Supercomputing | --- | +6,400 |
| | Intelligence Collection Management Tool Follow-on Development | --- | +2,000 |
| | NetCentric Intelligence Node-Pacific | --- | +2,400 |
| | neu VISION - Intelligent Explosives Detection System | --- | +2,400 |
| | Biological And Chemical Warfare Online Repository of Technical Holdings 2 System | --- | +1,600 |
| --- | --- | --- | --- |
| | TOTAL, RESEARCH, DEVELOPMENT, TEST & EVALUATION, DEFENSE-WIDE | 20,661,600 | 21,171,272 |
| --- | --- | --- | --- |
| | OPERATIONAL TEST & EVALUATION, DEFENSE | | |
| --- | --- | --- | --- |
| 1 | OPERATIONAL TEST AND EVALUATION | 59,430 | 59,430 |
| 2 | LIVE FIRE TEST AND EVALUATION | 12,899 | 12,899 |
| 3 | OPERATIONAL TEST ACTIVITIES AND ANALYSES | 122,581 | 122,581 |
| --- | --- | --- | --- |
| | TOTAL, OPERATIONAL TEST & EVALUATION, DEFENSE | 194,910 | 194,910 |
| --- | --- | --- | --- |
| | TOTAL, RESEARCH, DEVELOPMENT, TEST & EVALUATION | 76,130,700 | 77,596,141 |
| --- | --- | --- | --- |

SOFTWARE DEVELOPMENT COST ESTIMATION

The Secretary of Defense is directed to provide the congressional defense committees a report, not later than 90 days after enactment of this Act, on its analysis identifying the common attributes of successful software intensive programs. The report should include the required metrics, data, and resources that are needed and used to better estimate and baseline future Department of Defense software program developments.

CONTRACT MANAGEMENT SERVICES PILOT PROGRAM

The Department of Defense has recently started a pilot program, in conjunction with the Ability One Services program, in which wounded veterans are trained and employed to conduct contract closeout activities. Thus far, in the infancy of the effort, millions of dollars have been recouped and over 1,500 contracts have been closed out with no rework required. The program could reasonably achieve a ratio of 10:1 return on investment. The recommendation provides an additional $12,000,000 in the ''Research, Development, Test and Evaluation, Defense-Wide'' appropriation to expand this pilot program. The Director of Defense Procurement and Acquisition Policy shall be responsible for the management of this pilot program and shall provide a quarterly report to the congressional defense committees on the progress of the pilot program.

BIOMETRICS

Due to concern that the fiscal year 2011 request for biometrics funded duplicative efforts, the recommendation decreases biometrics funding by $12,000,000. To ensure the program benefits from information technology best practices, the Secretary of the Army shall submit a report not later than 90 days after enactment of this Act which details: how biometric data will interface with and leverage the Army's Digital Common Ground System's cloud architecture that allows for real-time updates, device agnostic tactical nodes, and existing cross domain security capabilities that handle U.S. persons data; how the next generation biometric database configuration incorporates the lessons learned from earlier large intelligence database software license acquisitions; and how military intelligence program funding and non-military intelligence program funding will be determined for biometric programs going forward.

EXPEDITIONARY FIGHTING VEHICLE

A total of $222,265,000 is provided for the Expeditionary Fighting Vehicle, including $145,265,000 for termination liability. Funds designated for termination liability may be released for use in system development and demonstration activities upon certification by the Secretary of Defense to the congressional defense committees that testing on prototype vehicles has demonstrated sufficient confidence to meet program requirements.

BONE MARROW REGISTRY

The recommendation includes $31,500,000 for the Department of the Navy, to be administered by the C.W. ''Bill'' Young Marrow Donor Recruitment and Research Program, also known as and referred to within the Naval Medical Research Center as the Bone Marrow Registry. Funds appropriated for the C.W. ''Bill'' Young Marrow Donor Recruitment and Research Program shall remain available only for the purposes for which they were appropriated, and may only be obligated for the C.W. ''Bill'' Young Marrow Program. Further, the agencies involved in contingency planning are encouraged to continue to include the C.W. ''Bill'' Young Marrow Donor Recruitment and Research Program in the development and testing of their contingency plans. The Base for Reprogramming (DD Form 1414) shall show this as a congressional special interest item. The Department is further directed to release all the funds appropriated for this purpose to the C.W. ''Bill'' Young Marrow Donor Recruitment and Research Program not later than 60 days after enactment of this Act.

COMMON DATA LINKS

The Secretary of the Air Force is directed to research, define and test a government specified interface that ensures open access to configuration commands between the host platform and common data links (CDL). Once defined, the Air Force should include this interface into the existing CDL family of specifications for new CDL terminal procurement contract awards. Recognizing the benefits of multiple vendors supplying competitive offerings for this vital communication service, the Secretary of Defense is encouraged to ensure that all Department of Defense platforms employing CDL shall adopt the Air Force defined CDL interface and that multiple vendor participation occurs in the further development of CDL family of specifications.

BEST INDUSTRIAL PROCESSES FOR DEPARTMENT OF DEFENSE DEPOTS

The recommendation includes $8,000,000 to be used for the analysis of emerging technologies and best industrial processes for insertion into the Department of Defense maintenance depots. The funding will help the Department identify technological gaps, perform return on investment analyses and conduct procurement studies based on business case analyses studies.

GROUND MOVING TARGET INDICATION (GMTI) RADAR DEVELOPMENT

The recommendation provides $12,000,000 for Ground Moving Target Indication (GMTI) Radar Development to conduct studies and analysis on candidate GMTI radar technologies which could lead to the development of platform-independent prototypes to demonstrate critical technical parameters (range, minimum detectable velocity and target location error) to support initial integration with air vehicles such as the E8 Joint Surveillance Attack Radar System, the Navy's P8A Multi-mission Maritime Aircraft, RQ4 Global Hawk or others. The Secretary of the Air Force is directed to provide an execution plan for these funds not later than 60 days after enactment of this Act to the Committees on Appropriations of the House and the Senate. Subsequent updates shall be provided at the beginning of the first and third quarter of each fiscal year until all funds are obligated and expended.

DEFENSE ADVANCED RESEARCH PROJECTS AGENCY (DARPA)

The Director of DARPA is directed to provide to the congressional defense committees, not later than 60 days after enactment of this Act, a report detailing by program element and project the application of undistributed reductions.

CHEMICAL TESTING ON ANIMALS

The Secretary of the Defense is directed to report to the congressional defense committees, not later than 90 days after enactment of this Act, on the impact of reducing or restricting funds provided for the purchase of animals for the purposes of demonstrating the effects of chemical agents on the animals.

Title V—Revolving and Management Funds

For Revolving and Management Funds, funds are to be available for fiscal year 2011, as follows:

[in thousands of dollars]:

| -- | Budget Request | Recommendation |
|---|---|---|
| -- | -- | -- |
| DEFENSE WORKING CAPITAL FUNDS | | |
| -- | -- | -- |
| DEFENSE WORKING CAPITAL FUNDS | 1,434,536 | 1,434,536 |
| -- | -- | -- |
| NATIONAL DEFENSE SEALIFT FUND | | |
| -- | -- | -- |
| STRATEGIC SHIP ACQUISITION | 411,202 | 511,202 |
| Mobile Landing Platform Advance Procurement | | 100,000 |
| DoD MOBILIZATION ASSETS | 158,647 | 158,647 |
| STRATEGIC SEALIFT SUPPORT | 4,875 | 4,875 |
| SEALIFT RESEARCH AND DEVELOPMENT | 28,012 | 28,012 |
| READY RESERVE FORCE OPERATIONS AND MAINTENANCE | 332,130 | 332,130 |
| MARITIME ADMINISTRATION SHIP FINANCING GUARANTEE PROGRAM | -- | 40,000 |
| TEXAS MARITIME ACADEMY TRAINING VESSEL CONVERSION | -- | 2,400 |
| -- | -- | -- |
| TOTAL, NATIONAL DEFENSE SEALIFT FUND | 934,866 | 1,077,266 |
| -- | -- | -- |
| DEFENSE COALITION SUPPORT FUND | | |
| -- | -- | -- |
| DEFENSE COALITION SUPPORT FUND | 10,000 | 0 |
| *Program Reduction* | -- | -10,000 |
| TOTAL, DEFENSE COALITION SUPPORT FUND | 10,000 | 0 |
| TOTAL, REVOLVING AND MANAGEMENT FUNDS | 2,379,402 | 2,511,802 |

TITLE VI—OTHER DEPARTMENT OF DEFENSE PROGRAMS

For Other Department of Defense Programs, funds are to be available for fiscal year 2011, as follows:

[in thousands of dollars]:

| --- | --- | Budget Request | Recommendation |
|---|---|---|---|
| --- | --- | --- | --- |
| | DEFENSE HEALTH PROGRAM | | |
| --- | --- | --- | --- |
| OPERATION AND MAINTENANCE | | 29,915,277 | 29,697,516 |
| --- | IN-HOUSE CARE | 7,781,877 | 7,795,389 |
| --- | Army Substance Abuse Program - Transfer to OM,A line 131 | 2,800 | -2,800 |
| --- | Fort Drum Regional Health Planning Organization | --- | +344 |
| --- | Military Family Wellness Initiative | --- | +468 |
| --- | Madigan Army Medical Center Trauma Assistance Program at Tacoma Trauma Trust | --- | +3,500 |
| --- | Pain Management Task Force | --- | +12,000 |
| --- | PRIVATE SECTOR CARE | 16,034,745 | 15,673,745 |
| --- | TRICARE Underexecution | --- | -236,000 |
| --- | Global Deployment of the Force medical research funding - DOD requested transfer to maintain full funding for the program | --- | -125,000 |
| --- | CONSOLIDATED HEALTH CARE | 2,122,483 | 2,095,370 |
| --- | Army Substance Abuse Program - Transfer to OM,A line 131 | 27,825 | -27,825 |
| --- | Psychological Health - State Directors for the National Guard - Transfer to OM, ARNG line 133 | --- | -8,888 |
| --- | AFIP/Joint Pathology Center Records Digitization and Repository Modernization | --- | +9,600 |
| --- | INFORMATION MANAGEMENT/IT | 1,452,330 | 1,454,330 |
| --- | Virtual Agent Technology Pilot Program - afterdeployment.org | --- | +1,200 |
| --- | Childrens Hospital Integrated Patient Electronic Records Systems | --- | +800 |
| --- | MANAGEMENT HEADQUARTERS | 293,698 | 288,698 |
| --- | MHS Strategic Communications efficiencies | --- | -5,000 |
| --- | EDUCATION AND TRAINING | 632,534 | 642,374 |
| --- | Shock Trauma Center/National Traumatic Injury Simulation Training Center | --- | +2,400 |
| --- | African Humanitarian Medical Outreach Program | --- | +1,040 |
| --- | Advanced Medical Training and Technology Platform | --- | +2,400 |
| --- | Web-Based Teaching Programs for Military Social Work | --- | +4,000 |
| --- | BASE OPERATIONS AND COMMUNICATIONS | 1,597,610 | 1,747,610 |
| --- | Medical Facilities Sustainment, Restoration and Modernization | --- | +150,000 |
| PROCUREMENT | | 519,921 | 534,921 |
| --- | Procurement of Medical Equipment and IO&T - Navy | --- | +15,000 |
| RESEARCH AND DEVELOPMENT | | 499,913 | 1,228,333 |
| --- | ALS | --- | +8,000 |
| --- | Armed Forces Institute of Regenerative Medicine | --- | +4,800 |
| --- | Autism Research | --- | +6,400 |
| --- | Bone Marrow Failure Disease Research Program | --- | +4,000 |
| --- | Duchenne Muscular Dystrophy | --- | +4,000 |
| --- | Global HIV/AIDS Prevention | --- | +10,000 |
| --- | Traumatic Brain Injury and Psychological Health | --- | +100,000 |
| --- | Global Deployment of the Force medical research funding - Department of Defense requested transfer to maintain full funding for the program | --- | +125,000 |
| --- | Gulf War Illness Peer-Reviewed Research Program | --- | +8,000 |
| --- | Multiple Sclerosis | --- | +4,800 |
| --- | Diabetes Model Program | --- | +2,400 |
| --- | Peer-Reviewed Alzheimer Research | --- | +15,000 |
| --- | Peer-Reviewed Breast Cancer Research Program | --- | +150,000 |
| --- | Peer-Reviewed Cancer Research Program | --- | +16,000 |
| --- | Peer-Reviewed Lung Cancer Research Program | --- | +12,800 |
| --- | Peer-Reviewed Orthopedic Research Program | --- | +24,000 |
| --- | Peer-Reviewed Ovarian Cancer Research Program | --- | +20,000 |
| --- | Peer Reviewed Vision research in conjunction with the DoD Vision Center of Excellence | --- | +4,000 |
| --- | Peer-Reviewed Prostate Cancer Research Program | --- | +80,000 |
| --- | Peer-Reviewed Spinal Cord Research Program | --- | +12,000 |
| --- | Research in Alcohol and Substance Use Disorders | --- | +5,200 |
| --- | SBIR to the core funded RDT&E | --- | +1,200 |
| --- | Tuberous Sclerosis Complex (TSC) | --- | +6,400 |
| --- | Customized Nursing Programs | --- | +2,000 |
| --- | Health Research and Disparities Eradication Program | --- | +6,400 |
| --- | Autism Brain Morphology Library | --- | +1,600 |
| --- | Nanoparticle Delivery Systems for Pocket Vaccines | --- | +1,120 |
| --- | Medical Evaluation Data Conversion Support System | --- | +800 |
| --- | Pain Management Task Force Research | --- | +4,000 |

| --- | --- | Budget Request | Recommendation |
|---|---|---|---|
| --- | Soldier Health Promotion to Examine and Reduce Suicide Deaths | --- | +2,000 |
| --- | Combined Injury Research Consortium | --- | +2,000 |
| --- | Old Dominion University Bioelectrics Research for Casualty Care and Management | --- | +1,600 |
| --- | Accelerated Therapies for Healing Battlefield Wounds and Scars | --- | +3,000 |
| --- | Rescue Eagle Program | --- | +3,200 |
| --- | High Bandwidth, Mobile Medical Communications Platform to Revolutionize Rural Health Care | --- | +1,600 |
| --- | Austen BioInnovation Institute in Akron | --- | +4,000 |
| --- | Hawaii Federal Health Care Network | --- | +21,100 |
| --- | Peer Reviewed Medical Research Program | --- | +50,000 |
| --- | --- | --- | --- |
| --- | **TOTAL, DEFENSE HEALTH PROGRAM** | **30,935,111** | **31,460,770** |
| --- | --- | --- | --- |
| | **CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE** | | |
| --- | --- | --- | --- |
| --- | **OPERATION AND MAINTENANCE** | **1,067,364** | **1,067,364** |
| --- | **PROCUREMENT** | **7,132** | **7,132** |
| --- | **RESEARCH, DEVELOPMENT, TEST AND EVALUATION** | **392,811** | **392,811** |
| --- | --- | --- | --- |
| --- | **TOTAL, CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE** | **1,467,307** | **1,467,307** |
| --- | --- | --- | --- |
| | **DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE** | | |
| --- | --- | --- | --- |
| PC1293 | Supplies and Materials (non-fund) - NSA | --- | -1,000 |
| PC1329 | Other Intra-Governmental Purchases - Navy | --- | -2,500 |
| PC6501 | Other Intra-Governmental Purchases - OSD | --- | -2,000 |
| PC9206 | Other Intra-Governmental Purchases - OSD | --- | -4,000 |
| PC9205 | EUCOM Counternarcotics Operations Support excessive growth | --- | -3,000 |
| PC1293 | International crime and narcotics analytic tools excessive growth | --- | -1,000 |
| PC2360 | EUCOM Tactical Analysis Team Support unauthorized new Start | --- | -1,500 |
| --- | FFRDC cost growth and CN indicated no need | --- | -11,394 |
| --- | National Guard Counter-Drug Program-State Plans | --- | +50,000 |
| --- | Young Marines-Drug Demand Reduction | --- | +2,000 |
| --- | Oculus Counter-Drug/Counter-IED Intelligence, Surveillance, Target Acquisition and Reconnaissance ISTAR Platform | --- | +2,400 |
| --- | Florida Counter-Drug Program | --- | +3,200 |
| --- | Western Regional Counter-Drug Training Center | --- | +1,600 |
| --- | Tennessee National Guard Counter-Drug Task Force, Appalachia | --- | +3,500 |
| --- | Indiana National Guard Counter-Drug Program | --- | +2,400 |
| --- | Nevada National Guard Counter-Drug Program | --- | +4,500 |
| --- | Alaska National Guard Counter-Drug Program | --- | +2,400 |
| --- | Colorado Joint Counter-Drug Task Force | --- | +1,200 |
| --- | Delaware National Guard Counter-Drug Task Force | --- | +240 |
| --- | Hawaii National Guard Counter-Drug | --- | +3,000 |
| --- | Kentucky National Guard Marijuana Eradication Efforts | --- | +4,000 |
| --- | Midwest Counter-Drug Training Center | --- | +5,600 |
| --- | Minnesota National Guard Counter-Drug Program | --- | +1,600 |
| --- | Montana National Guard Counter-Drug Task Force | --- | +800 |
| --- | New Mexico National Guard Counter-Drug Support Program | --- | +4,800 |
| --- | Northeast Counter-Drug Training Center | --- | +2,800 |
| --- | Regional Counter-Drug Training Academy-Meridian | --- | +3,400 |
| --- | Texas Army National Guard Joint Counter-Drug Task Force | --- | +1,600 |
| --- | Utah National Guard Counter-Drug State Plan | --- | +1,200 |
| --- | West Virginia Counter-Drug Program | --- | +680 |
| --- | --- | --- | --- |
| --- | **TOTAL, DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE** | **1,131,351** | **1,207,877** |

| --- | --- | Budget Request | Recommendation |
|---|---|---|---|
| --- | --- | --- | --- |
| | JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND | | |
| --- | --- | --- | --- |
| 4 | STAFF AND INFRASTRUCTURE | 215,868 | 0 |
| --- | Transfer to Title IX | --- | -215,868 |
| --- | --- | --- | --- |
| --- | TOTAL, JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND | 215,868 | 0 |
| --- | --- | --- | --- |
| | OFFICE OF THE INSPECTOR GENERAL | | |
| --- | --- | --- | --- |
| --- | OPERATION AND MAINTENANCE | 282,354 | 305,794 |
| --- | Program Increase | --- | +23,440 |
| --- | PROCUREMENT | 1,000 | 1,000 |
| --- | --- | --- | --- |
| --- | TOTAL, OFFICE OF THE INSPECTOR GENERAL | 283,354 | 306,794 |
| --- | --- | --- | --- |
| --- | TOTAL, OTHER DEPARTMENT OF DEFENSE PROGRAMS | 34,032,991 | 34,442,748 |

DEFENSE HEALTH PROGRAM REPROGRAMMING PROCEDURES

The recommendation designates the funding for the Direct Care System as a congressional special interest item, as defined elsewhere in this statement. The Assistant Secretary of Defense (Health Affairs) is also directed to provide quarterly reports to the Committees on Appropriations of the House and the Senate on budget execution data for all of the Defense Health Program accounts and to adequately reflect changes to the budget activities requested by the Services in future budget submissions.

CARRYOVER

The Assistant Secretary of Defense (Health Affairs) is directed to submit a detailed spending plan for any fiscal year 2010 designated carryover funds to the congressional defense committees not later than 15 days prior to executing the carryover funds.

PRIVATE SECTOR CARE SHORTFALL

The recommendation reduces the Private Sector Care budget activity group by $236,000,000 as a result of pharmaceutical rebates being realized and the Military Health System adjusting to more normalized rates, creating excess funds. The Assistant Secretary of Defense (Health Affairs) is directed to report to the congressional defense committees not later than 60 days after enactment of this Act on the status of additional rebates that have been collected.

PEER-REVIEWED CANCER RESEARCH PROGRAM

The recommendation provides $16,000,000 for a peer-reviewed cancer research program. The Department of Defense is directed to provide a report not later than 60 days after enactment of this Act to the congressional defense committees on the status of the peer-reviewed cancer research programs. The funds provided are directed to be used to conduct research in the following areas: melanoma and other skin cancers, pediatric and childhood cancer research, genetic cancer research, pancreatic cancer, kidney cancer, blood cancer, colorectal cancer, mesothelioma, radiation protection utilizing nanotechnology, and Listeria Vaccine for infectious disease and cancer. The funds provided under the Peer-Reviewed Cancer Research Program shall be used only for the purposes listed above.

PEER-REVIEWED MEDICAL RESEARCH PROGRAM

The recommendation provides $50,000,000 for a Peer-Reviewed Medical Research Program and the Secretary of Defense, in conjunction with the Service Surgeons General, is directed to select medical research projects of clear scientific merit and direct relevance to military health. Research areas considered under this funding are restricted to: chronic fatigue syndrome, chronic migraine and post-traumatic headache, drug abuse, epidermolysis bullosa, epilepsy, fragile x syndrome, inflammatory bowel disease, interstitial cystitis, lupus, neuroblastoma, osteoporosis and related bone disease, Paget's disease, pancreatitis, pheochromocytoma, polycystic kidney disease, post-traumatic osteoarthritis, scleroderma, social work research, and tinnitus. The additional funding provided under the Peer-Reviewed Medical Research Program shall be devoted only to the purposes listed above.

DEPARTMENT OF DEFENSE PHARMACY DATA TRANSACTION SERVICE

According to Army reports, the prescription of pain management medications is handled inconsistently at military medical facilities, particularly in theater, where prescription data is not transmitted to the Department of Defense's Pharmacy Data Transaction Service. The Assistant Secretary of Defense (Health Affairs) is directed to provide a report to the congressional defense committees on the obstacles and steps toward such transmission not later than 60 days after enactment of this Act.

JOINT PATHOLOGY CENTER AND NATIONAL TISSUE REPOSITORY

The Joint Pathology Center (JPC) was established in accordance with Section 722 of the National Defense Authorization Act, 2008. Given the importance of the JPC and its assigned mission in medical research, education, consultation and management of the National Tissue Repository, the Assistant Secretary of Defense (Health Affairs) is directed to include funding for the JPC in the upcoming fiscal year 2012 budget request.

SMOKING CESSATION IN THE MILITARY

There are significant burdens caused by tobacco use in the United States military including its impact on readiness and productivity. The Department of Defense shall continue implementing the recommendations outlined in the Institute of Medicine report Combating Tobacco Use in Military and Veterans Populations.''

TRAUMATIC BRAIN INJURY AND PSYCHOLOGICAL HEALTH

The Secretary of Defense is directed to report to the congressional defense committees not later than 60 days after enactment of this Act on the availability of appropriate and accessible counseling to servicemembers and their families who live in locations that are not close to military treatment facilities, other Military Health System health facilities or TRICARE providers. Initiatives, such as telehealth, clinical standards supporting TBI and psychological health, and training and education outreach should also be included.

CENTERS OF EXCELLENCE AT WALTER REED ARMY MEDICAL CENTER (WRAMC)/WALTER REED NATIONAL MILITARY MEDICAL CENTER (WRNMMC)

The recommendation includes the budget request for the following Centers of Excellence at the current Walter Reed Army Medical Center: Breast Care, Gynecologic, Prostate, Pain and Neuroscience, and Integrated Cardiac Health (Wellness). The Secretary of Defense is directed to include full funding for the Centers of Excellence at WRAMC and WRNMMC in the fiscal year 2012 budget submission as these centers are the forefront in the advancement of modern medical care.

TITLE VII—RELATED AGENCIES

CLASSIFIED ANNEX

Adjustments to the classified programs are addressed in a separate detailed and comprehensive classified annex. The Intelligence Community, Department of Defense and other organizations are expected to fully comply with the recommendations and directions in the classified annex accompanying the Department of Defense Appropriations Act, 2011.

CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM FUND

For the Central Intelligence Agency Retirement and Disability System Fund, $292,000,000 is provided for fiscal year 2011.

INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

For the Intelligence Community Management Account, $649,732,000 is provided for fiscal year 2011.

INTELLIGENCE COMMUNITY BUSINESS TRANSFORMATION

To meet the statutory requirement of achieving an unqualified National Intelligence Program financial audit by September 30, 2013, a business transformation transfer fund has been created for the Director of the Business Transformation Office and the designated functional lead intelligence element to identify to the congressional intelligence committees and the Office of Management and Budget which of the following intelligence elements; the National Geospatial-Intelligence Agency, the National Security Agency, the Central Intelligence Agency, the National Reconnaissance Office, and the Defense Intelligence Agency, will take the lead for the following business areas: Acquire-to Retire, Budget-to-Report, Procure-to-Pay, Hire-to-Retire, Data Center Infrastructure and Data Security. The lead intelligence element will select the single business system for each functional area by April 15, 2011, and lead the implementation and business process standardization of that specific business area for the other four Intelligence elements and the Office of the Director of National Intelligence. There are two general provisions in Title VIII of this Division that provide the authority for the lead element to leverage the existing business system program of record funds and to expend the transfer fund dollars under the policy direction and architectural guidance of the Director of the Business Transformation Office. Not later than 15 days prior to making such transfers, the Director of National Intelligence shall submit a report on such transfers to the congressional intelligence committees.

TITLE VIII GENERAL PROVISIONS

The recommendation includes general provisions which address requests by the Administration for various authorities, the continuation or modification of provisions carried in Acts from previous years, or new matters of specific concern. The bill also includes rescissions to prior year appropriations, as detailed in the table below.

(RESCISSIONS)

Language is included that rescinds $1,113,536,000 from the following programs:

| | |
|---|---|
| 2009 Appropriations: | |
| Weapons and Tracked Combat Vehicles, Army: | |
| Future Combat Systems | $86,300,000 |
| Other Procurement, Army: | |
| Armored Security Vehicles | 55,000,000 |
| Force XXII Battle Command Brigade and Below | 30,600,000 |
| Semi-trailers, Flatbed | 62,000,000 |
| Aircraft Procurement, Navy: | |
| KC–130J | 12,000,000 |
| F/A–18E/F | 14,100,000 |
| Aircraft Procurement, Air Force: | |
| Global Hawk excess funds | 49,000,000 |
| C–130 AMP | 31,900,000 |
| HC/MC updated pricing | 36,000,000 |
| 2010 Appropriations: | |
| Aircraft Procurement, Army: | |
| Tactical SIGINT Payload | 14,000,000 |
| Weapons and Tracked Combat Vehicles, Army: | |
| Future Combat Systems spin-outs | 19,600,000 |
| Improved Recovery Vehicle | 8,700,000 |
| MK–19 Grenade Machine Gun Modifications | 7,700,000 |
| Missile Procurement, Army: | |
| GMLRS | 9,171,000 |

| | |
|---|---|
| Aircraft Procurement, Navy: | |
| EA–18G MYP savings | 89,120,000 |
| F/A–18E/F MYP savings | 72,727,000 |
| F–18 Series ECO | 17,000,000 |
| E–6 Series | 6,000,000 |
| Procurement of Ammunition, Navy and Marine Corps: | |
| General Purpose Bombs | 11,576,000 |
| Shipbuilding and Conversion, Navy: | |
| DDG–51main reduction gear savings | 22,000,000 |
| Other Procurement, Navy: | |
| Minesweeping System Replacement | 5,400,000 |
| Aircraft Launch Recovery | 3,642,000 |
| Aircraft Procurement, Air Force: | |
| B–2A | 5,900,000 |
| B–52 | 39,300,000 |
| C–17 Modifications | 12,200,000 |
| C–130J updated pricing | 7,000,000 |
| C–130 AP updated pricing | 15,100,000 |
| HC/MC–130 AP | 46,900,000 |
| HC/MC–130 updated pricing | 13,200,000 |
| Initial Spares—Joint Stars Re-engining | 11,700,000 |
| Other Procurement, Air Force: | |
| FAB-T | 36,600,000 |
| Research, Development, Test and Evaluation, Army: | |
| Aircraft Avionics—JTRS AMF | 10,200,000 |
| HFDS | 15,000,000 |
| Future Combat System—Class IV UAV Program of Record | 12,000,000 |
| TUAV–TSP | 16,300,000 |
| Research, Development, Test and Evaluation, Air Force: | |
| B–2 | 90,000,000 |
| Classified Program | 10,000,000 |
| Alternative Fuels | 10,000,000 |
| Small Diameter Bomb | 22,000,000 |
| Engine CIP | 15,000,000 |
| JSTARS | 14,600,000 |
| RQ–4 UAV | 18,000,000 |
| C–5 Airlift Squadrons | 19,000,000 |
| Research, Development, Test and Evaluation, Defense-Wide: | |
| BMD Hercules | 10,000,000 |

## TITLE IX—OVERSEAS CONTINGENCY OPERATIONS

### REPORTING REQUIREMENTS

The Secretary of Defense is directed to provide a report to the congressional defense committees not later than 30 days after enactment of this Act on the allocation of the funds within the accounts listed in this title. The Secretary shall submit updated reports 30 days after the end of each fiscal quarter until funds listed in this title are no longer available for obligation. These reports shall include: a detailed accounting of obligations and expenditures of appropriations provided in this title by program and subactivity group for the continuation of military operations in Iraq and Afghanistan and a listing of equipment procured using funds provided in this title. It is expected that, in order to meet unanticipated requirements, the Secretary of Defense may need to transfer funds within these appropriations accounts for purposes other than those specified in this report. The Secretary of Defense is directed to follow normal prior approval reprogramming procedures should it be necessary to transfer funding between different appropriations accounts in this title.

Additionally, the Secretary of Defense is directed to continue to report incremental contingency operations costs for Operation New Dawn and Operation Enduring Freedom on a monthly basis in the Cost of War Execution report as required by Department of Defense Financial Management Regulation, Chapter 23, Volume 12. Further, the Secretary of Defense is directed to continue to provide the Cost of War Reports to the congressional defense committees that include the following information by appropriation: funding appropriated, funding allocated, monthly obligations, monthly disbursements, cumulative fiscal year obligations, and cumulative fiscal year disbursements.

### MILITARY PERSONNEL

For Military Personnel, funds are to be available for fiscal year 2011, as follows:

[in thousands of dollars]:

| M-1 | | Budget Request | Recommendation |
|---|---|---|---|
| --- | --- | --- | --- |
| | MILITARY PERSONNEL, ARMY | | |
| --- | --- | --- | --- |
| --- | BA-1: PAY AND ALLOWANCES OF OFFICERS | --- | --- |
| --- | BASIC PAY | 1,237,779 | 1,237,779 |
| --- | RETIRED PAY ACCRUAL | 313,278 | 313,278 |
| --- | BASIC ALLOWANCE FOR HOUSING | 349,839 | 349,839 |
| --- | BASIC ALLOWANCE FOR SUBSISTENCE | 44,752 | 44,752 |
| --- | INCENTIVE PAYS | 2,835 | 2,835 |
| --- | SPECIAL PAYS | 159,261 | 159,261 |
| --- | ALLOWANCES | 56,632 | 56,632 |
| --- | SEPARATION PAY | 1,303 | 1,303 |
| --- | SOCIAL SECURITY TAX | 94,650 | 94,650 |
| --- | TOTAL, BA-1 | 2,260,329 | 2,260,329 |
| --- | --- | --- | --- |
| --- | BA-2: PAY AND ALLOWANCES OF ENLISTED PERSONNEL | --- | --- |
| --- | BASIC PAY | 2,708,271 | 2,708,271 |
| --- | RETIRED PAY ACCRUAL | 693,325 | 693,325 |
| --- | BASIC ALLOWANCE FOR HOUSING | 1,113,877 | 1,113,877 |
| --- | INCENTIVE PAYS | 6,714 | 6,714 |
| --- | SPECIAL PAYS | 574,120 | 574,120 |
| --- | ALLOWANCES | 241,921 | 241,921 |
| --- | SEPARATION PAY | 26,276 | 26,276 |
| --- | SOCIAL SECURITY TAX | 207,174 | 207,174 |
| --- | TOTAL, BA-2 | 5,571,678 | 5,571,678 |
| --- | --- | --- | --- |
| --- | BA-4: SUBSISTENCE OF ENLISTED PERSONNEL | --- | --- |
| --- | BASIC ALLOWANCE FOR SUBSISTENCE | 329,046 | 329,046 |
| --- | SUBSISTENCE-IN-KIND | 1,871,805 | 1,871,805 |
| --- | TOTAL, BA-4 | 2,200,851 | 2,200,851 |
| --- | --- | --- | --- |
| --- | BA-5: PERMANENT CHANGE OF STATION TRAVEL | --- | --- |
| --- | ACCESSION TRAVEL | 45,512 | 45,512 |
| --- | OPERATIONAL TRAVEL | 107,025 | 107,025 |
| --- | ROTATIONAL TRAVEL | 45,514 | 45,514 |
| --- | TOTAL, BA-5 | 198,051 | 198,051 |
| --- | --- | --- | --- |
| --- | BA-6: OTHER MILITARY PERSONNEL COSTS | --- | --- |
| --- | INTEREST ON UNIFORMED SERVICES SAVINGS | 16,102 | 16,102 |
| --- | DEATH GRATUITIES | 66,220 | 66,220 |
| --- | UNEMPLOYMENT BENEFITS | 192,223 | 192,223 |
| --- | RESERVE INCOME REPLACEMENT PROGRAM | 1,895 | 1,895 |
| --- | SGLI EXTRA HAZARD PAYMENTS | 171,060 | 171,060 |
| --- | TOTAL, BA-6 | 447,500 | 447,500 |
| --- | --- | --- | --- |
| --- | UNDISTRIBUTED ADJUSTMENT | --- | 789,624 |
| --- | Undistributed Transfer from Title I | --- | +789,624 |
| --- | --- | --- | --- |
| --- | TOTAL, MILITARY PERSONNEL, ARMY | 10,678,409 | 11,468,033 |
| --- | --- | --- | --- |
| | MILITARY PERSONNEL, NAVY | | |
| --- | --- | --- | --- |
| --- | BA-1: PAY AND ALLOWANCES OF OFFICERS | --- | --- |
| --- | BASIC PAY | 213,340 | 213,340 |
| --- | RETIRED PAY ACCRUAL | 59,067 | 59,067 |
| --- | BASIC ALLOWANCE FOR HOUSING | 67,023 | 67,023 |
| --- | BASIC ALLOWANCE FOR SUBSISTENCE | 7,315 | 7,315 |
| --- | INCENTIVE PAYS | 1,543 | 1,543 |
| --- | SPECIAL PAYS | 16,667 | 16,667 |
| --- | ALLOWANCES | 16,754 | 16,754 |
| --- | SEPARATION PAY | 14 | 14 |
| --- | SOCIAL SECURITY TAX | 16,320 | 16,320 |
| --- | TOTAL, BA-1 | 398,043 | 398,043 |
| --- | --- | --- | --- |
| --- | BA-2: PAY AND ALLOWANCES OF ENLISTED PERSONNEL | --- | --- |
| --- | BASIC PAY | 262,656 | 262,656 |
| --- | RETIRED PAY ACCRUAL | 74,338 | 74,338 |
| --- | BASIC ALLOWANCE FOR HOUSING | 121,913 | 121,913 |
| --- | INCENTIVE PAYS | 325 | 325 |
| --- | SPECIAL PAYS | 80,007 | 80,007 |
| --- | ALLOWANCES | 27,692 | 27,692 |
| --- | SEPARATION PAY | 3,535 | 3,535 |
| --- | SOCIAL SECURITY TAX | 20,093 | 20,093 |
| --- | TOTAL, BA-2 | 590,559 | 590,559 |
| --- | --- | --- | --- |

| M-1 | | Budget Request | Recommendation |
|---|---|---|---|
| --- | --- | --- | --- |
| --- | BA-4: SUBSISTENCE OF ENLISTED PERSONNEL | --- | --- |
| --- | BASIC ALLOWANCE FOR SUBSISTENCE | 28,639 | 28,639 |
| --- | SUBSISTENCE-IN-KIND | 14,546 | 14,546 |
| --- | TOTAL, BA-4 | 43,185 | 43,185 |
| --- | --- | --- | --- |
| --- | BA-5: PERMANENT CHANGE OF STATION TRAVEL | --- | --- |
| --- | ACCESSION TRAVEL | 5,214 | 5,214 |
| --- | OPERATIONAL TRAVEL | 23,903 | 23,903 |
| --- | ROTATIONAL TRAVEL | 30,110 | 30,110 |
| --- | SEPARATION TRAVEL | 3,132 | 3,132 |
| --- | TOTAL, BA-5 | 62,359 | 62,359 |
| --- | --- | --- | --- |
| --- | BA-6: OTHER MILITARY PERSONNEL COSTS | --- | --- |
| --- | DEATH GRATUITIES | 3,800 | 3,800 |
| --- | UNEMPLOYMENT BENEFITS | 29,662 | 29,662 |
| --- | SGLI EXTRA HAZARD PAYMENTS | 51,111 | 51,111 |
| --- | TOTAL, BA-6 | 84,573 | 84,573 |
| --- | --- | --- | --- |
| --- | UNDISTRIBUTED ADUSTMENT | --- | 130,000 |
| --- | Higher than Budgeted Mobilization Levels | --- | +110,000 |
| --- | Increased Deployment Levels | --- | +20,000 |
| --- | --- | --- | --- |
| --- | TOTAL, MILITARY PERSONNEL, NAVY | 1,178,719 | 1,308,719 |
| --- | --- | --- | --- |
| | MILITARY PERSONNEL, MARINE CORPS | | |
| --- | --- | --- | --- |
| --- | BA-1: PAY AND ALLOWANCES OF OFFICERS | --- | --- |
| --- | BASIC PAY | 40,079 | 40,079 |
| --- | RETIRED PAY ACCRUAL | 13,308 | 13,308 |
| --- | BASIC ALLOWANCE FOR HOUSING | 18,565 | 18,565 |
| --- | BASIC ALLOWANCE FOR SUBSISTENCE | 1,760 | 1,760 |
| --- | SPECIAL PAYS | 10,747 | 10,747 |
| --- | ALLOWANCES | 4,805 | 4,805 |
| --- | SOCIAL SECURITY TAX | 4,176 | 4,176 |
| --- | TOTAL, BA-1 | 93,440 | 93,440 |
| --- | --- | --- | --- |
| --- | BA-2: PAY AND ALLOWANCES OF ENLISTED PERSONNEL | --- | --- |
| --- | BASIC PAY | 190,013 | 190,013 |
| --- | RETIRED PAY ACCRUAL | 43,090 | 43,090 |
| --- | BASIC ALLOWANCE FOR HOUSING | 45,977 | 45,977 |
| --- | SPECIAL PAYS | 95,395 | 95,395 |
| --- | ALLOWANCES | 40,431 | 40,431 |
| --- | SEPARATION PAY | 3,017 | 3,017 |
| --- | SOCIAL SECURITY TAX | 13,435 | 13,435 |
| --- | TOTAL, BA-2 | 431,358 | 431,358 |
| --- | --- | --- | --- |
| --- | BA-4: SUBSISTENCE OF ENLISTED PERSONNEL | --- | --- |
| --- | BASIC ALLOWANCE FOR SUBSISTENCE | 21,420 | 21,420 |
| --- | TOTAL, BA-4 | 21,420 | 21,420 |
| --- | --- | --- | --- |
| --- | BA-5: PERMANENT CHANGE OF STATION TRAVEL | --- | --- |
| --- | ACCESSION TRAVEL | 3,270 | 3,270 |
| --- | TOTAL, BA-5 | 3,270 | 3,270 |
| --- | --- | --- | --- |
| --- | BA-6: OTHER MILITARY PERSONNEL COSTS | --- | --- |
| --- | DEATH GRATUITIES | 27,000 | 27,000 |
| --- | UNEMPLOYMENT BENEFITS | 19,942 | 19,942 |
| --- | SGLI EXTRA HAZARD PAYMENTS | 48,345 | 48,345 |
| --- | TOTAL, BA-6 | 95,287 | 95,287 |
| --- | --- | --- | --- |
| --- | UNDISTRIBUTED ADUSTMENT | --- | 88,145 |
| --- | Over Budgeted End Strength | --- | +88,145 |
| --- | --- | --- | --- |
| --- | TOTAL, MILITARY PERSONNEL, MARINE CORPS | 644,775 | 732,920 |
| --- | --- | --- | --- |
| | MILITARY PERSONNEL, AIR FORCE | | |
| --- | --- | --- | --- |
| --- | BA-1: PAY AND ALLOWANCES OF OFFICERS | --- | --- |
| --- | BASIC PAY | 188,334 | 188,334 |
| --- | RETIRED PAY ACCRUAL | 45,953 | 45,953 |
| --- | BASIC ALLOWANCE FOR HOUSING | 58,889 | 58,889 |
| --- | BASIC ALLOWANCE FOR SUBSISTENCE | 7,320 | 7,320 |
| --- | SPECIAL PAYS | 13,613 | 13,613 |
| --- | ALLOWANCES | 5,760 | 5,760 |
| --- | SOCIAL SECURITY TAX | 14,408 | 14,408 |
| --- | TOTAL, BA-1 | 334,277 | 334,277 |

| M-1 | | Budget Request | Recommendation |
|---|---|---|---|
| --- | --- | --- | --- |
| --- | --- | --- | --- |
| | BA-2: PAY AND ALLOWANCES OF ENLISTED | | |
| --- | PERSONNEL | --- | --- |
| --- | BASIC PAY | 472,896 | 472,896 |
| --- | RETIRED PAY ACCRUAL | 115,387 | 115,387 |
| --- | BASIC ALLOWANCE FOR HOUSING | 177,545 | 177,545 |
| --- | SPECIAL PAYS | 49,964 | 49,964 |
| --- | ALLOWANCES | 16,254 | 16,254 |
| --- | SOCIAL SECURITY TAX | 36,177 | 36,177 |
| --- | TOTAL, BA-2 | 868,223 | 868,223 |
| --- | --- | --- | --- |
| --- | BA-4: SUBSISTENCE OF ENLISTED PERSONNEL | --- | --- |
| --- | BASIC ALLOWANCE FOR SUBSISTENCE | 39,090 | 39,090 |
| --- | SUBSISTENCE-IN-KIND | 61,805 | 61,805 |
| --- | TOTAL, BA-4 | 100,895 | 100,895 |
| --- | --- | --- | --- |
| --- | BA-5: PERMANENT CHANGE OF STATION TRAVEL | --- | --- |
| --- | OPERATIONAL TRAVEL | 5,957 | 5,957 |
| --- | TOTAL, BA-5 | 5,957 | 5,957 |
| --- | --- | --- | --- |
| --- | BA-6: OTHER MILITARY PERSONNEL COSTS | --- | --- |
| --- | DEATH GRATUITIES | 2,000 | 2,000 |
| --- | UNEMPLOYMENT BENEFITS | 27,978 | 27,978 |
| --- | SGLI EXTRA HAZARD PAYMENTS | 67,057 | 67,057 |
| --- | TOTAL, BA-6 | 97,035 | 97,035 |
| --- | --- | --- | --- |
| --- | UNDISTRIBUTED ADJUSTMENT | --- | 654,055 |
| --- | Higher than Budgeted Mobilization Levels | --- | +378,000 |
| --- | Over Budgeted End Strength | --- | +276,055 |
| --- | --- | --- | --- |
| --- | TOTAL, MILITARY PERSONNEL, AIR FORCE | 1,406,387 | 2,060,442 |
| --- | --- | --- | --- |
| | RESERVE PERSONNEL, ARMY | | |
| --- | --- | --- | --- |
| --- | BA-1: UNIT AND INDIVIDUAL TRAINING | --- | --- |
| --- | PAY GROUP A TRAINING (15 DAYS and DRILLS 24/48) | 104,230 | 104,230 |
| --- | SCHOOL TRAINING | 9,886 | 9,886 |
| --- | SPECIAL TRAINING | 153,915 | 153,915 |
| --- | TOTAL, BA-1 | 268,031 | 268,031 |
| --- | --- | --- | --- |
| --- | TOTAL, RESERVE PERSONNEL, ARMY | 268,031 | 268,031 |
| --- | --- | --- | --- |
| | RESERVE PERSONNEL, NAVY | | |
| --- | --- | --- | --- |
| --- | BA-1: UNIT AND INDIVIDUAL TRAINING | --- | --- |
| --- | SCHOOL TRAINING | 7,019 | 7,019 |
| --- | SPECIAL TRAINING | 38,683 | 38,683 |
| --- | ADMINISTRATION AND SUPPORT | 3,210 | 3,210 |
| --- | TOTAL, BA-1 | 48,912 | 48,912 |
| --- | --- | --- | --- |
| --- | TOTAL, RESERVE PERSONNEL, NAVY | 48,912 | 48,912 |
| --- | --- | --- | --- |
| | RESERVE PERSONNEL, MARINE CORPS | | |
| --- | --- | --- | --- |
| --- | BA-1: UNIT AND INDIVIDUAL TRAINING | --- | --- |
| --- | SCHOOL TRAINING | 5,467 | 5,467 |
| --- | SPECIAL TRAINING | 24,797 | 24,797 |
| --- | ADMINISTRATION AND SUPPORT | 373 | 373 |
| --- | TOTAL, BA-1 | 30,637 | 30,637 |
| --- | --- | --- | --- |
| --- | UNDISTRIBUTED ADJUSTMENT | --- | 14,800 |
| --- | Over Budgeted End Strength | --- | +14,800 |
| --- | --- | --- | --- |
| --- | TOTAL, RESERVE PERSONNEL, MARINE CORPS | 30,637 | 45,437 |
| --- | --- | --- | --- |
| | RESERVE PERSONNEL, AIR FORCE | | |
| --- | --- | --- | --- |
| --- | BA-1: UNIT AND INDIVIDUAL TRAINING | --- | --- |
| --- | SPECIAL TRAINING | 27,002 | 27,002 |
| --- | TOTAL, BA-1 | 27,002 | 27,002 |
| --- | --- | --- | --- |
| --- | TOTAL, RESERVE PERSONNEL, AIR FORCE | 27,002 | 27,002 |
| --- | --- | --- | --- |
| | NATIONAL GUARD PERSONNEL, ARMY | | |
| --- | --- | --- | --- |
| --- | BA-1: UNIT AND INDIVIDUAL TRAINING | --- | --- |

| M-1 | | Budget Request | Recommendation |
|---|---|---|---|
| --- | --- | --- | --- |
| --- | PAY GROUP A TRAINING (15 DAYS and DRILLS 24/48) | 231,547 | 231,547 |
| --- | SPECIAL TRAINING | 550,090 | 550,090 |
| --- | ADMINISTRATION AND SUPPORT | 46,485 | 46,485 |
| --- | TOTAL, BA-1 | 828,122 | 828,122 |
| --- | --- | --- | --- |
| --- | UNDISTRIBUTED ADUSTMENT | --- | 24,900 |
| --- | Support to Southwest Border | --- | +24,900 |
| --- | --- | --- | --- |
| --- | TOTAL, NATIONAL GUARD PERSONNEL, ARMY | 828,122 | 853,022 |
| --- | --- | --- | --- |
| | NATIONAL GUARD PERSONNEL, AIR FORCE | | |
| --- | --- | --- | --- |
| --- | BA-1: UNIT AND INDIVIDUAL TRAINING | --- | --- |
| --- | SPECIAL TRAINING | 21,060 | 11,060 |
| --- | Excess to Need | --- | -10,000 |
| --- | TOTAL, BA-1 | 21,060 | 11,060 |
| --- | --- | --- | --- |
| --- | UNDISTRIBUTED ADUSTMENT | --- | 5,800 |
| --- | Support to Southwest Border | --- | +5,800 |
| --- | --- | --- | --- |
| --- | TOTAL, NATIONAL GUARD PERSONNEL, AIR FORCE | 21,060 | 16,860 |
| --- | --- | --- | --- |
| --- | TOTAL, MILITARY PERSONNEL | 15,132,054 | 16,829,378 |

OPERATION AND MAINTENANCE

For Operation and Maintenance, funds are to be available for fiscal year 2011, as follows:

[in thousands of dollars]:

| O-1 | | Budget Request | Recommendation |
|---|---|---|---|
| --- | --- | --- | --- |
| | OPERATION AND MAINTENANCE, ARMY | | |
| --- | --- | --- | --- |
| 131 | BASE OPERATIONS SUPPORT | 0 | 1,000,000 |
| | Increased Peacetime Base Operations Support Costs to Redeployment of Soldiers from Iraq | --- | +1,000,000 |
| 135 | ADDITIONAL ACTIVITIES | 47,638,208 | 44,608,615 |
| | Reduced Deployment Level | --- | -2,500,000 |
| | Transfer to SAG 421 for Subsistence Transportation Costs | --- | -1,013,000 |
| | Transfer From Overseas Contingency Operations Transfer Fund for Detainee Operations | --- | +80,000 |
| | Transfer from JIEDDO: Synchronization and Integration WTI Cell | --- | +3,200 |
| | Transfer from JIEDDO: Thermal Station (National IED Exploitation Facility (NIEF)) | --- | +13,000 |
| | Transfer from JIEDDO: Beachcomber | --- | +3,000 |
| | Transfer from JIEDDO: Counter Bomber | --- | +1,500 |
| | Transfer from JIEDDO: CREW-SSM Universal Test Set | --- | +3,000 |
| | Transfer from JIEDDO: Subtle Magnetic Anomaly Detection Network Systems | --- | +1,000 |
| | Transfer from JIEDDO: Technical Collection Training Program | --- | +16,400 |
| | Transfer from Title II: Chemical Defense Equipment Sustainment | --- | +8,579 |
| | Transfer from Title II: MRAP Vehicle Sustainment at Combat Training Centers | --- | +6,420 |
| | Transfer from Title II: Body Armor Sustainment | --- | +71,660 |
| | Transfer from Title II: Rapid Equipping Force Readiness | --- | +9,294 |
| | Transfer from Title II: Fixed Wing Life Cycle Contract Support | --- | +21,171 |
| | Transfer from Title II: Overseas Security Guards | --- | +200,000 |
| | Transfer from Title II: Senior Leader Initiative: Comprehensive Soldier Fitness Program | --- | +30,000 |
| | Transfer from Title II: Survivability and Maneuverability Training | --- | +15,183 |
| 136 | COMMANDERS EMERGENCY RESPONSE PROGRAM | 1,300,000 | 500,000 |
| | Program reduction | --- | -400,000 |
| | Transfer to Afghanistan Infrastructure Fund | --- | -400,000 |
| 137 | RESET | 7,840,211 | 6,261,568 |
| | Army-Identified Excess Reset Requirement | --- | -1,578,643 |
| 411 | SECURITY PROGRAMS | 2,358,865 | 2,364,265 |
| | Transfer from JIEDDO: Air Vigilance | --- | +5,400 |
| 421 | SERVICEWIDE TRANSPORTATION | 3,465,334 | 4,478,334 |
| | Transfer from SAG 135 for Subsistence Transportation Costs | --- | +1,013,000 |
| --- | --- | --- | --- |
| | TOTAL, OPERATION AND MAINTENANCE, ARMY | 62,602,618 | 59,212,782 |
| --- | --- | --- | --- |
| | OPERATION AND MAINTENANCE, NAVY | | |
| --- | --- | --- | --- |
| 1A1A | MISSION AND OTHER FLIGHT OPERATIONS | 1,839,918 | 1,839,918 |
| 1A2A | FLEET AIR TRAINING | 3,453 | 3,453 |
| 1A3A | AVIATION TECHNICAL DATA & ENGINEERING SVCS | 1,400 | 1,400 |
| 1A4A | AIR OPERATIONS AND SAFETY SUPPORT | 26,837 | 26,837 |
| 1A4N | AIR SYSTEMS SUPPORT | 44,567 | 44,567 |
| 1A5A | AIRCRAFT DEPOT MAINTENANCE | 233,114 | 281,114 |
| | Aircraft Depot Maintenance Increase | --- | +48,000 |
| 1B1B | MISSION AND OTHER SHIP OPERATIONS | 1,151,465 | 1,151,465 |
| 1B2B | SHIP OPERATIONS SUPPORT & TRAINING | 27,472 | 27,472 |
| 1B4B | SHIP DEPOT MAINTENANCE | 1,266,556 | 1,290,556 |
| | Ship Depot Maintenance Increase | --- | +24,000 |
| 1C1C | COMBAT COMMUNICATIONS | 38,468 | 38,468 |
| 1C4C | WARFARE TACTICS | 82,801 | 32,801 |
| | Navy Identified Excess to Requirement for CENTCOM Operations | --- | -50,000 |
| 1C5C | OPERATIONAL METEOROLOGY AND OCEANOGRAPHY | 24,855 | 24,855 |
| 1C6C | COMBAT SUPPORT FORCES | 2,737,727 | 2,930,528 |
| | Transfer from Title II: Naval Expeditionary Combat Command Increases | --- | +192,801 |
| 1C7C | EQUIPMENT MAINTENANCE | 3,677 | 3,677 |
| 1CCH | COMBATANT COMMANDERS CORE OPERATIONS | 7,000 | 7,000 |
| 1CCM | COMBATANT COMMANDERS DIRECT MISSION SUPPORT | 7,455 | 7,455 |
| 1D3D | IN-SERVICE WEAPONS SYSTEMS SUPPORT | 99,118 | 100,118 |

| O-1 | | Budget Request | Recommendation |
|---|---|---|---|
| | Transfer from JIEDDO: CREW-SSM Universal Test Set | --- | +1,000 |
| 1D4D | WEAPONS MAINTENANCE | 82,519 | 82,519 |
| 1D7D | OTHER WEAPON SYSTEMS SUPPORT | 16,938 | 16,938 |
| BSIT | ENTERPRISE INFORMATION | 10,350 | 0 |
| | ONE-NET Baseline Budget Requirement | --- | -10,350 |
| BSM1 | FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION | 28,250 | 49,250 |
| | Continuing Operations at Guantanamo Bay--Transfer From Overseas Contingency Operations Transfer Fund | --- | +21,000 |
| BSS1 | BASE OPERATING SUPPORT | 381,749 | 436,249 |
| | Continuing Operations at Guantanamo Bay--Transfer From Overseas Contingency Operations Transfer Fund | --- | +4,000 |
| | Transfer from JIEDDO: Counter Bomber | --- | +500 |
| | Transfer from Title II: Regional/Emergency Operations | --- | +50,000 |
| 2A1F | SHIP PREPOSITIONING AND SURGE | 27,300 | 27,300 |
| 2C1H | FLEET HOSPITAL PROGRAM | 4,400 | 4,400 |
| 2C3H | COAST GUARD SUPPORT | 254,461 | 0 |
| | Transfer to Department of Homeland Security | --- | -254,461 |
| 3B1K | SPECIALIZED SKILL TRAINING | 81,454 | 84,454 |
| | Transfer from Title II: NAVSEA VSSS/EOD Training | --- | +3,000 |
| 3B4K | TRAINING SUPPORT | 5,400 | 0 |
| | Training Support Baseline Budget Requirement | --- | -5,400 |
| 4A1M | ADMINISTRATION | 4,265 | 4,265 |
| 4A2M | EXTERNAL RELATIONS | 467 | 467 |
| 4A3M | CIVILIAN MANPOWER AND PERSONNEL MANAGEMENT | 450 | 450 |
| 4A4M | MILITARY MANPOWER AND PERSONNEL MANAGEMENT | 11,214 | 11,214 |
| 4A5M | OTHER PERSONNEL SUPPORT | 2,706 | 2,706 |
| 4A6M | SERVICEWIDE COMMUNICATIONS | 28,671 | 28,671 |
| 4B1N | SERVICEWIDE TRANSPORTATION | 300,868 | 300,868 |
| 4B3N | ACQUISITION AND PROGRAM MANAGEMENT | 6,091 | 6,091 |
| 4B7N | SPACE AND ELECTRONIC WARFARE SYSTEMS | 2,153 | 2,153 |
| 4C1P | NAVAL INVESTIGATIVE SERVICE | 78,464 | 78,464 |
| 9999 | OTHER PROGRAMS | 22,581 | 22,581 |
| --- | --- | --- | --- |
| | TOTAL, OPERATION AND MAINTENANCE, NAVY | 8,946,634 | 8,970,724 |
| --- | --- | --- | --- |
| | OPERATION AND MAINTENANCE, MARINE CORPS | | |
| --- | --- | --- | --- |
| 1A1A | OPERATIONAL FORCES | 2,448,572 | 2,317,572 |
| | Excess to Requirement for Cargo UAS | --- | -90,400 |
| | Transfer to RDTE,N for Cargo UAS | --- | -36,000 |
| | Transfer to OP,N for AM-2 Matting | --- | -4,600 |
| 1A2A | FIELD LOGISTICS | 514,748 | 517,248 |
| | Transfer from JIEDDO: Counter Bomber | --- | +1,000 |
| | Transfer from JIEDDO: CREW-SSM Universal Test Set | --- | +1,000 |
| | Transfer from JIEDDO: Subtle Magnetic Anomaly Detection Network Systems | --- | +500 |
| 1A3A | DEPOT MAINTENANCE | 523,250 | 523,250 |
| 1B1B | MARITIME PREPOSITIONING | 7,808 | 7,808 |
| BSS1 | BASE OPERATING SUPPORT | 55,301 | 55,301 |
| 3B4D | TRAINING SUPPORT | 223,071 | 223,071 |
| 4A3G | SERVICEWIDE TRANSPORTATION | 360,000 | 360,000 |
| 4A4G | ADMINISTRATION | 3,772 | 3,772 |
| --- | --- | --- | --- |
| | TOTAL, OPERATION AND MAINTENANCE, MARINE CORPS | 4,136,522 | 4,008,022 |
| --- | --- | --- | --- |
| | OPERATION AND MAINTENANCE, AIR FORCE | | |
| --- | --- | --- | --- |
| 011A | PRIMARY COMBAT FORCES | 1,896,647 | 1,896,647 |
| 011C | COMBAT ENHANCEMENT FORCES | 1,954,759 | 1,954,759 |
| 011D | AIR OPERATIONS TRAINING | 113,948 | 113,948 |
| 011M | DEPOT MAINTENANCE | 297,623 | 399,983 |
| | Weapons System Sustainment | --- | +102,360 |
| 011R | FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION | 704,463 | 504,463 |
| | Unjustified Growth From Fiscal Year 2010 Baseline | --- | -200,000 |
| 011Z | BASE OPERATING SUPPORT | 1,780,052 | 1,780,052 |
| 012A | GLOBAL C3I AND EARLY WARNING | 128,632 | 128,632 |
| 012C | OTHER COMBAT OPS SPT PROGRAMS | 397,894 | 397,894 |
| 013A | LAUNCH FACILITIES | 28,975 | 28,975 |
| 013C | SPACE CONTROL SYSTEMS | 34,091 | 34,091 |
| 015A | COMBATANT COMMANDERS DIRECT MISSION SUPPORT | 127,861 | 127,861 |
| 021A | AIRLIFT OPERATIONS | 4,403,800 | 4,403,800 |

| O-1 | | Budget Request | Recommendation |
|---|---|---|---|
| 021D | MOBILIZATION PREPAREDNESS | 240,394 | 240,394 |
| 021M | DEPOT MAINTENANCE | 217,023 | 217,023 |
| 021R | FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION | 20,360 | 20,360 |
| 021Z | BASE SUPPORT | 57,362 | 57,362 |
| 031R | FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION | 1,948 | 1,948 |
| 031Z | BASE SUPPORT | 6,088 | 6,088 |
| 032A | SPECIALIZED SKILL TRAINING | 45,893 | 45,893 |
| 032B | FLIGHT TRAINING | 20,277 | 20,277 |
| 032C | PROFESSIONAL DEVELOPMENT EDUCATION | 1,500 | 1,500 |
| 032D | TRAINING SUPPORT | 1,820 | 1,820 |
| 041A | LOGISTICS OPERATIONS | 292,030 | 292,030 |
| 041R | FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION | 10,500 | 10,500 |
| 041Z | BASE SUPPORT | 31,985 | 31,985 |
| 042A | ADMINISTRATION | 5,438 | 5,438 |
| 042B | SERVICEWIDE COMMUNICATIONS | 247,149 | 247,149 |
| 042G | OTHER SERVICEWIDE ACTIVITIES | 113,082 | 113,082 |
| 043A | SECURITY PROGRAMS | 305,689 | 305,689 |
| | REDUCED DEPLOYMENT LEVELS | --- | -400,000 |
| --- | --- | --- | --- |
| | TOTAL, OPERATION AND MAINTENANCE, AIR FORCE | 13,487,283 | 12,989,643 |
| --- | --- | --- | --- |
| | OPERATION AND MAINTENCE, DEFENSE-WIDE | | |
| --- | --- | --- | --- |
| 1PL1 | JOINT CHIEFS OF STAFF | 20,500 | 20,500 |
| 1PL2 | SPECIAL OPERATIONS COMMAND | 3,012,026 | 2,903,126 |
| | Information Operations | --- | -49,400 |
| | Leased Aircraft: Unjustified Request | --- | -65,500 |
| | Transfer from JIEDDO: Wolfhound II | --- | +6,000 |
| ES18 | DEFENSE MEDIA ACTIVITY | 14,799 | 14,799 |
| 4GT6 | DEFENSE CONTRACT AUDIT AGENCY | 27,000 | 27,000 |
| 4GT9 | DEFENSE INFORMATION SYSTEMS AGENCY | 136,316 | 144,316 |
| | Increase Afghanistan FOB Fiber Connectivity | --- | +8,000 |
| 4GTJ | DEFENSE CONTRACT MANAGEMENT AGENCY | 74,862 | 74,862 |
| 4GTA | DEFENSE LEGAL SERVICES AGENCY | 120,469 | 116,969 |
| | Overstatement of Habeas Corpus Civilian Personnel Pricing | --- | -3,500 |
| 4GTJ | DEFENSE DEPENDENTS EDUCATION | 485,769 | 501,769 |
| | Additional Funding for Outreach and Reintegration Services Under the Yellow Ribbon Reintegration Program | --- | +16,000 |
| 4GTD | DEFENSE SECURITY COOPERATION AGENCY | 2,000,000 | 2,000,000 |
| 4GTI | DEFENSE THREAT REDUCTION AGENCY | 1,218 | 1,218 |
| 4GTN | OFFICE OF THE SECRETARY OF DEFENSE | 188,099 | 173,099 |
| | Knowledge Management | --- | -15,000 |
| 9999 | OTHER PROGRAMS | 3,345,300 | 3,299,332 |
| | Classified Adjustments | --- | -49,168 |
| | Transfer from JIEDDO: Synchronization and Integration WTI Cell | --- | +3,200 |
| --- | --- | --- | --- |
| | TOTAL, OPERATION AND MAINTENANCE, DEFENSE-WIDE | 9,426,358 | 9,276,990 |
| --- | --- | --- | --- |
| | OPERATION AND MAINTENANCE, ARMY RESERVE | | |
| --- | --- | --- | --- |
| 135 | ADDITIONAL ACTIVITIES | 286,950 | 206,784 |
| | Army Reserve Identified Excess to Requirement | --- | -80,166 |
| --- | --- | --- | --- |
| | TOTAL, OPERATION AND MAINTENANCE, ARMY RESERVE | 286,950 | 206,784 |
| --- | --- | --- | --- |
| | OPERATION AND MAINTENANCE, NAVY RESERVE | | |
| --- | --- | --- | --- |
| 1A1A | MISSION AND OTHER FLIGHT OPERATIONS | 49,089 | 49,089 |
| 1A3A | INTERMEDIATE MAINTENANCE | 400 | 400 |
| 1A5A | AIRCRAFT DEPOT MAINTENANCE | 17,760 | 17,760 |
| 1B1B | MISSION AND OTHER SHIP OPERATIONS | 9,395 | 9,395 |
| 1B4B | SHIP DEPOT MAINTENANCE | 497 | 497 |
| 1C1C | COMBAT COMMUNICATIONS | 3,185 | 3,185 |
| 1C6C | COMBAT SUPPORT FORCES | 12,169 | 12,169 |
| 4A4M | MILITARY MANPOWER AND PERSONNEL MANAGEMENT | 1,064 | 1,064 |
| --- | --- | --- | --- |
| | TOTAL, OPERATION AND MAINTENANCE, NAVY RESERVE | 93,559 | 93,559 |

| O-1 | | Budget Request | Recommendation |
|---|---|---|---|
| --- | --- | --- | --- |
| | OPERATION AND MAINTENANCE, MARINE CORPS RESERVE | | |
| --- | --- | --- | --- |
| 1A1A | OPERATING FORCES | 23,571 | 23,571 |
| BSS1 | BASE OPERATING SUPPORT | 6,114 | 6,114 |
| --- | --- | --- | --- |
| | TOTAL, OPERATION AND MAINTENANCE, MARINE CORPS RESERVE | 29,685 | 29,685 |
| --- | --- | --- | --- |
| | OPERATION AND MAINTENANCE, AIR FORCE RESERVE | | |
| --- | --- | --- | --- |
| 011M | DEPOT MAINTENANCE | 116,924 | 191,124 |
| | Weapons System Sustainment | --- | +74,200 |
| 011Z | BASE OPERATING SUPPORT | 12,683 | 12,683 |
| --- | --- | --- | --- |
| | TOTAL, OPERATION AND MAINTENANCE, AIR FORCE RESERVE | 129,607 | 203,807 |
| --- | --- | --- | --- |
| | OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD | | |
| --- | --- | --- | --- |
| 135 | ADDITIONAL ACTIVITIES | 544,349 | 497,849 |
| | Distance Learning--Transferred to Baseline OMARNG SAG 121 | --- | -9,000 |
| | Air OPTEMPO Duplicate Request | --- | -44,000 |
| | Support to the Southwest Border | --- | +6,500 |
| --- | --- | --- | --- |
| | TOTAL, OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD | 544,349 | 497,849 |
| --- | --- | --- | --- |
| | OPERATION AND MAINTENANCE, AIR NATIONAL GUARD | | |
| --- | --- | --- | --- |
| 011F | AIRCRAFT OPERATIONS | 152,896 | 152,896 |
| 011G | MISSION SUPPORT OPERATIONS | 57,800 | 59,400 |
| | Support to Southwest Border | --- | +1,600 |
| 011M | DEPOT MAINTENANCE | 140,127 | 205,687 |
| | Weapons System Sustainment | --- | +65,560 |
| --- | --- | --- | --- |
| | TOTAL, OPERATION AND MAINTENANCE, AIR NATIONAL GUARD | 350,823 | 417,983 |

| O-1 | Budget Request | Recommendation |
|---|---|---|
| --- | --- | --- |
| OVERSEAS CONTINGENCY OPERATIONS TRANSFER FUND | | |
| --- | --- | --- |
| **OVERSEAS CONTINGENCY OPERATIONS TRANSFER FUND** | **1,551,781** | **0** |
| Transfer to OM,A SAG 135 | --- | -80,000 |
| Transfer to OM,N SAGs BSS1 and BSM1 | --- | -25,000 |
| Unjustified Program Change | --- | -1,446,781 |
| --- | --- | --- |
| **TOTAL, OVERSEAS CONTINGENCY OPERATIONS TRANSFER ACCOUNT** | **1,551,781** | **0** |
| --- | --- | --- |
| AFGHANISTAN INFRASTRUCTURE FUND | | |
| --- | --- | --- |
| Afghanistan Infrastructure Fund--Transfer from CERP | --- | +400,000 |
| --- | --- | --- |
| **TOTAL, AFGHANISTAN INFRASTUCTURE FUND** | **0** | **400,000** |
| --- | --- | --- |
| AFGHANISTAN SECURITY FORCES FUND | | |
| --- | --- | --- |
| **Afghan National Army** | **7,467,014** | **7,467,014** |
| Infrastructure | 1,790,933 | 1,790,933 |
| Equipment and Transportation | 1,846,623 | 1,846,623 |
| Training and Operations | 836,842 | 836,842 |
| Sustainment | 2,992,616 | 2,992,616 |
| **Afghan National Police** | **4,085,437** | **4,085,437** |
| Infrastructure | 1,078,413 | 1,078,413 |
| Equipment and Transportation | 917,966 | 917,966 |
| Training and Operations | 990,213 | 990,213 |
| Sustainment | 1,098,845 | 1,098,845 |
| **Related Activities** | **66,832** | **66,832** |
| Detainee Operations -- Sustainment | 6,037 | 6,037 |
| Detainee Operations -- Training and Operations | 1,530 | 1,530 |
| Detainee Operations -- Infrastructure | 58,265 | 58,265 |
| COIN Activities | 1,000 | 1,000 |
| --- | --- | --- |
| **TOTAL, AFGHANISTAN SECURITY FORCES FUND** | **11,619,283** | **11,619,283** |
| --- | --- | --- |
| IRAQ SECURITY FORCES FUND | | |
| --- | --- | --- |
| **Defense Security Forces** | **1,656,906** | **1,656,906** |
| Equipment and Transportation | 1,067,706 | 1,067,706 |
| Training | 248,075 | 248,075 |
| Sustainment | 341,125 | 341,125 |
| **Interior Security Forces** | **268,094** | **268,094** |
| Equipment and Transportation | 220,469 | 220,469 |
| Sustainment | 47,625 | 47,625 |
| **Related Activities** | **75,000** | **75,000** |
| **Authorization Reduction** | --- | **-500,000** |
| --- | --- | --- |
| **TOTAL, IRAQ SECURITY FORCES FUND** | **2,000,000** | **1,500,000** |
| --- | --- | --- |
| **TOTAL, OPERATION AND MAINTENANCE** | **115,205,452** | **109,427,111** |

AFGHANISTAN INFRASTRUCTURE FUND

At the request of the Secretary of Defense and the Secretary of State, the recommendation includes a new appropriation to fund infrastructure projects in Afghanistan. These projects will be jointly formulated by the Department of Defense and the Department of State and will be executed in support of the counterinsurgency strategy in Afghanistan. The Secretary of Defense is directed to notify the appropriate committees of Congress not fewer than 15 days prior to making transfers or obligations to or from this Fund.

AFGHANISTAN SECURITY FORCES FUND

The Secretary of Defense is directed to follow guidance included in Senate Report 111–295 regarding the oversight of the Afghanistan Security Forces Fund (ASFF) and contracts, except for the following changes. The ASFF Executive Council shall include representatives from the Under Secretary of Defense (Comptroller); Under Secretary of Defense (Acquisition, Technology, and Logistics); the senior contracting executives of the Defense Logistics Agency and relevant military departments; Commander, Central Command; Commander, NTM–A/CSTC–A; Director, Defense Security Cooperation Agency; Director, Defense Contract Audit Agency (DCAA); and Director, Defense Contract Management Agency (DCMA) and shall meet on a quarterly basis at a minimum. The Council shall ensure the development of an acquisition strategy to fulfill the commander's needs and clearly articulate contract requirements. Appropriate procedures and personnel shall be in place in CONUS and Afghanistan for sound financial stewardship of the ASFF to include following all required federal regulations, oversight of all service and equipment contracts, and review of contractor invoices. DCMA and DCAA are responsible for pre and post-award peer reviews for large contracts and the Council shall ensure the distribution of peer-review lessons learned. In addition to the responsibilities outlined above, the Steering Council should encourage building the capacity of Afghans to perform contracting, accounting and payroll functions that are currently being performed by Department of Defense and contract personnel.

TASK FORCE FOR BUSINESS AND STABILITY OPERATIONS IN AFGHANISTAN

Temporary authority has been included for the Task Force for Business and Stability Operations in Afghanistan only for fiscal year 2011 to assist the International Security Assistance Force and the U.S. Embassy, Kabul in developing economic stability and opportunity in Afghanistan through strategic business and economic projects. Those efforts must be jointly coordinated and approved by the U.S. military and civilian leadership in Afghanistan, and be directly linked to the Government of Afghanistan's economic development strategy. Projects may only be carried out subject to the direction and oversight of the Secretary of Defense and with the concurrence of the Secretary of State.

This authority has been granted in order to avoid disrupting projects currently underway that are viewed by the leadership of both U.S. Forces—Afghanistan and U.S. Embassy, Kabul as important to achieving U.S. objectives in Afghanistan. These projects clearly fall outside the normal jurisdiction and expertise of the Department of Defense and should have been developed and resourced by the Afghan government or U.S. civilian entities operating in Afghanistan. If it is required to continue these projects and efforts beyond fiscal year 2011 then the Department of Defense, in coordination with the Department of State and the U.S. Agency for International Development must develop and implement a transition plan to the respective civilian entities for fiscal year 2012 and beyond. This transition plan shall be delivered to the Congress concurrent with the President's fiscal year 2012 budget submission.

INFORMATION OPERATIONS

The Overseas Contingency Operations budget request includes $61,000,000 for information operations programs in Iraq. The recommendation fully funds the request. However, it is directed that not more than $31,000,000 of the funds provided may be expended by the Department of Defense until 15 days after the Undersecretary of Defense (Comptroller) submits a report to both the Committees on Appropriations of the House and the Senate which details in writing a formal spending plan for all fiscal year 2011 funding provided for this purpose.

PROCUREMENT

For Procurement, funds are to be available for fiscal year 2011, as follows:

[in thousands of dollars]:

| P-1 | | Budget Request | Recommendation |
|---|---|---|---|
| | --- | --- | --- |
| | AIRCRAFT PROCUREMENT, ARMY | | |
| | --- | --- | --- |
| 2 | C-12 CARGO AIRPLANE (OCO) | 78,060 | 78,060 |
| 4 | MQ-1 UAV (OCO) | 47,000 | 24,000 |
| | Reduction to Projected Battle Losses | --- | -23,000 |
| 5 | RQ-11 (RAVEN) (OCO) | 17,430 | 17,430 |
| 9 | AH-64 APACHE BLOCK III | --- | 34,600 |
| | War Replacement Aircraft | --- | +34,600 |
| 11 | UH-60 BLACKHAWK (OCO) | 40,500 | 373,400 |
| | Program Increase for Army National Guard | --- | +80,000 |
| | Three Combat Loss UH-60 | --- | +52,500 |
| | Accelerate 12 Aircraft | --- | +200,400 |
| 13 | CH-47 HELICOPTER (OCO) | 70,600 | 258,400 |
| | Accelerate Six Aircraft | --- | +187,800 |
| 16 | C12 AIRCRAFT MODS (OCO) | 122,340 | 122,340 |
| 17 | MQ-1 PAYLOAD - UAS (OCO) | 3,600 | 3,600 |
| 19 | GUARDRAIL MODS (MIP) (OCO) | 30,200 | 6,000 |
| | Authorization Adjustment | --- | -24,200 |
| 20 | MULTI SENSOR ABN RECON (MIP) (OCO) | 86,200 | 86,200 |
| 21 | AH-64 MODS (OCO) | 199,200 | 654,200 |
| | AH-64A to AH-64D Conversion for the Texas and Mississippi National Guard | --- | +455,000 |
| 23 | CH-47 CARGO HELICOPTER MODS (OCO) | 82,900 | 66,900 |
| | Cargo On/Off Loading System (COOLS) ahead of need | --- | -16,000 |
| 27 | UTILITY HELICOPTER MODS (OCO) | 14,530 | 14,530 |
| 28 | KIOWA WARRIOR (OCO) | 187,288 | 160,378 |
| | Fielded Fleet Upgrades | --- | +20,000 |
| | Limit Ramp Rate on Replacement Aircraft | --- | -46,910 |
| 29 | AIRBORNE AVIONICS (OCO) | 24,983 | 24,983 |
| 31 | RQ-7 UAV MODS (OCO) | 97,800 | 546,500 |
| | Funding Ahead of Need | --- | -1,000 |
| | Transfer from Title III | --- | +497,500 |
| | Ahead of Need | --- | -47,800 |
| 36 | ASE INFRARED CM (OCO) | 197,990 | 182,990 |
| | Excess to Need | --- | -15,000 |
| 38 | COMMON GROUND EQUIPMENT (OCO) | 65,627 | 65,627 |
| 40 | AIR TRAFFIC CONTROL (OCO) | 7,555 | --- |
| | Unjustified Request | --- | -7,555 |
| | --- | --- | --- |
| | TOTAL, AIRCRAFT PROCUREMENT, ARMY | 1,373,803 | 2,720,138 |
| | --- | --- | --- |
| | MISSILE PROCUREMENT, ARMY | | |
| | --- | --- | --- |
| 4 | HELLFIRE SYS SUMMARY (OCO) | 190,459 | 190,459 |
| 6 | TOW 2 SYSTEM SUMMARY (OCO) | 112,769 | 112,769 |
| 13 | ITAS/TOW MODS (OCO) | 40,600 | 40,600 |
| | --- | --- | --- |
| | TOTAL, MISSILE PROCUREMENT, ARMY | 343,828 | 343,828 |
| | --- | --- | --- |
| | PROCUREMENT OF W&TCV, ARMY | | |
| | --- | --- | --- |
| 4 | STRYKER VEHICLE (OCO) | --- | 545,000 |
| | Transfer from Stryker Modifications, line 9 | --- | +445,000 |
| | Increase for Stryker Double V Hull | --- | +100,000 |
| 9 | STRYKER VEHICLE MODS (OCO) | 445,000 | --- |
| | Transfer to Stryker Vehicle, line 4 | --- | -445,000 |
| 22 | MACHINE GUN, CAL .50, M2 ROLL | --- | 79,496 |
| | Transfer from Title III | --- | +79,496 |
| 26 | MORTAR SYSTEMS (OCO) | 8,600 | 8,600 |
| 28 | XM320 GRENADE LAUNCHER MODULE (OCO) | 22,500 | 22,500 |
| 32 | COMMON REMOTELY OPERATED WEAPONS STATION (OCO) | 100,000 | 100,000 |
| 34 | HOWITZER LT WT 155MM (T) (OCO) | 62,000 | 62,000 |
| 36 | M4 CARBINE MODS (OCO) | 12,900 | 42,900 |
| | Program Increase | --- | +30,000 |
| 37 | M2 50 CAL MACHINE GUN MODS (OCO) | 15,000 | 15,000 |
| 40 | M119 MODIFICATIONS (OCO) | 21,500 | 21,500 |
| | --- | --- | --- |
| | TOTAL, PROCUREMENT OF W&TCV, ARMY | 687,500 | 896,996 |
| | --- | --- | --- |

| P-1 | | Budget Request | Recommendation |
|---|---|---|---|
| | --- | --- | --- |
| | PROCUREMENT OF AMMUNITION, ARMY | | |
| | --- | --- | --- |
| 2 | CTG, 7.62MM, ALL TYPES (OCO) | 32,604 | 13,000 |
| | Per Army Request | --- | -19,604 |
| 4 | CTG, .50 CAL, ALL TYPES (OCO) | 128,876 | 47,000 |
| | Per Army Request | --- | -81,876 |
| 5 | CTG, 20MM, ALL TYPES (OCO) | 20,056 | 10,500 |
| | Per Army Request | --- | -9,556 |
| 7 | CTG, 30MM, ALL TYPES (OCO) | 23,826 | 9,500 |
| | Per Army Request | --- | -14,326 |
| 8 | CTG, 40MM, ALL TYPES (OCO) | 62,700 | 25,000 |
| | Per Army Request | --- | -37,700 |
| 11 | 120MM MORTAR, ALL TYPES (OCO) | 120,160 | 26,900 |
| | APMI Unit Cost Savings | --- | -50,100 |
| | Per Army Request | --- | -43,160 |
| 15 | CTG, ARTY, 105MM: ALL TYPES (OCO) | 37,620 | 15,000 |
| | Per Army Request | --- | -22,620 |
| 16 | CTG, ARTY, 155MM: ALL TYPES (OCO) | 37,620 | 15,000 |
| | Per Army Request | --- | -22,620 |
| 18 | MODULAR ARTILLERY CHARGE SYS, ALL TYPES (OCO) | 15,048 | 6,000 |
| | Per Army Request | --- | -9,048 |
| 19 | ARTILLERY FUZES, ALL TYPES (OCO) | 12,540 | 5,000 |
| | Per Army Request | --- | -7,540 |
| 24 | SHOULDER LAUNCHED MUNITIONS, ALL TYPES (OCO) | 17,556 | --- |
| | Per Army Request | --- | -17,556 |
| 25 | ROCKET, HYDRA 70, ALL TYPES (OCO) | 139,285 | 139,285 |
| 26 | DEMOLITION MUNITIONS, ALL TYPES (OCO) | --- | 20,000 |
| | Per Army Request | --- | +20,000 |
| 27 | GRENADES, ALL TYPES (OCO) | 2,000 | --- |
| | Per Army Request | --- | -2,000 |
| 31 | NON-LETHAL AMMUNITION, ALL TYPES (OCO) | 15,000 | --- |
| | Per Army Request | | -15,000 |
| 40 | CONVENTIONAL MUNITIONS DEMILITARIZATION, ALL TYPES (OCO) | 37,700 | 37,700 |
| | --- | --- | --- |
| | TOTAL, PROCUREMENT OF AMMUNITION, ARMY | 702,591 | 369,885 |
| | --- | --- | --- |
| | OTHER PROCUREMENT, ARMY | | |
| | --- | --- | --- |
| 5 | FAMILY OF MEDIUM TACTICAL VEH (FMTV) (OCO) | 516,350 | 398,925 |
| | Battle Loss Replacement | --- | +8,875 |
| | Contract Savings | --- | -126,300 |
| 7 | FAMILY OF HEAVY TACTICAL VEHICLES (OCO) | 188,677 | 199,809 |
| | Battle Loss Replacement | --- | +11,132 |
| 9 | ARMORED SECURITY VEHICLES (ASV) (OCO) | 52,780 | 52,780 |
| 10 | MINE PROTECTION VEHICLE FAMILY (OCO) | 136,700 | 367,678 |
| | Transfer from Title III | --- | +230,978 |
| 14 | HMMWV RECAPITALIZATION PROGRAM (OCO) | 989,067 | 989,067 |
| 15 | MODIFICATION OF IN SVC EQUIP (OCO) | 20,000 | 312,956 |
| | Transfer from Title III | --- | +292,956 |
| 24 | WIN-T -GROUND FORCES TACTICAL NETWORK (OCO) | 8,163 | 8,163 |
| 27 | SHF TERM (OCO) | 62,415 | 62,415 |
| 29 | NAVSTAR GLOBAL POSITIONING SYSTEM (OCO) | 13,500 | 63,500 |
| | Additional DAGRs | --- | +50,000 |
| 40 | AMC CRITICAL ITEMS - OPA2 (OCO) | 3,946 | 3,946 |
| 47 | RADIO, IMPROVED HF (COTS) FAMILY (OCO) | 78,253 | 78,253 |
| 48 | MEDICAL COMM FOR CBT CASUALTY CARE (OCO) | 15,000 | 15,000 |
| 51x | FAMILY OF BIOMETRICS | --- | 38,172 |
| | Non-MIP Biometrics - Transfer from RDTE, A line 171 | --- | +38,172 |
| 53 | BASE SUPPORT COMMUNICATIONS (OCO) | 70,000 | 47,500 |
| | Excess to Need | --- | -22,500 |
| 55 | INFORMATION SYSTEMS (OCO) | --- | 55,000 |
| | Program Adjustment for Tactical Local Area Network (TACLAN) | --- | +55,000 |
| 57 | INSTALLATION INFO INFRASTRUCTURE MOD (OCO) | 413,200 | 413,200 |
| 65 | PROPHET GROUND (OCO) | 18,900 | 18,900 |
| 70 | DCGS-A (MIP) (OCO) | 197,092 | 334,516 |
| | Transfer from Title III | --- | +137,424 |

| P-1 | | Budget Request | Recommendation |
|---|---|---|---|
| | --- | --- | --- |
| 74 | CI HUMINT AUTO REPRTING AND COLL (OCO) | 52,277 | 47,377 |
| | Excess to Need | --- | -4,900 |
| 75 | ITEMS LESS THAN $5.0M (MIP) (OCO) | 5,400 | 5,400 |
| 76 | LIGHTWEIGHT COUNTER MORTAR RADAR (OCO) | 25,000 | 10,000 |
| | Program Decrease | --- | -15,000 |
| 77 | WARLOCK (OCO) | 225,682 | 225,682 |
| 79 | COUNTERINTELLIGENCE/SECURITY COUNTERMEASURES (OCO) | 455,639 | 455,639 |
| 81 | FAAD GBS (OCO) | 167,460 | 167,460 |
| 84 | NIGHT VISION DEVICES (OCO) | 5,019 | 5,019 |
| 89 | COUNTER-ROCKET, ARTILLERY & MORTAR (C-RAM) (OCO) | 291,400 | 251,200 |
| | Funded Ahead of Need | --- | -40,200 |
| 90 | BASE EXPEDITIONARY TARGETING & SURV SYS (OCO) | 486,050 | 408,050 |
| | Program Decrease | --- | -78,000 |
| 95 | MOD OF IN-SVC EQUIP (FIREFINDER RADARS) (OCO) | 69,800 | 69,800 |
| 96 | FORCE XXI BATTLE CMD BRIGADE & BELOW (OCO) | 135,500 | 135,500 |
| 98 | LIGHTWEIGHT LASER DESIGNATOR/RANGEFINDER | 22,371 | 22,371 |
| 99 | COMPUTER BALLISTICS: LHMBC XM32 (OCO) | 1,800 | 1,800 |
| 101 | COUNTERFIRE RADARS (OCO) | 20,000 | 285,867 |
| | Transfer from Title III | --- | +275,867 |
| | Funded Ahead of Need | --- | -10,000 |
| 103 | TACTICAL OPERATIONS CENTERS (OCO) | 43,800 | 43,800 |
| 104 | FIRE SUPPORT C2 FAMILY (OCO) | 566 | 13,566 |
| | Advanced Field Artillery Tactical Data System | --- | +13,000 |
| 105 | BATTLE COMMAND SUSTAINMENT SUPPORT SYS | 420 | 420 |
| 108 | KNIGHT FAMILY (OCO) | 49,744 | 49,744 |
| 110 | AUTOMATIC IDENTIFICATION TECHNOLOGY (OCO) | 2,222 | 2,222 |
| 114 | NETWORK MANAGEMENT INITIALIZATION & SERVICE (OCO) | 5,000 | 5,000 |
| 115 | MANEUVER CONTROL SYSTEM (OCO) | 60,111 | 60,111 |
| 121 | AUTOMATED DATA PROCESSING EQUIP (OCO) | 10,500 | 10,500 |
| 130 | PROTECTIVE SYSTEMS (OCO) | 5,690 | 5,690 |
| 135 | TACTICAL BRIDGING, FLOAT RIBBON (OCO) | 3,220 | 3,220 |
| 136 | HANDHELD STANDOFF MINEFIELD DETECTION SYSTEM | --- | 28,000 |
| | Transfer from JIEDDO for Proper Execution | --- | +28,000 |
| 137 | GRND STANDOFF MINE DETECTION SYSTEM (OCO) | 191,000 | 191,000 |
| 141 | HEATERS AND ECU'S (OCO) | 8,708 | 8,708 |
| 149 | FORCE PROVIDER (OCO) | 261,599 | 52,499 |
| | Excess to Need | --- | -209,100 |
| 150 | FIELD FEEDING EQUIPMENT (OCO) | 29,903 | 29,903 |
| 154 | DISTRIBUTION SYSTEMS, PETROLEUM & WATER (OCO) | 55,105 | 55,105 |
| 155 | WATER PURIFICATION SYSTEMS (OCO) | 12,086 | --- |
| | Funded Ahead of Need | --- | -12,086 |
| 156 | COMBAT SUPPORT MEDICAL (OCO) | 8,680 | 8,680 |
| 157 | MOBILE MAINTENANCE EQUIPMENT SYSTEMS (OCO) | 41,398 | 41,398 |
| 159 | GRADER, ROAD MTZD, HVY, 6X4 (CCE) (OCO) | 3,390 | 3,390 |
| 161 | SCRAPERS, EARTHMOVING (OCO) | 3,195 | 3,195 |
| 164 | LOADERS (OCO) | 1,157 | 1,157 |
| 168 | HIGH MOBILITY ENGINEER EXCAVATOR FOS (OCO) | 3,750 | 3,750 |
| 170 | ITEMS LESS THAN $5.0M (CONST EQUIP) (OCO) | 4,140 | 4,140 |
| 174 | GENERATORS AND ASSOCIATED EQUIP (OCO) | 37,480 | 37,480 |
| 175 | ROUGH TERRAIN CONTAINER HANDLER (OCO) | 4,562 | 4,562 |
| 177 | ALL TERRAIN LIFTING ARMY SYSTEM (OCO) | 56,609 | 58,049 |
| | Battle Loss Replacement | --- | +1,440 |
| 179 | TRAINING DEVICES, NONSYSTEM (OCO) | 28,624 | 28,624 |
| 180 | CLOSE COMBAT TACTICAL TRAINER (OCO) | 8,200 | --- |
| | Funded Ahead of Need | --- | -8,200 |
| 184 | INTEGRATED FAMILY OF TEST EQUIPMENT (OCO) | 622 | 622 |
| 186 | RAPID EQUIPPING SOLDIER SUPT EQUIPMENT (OCO) | 58,590 | 38,590 |
| | Excess to Need | --- | -20,000 |
| 187 | PHYSICAL SECURITY SYSTEMS (OPA3) (OCO) | 77,000 | 77,000 |
| 192 | SPECIAL EQUIPMENT FOR USER TESTING (OCO) | 1,987 | 1,987 |
| | CLASSIFIED PROGRAMS (OCO) | 775 | 775 |
| | --- | --- | --- |
| | TOTAL, OTHER PROCUREMENT, ARMY | 5,827,274 | 6,423,832 |

| P-1 | | Budget Request | Recommendation |
|---|---|---|---|
| | --- | --- | --- |
| | --- | --- | --- |
| | AIRCRAFT PROCUREMENT, NAVY | | |
| | --- | --- | --- |
| 3 | F/A-18E/F (FIGHTER) HORNET (MYP) | --- | 495,000 |
| | Strike Fighter Shortfall Mitigation - Nine Aircraft | --- | +495,000 |
| 11 | UH-1Y/AH-1Z (OCO) | 88,500 | 88,500 |
| 19 | E-2C (EARLY WARNING) HAWKEYE (MYP) | --- | 175,000 |
| | Program Increase - Combat Loss Replacement | --- | +175,000 |
| 29 | EA-6 SERIES (OCO) | 15,000 | 12,700 |
| | Install Equipment Program Adjustment | --- | -2,300 |
| 31 | AV-8 SERIES (OCO) | 72,100 | 65,371 |
| | Pod Upgrade Kits Cost Growth | --- | -1,529 |
| | GEN4 Pod Cost Growth | --- | -5,200 |
| 32 | F-18 SERIES (OCO) | 43,250 | 43,250 |
| 34 | AH-1W SERIES (OCO) | 35,510 | 35,510 |
| 35 | H-53 SERIES (OCO) | 36,248 | 27,148 |
| | Funded Ahead of Need | --- | -9,100 |
| 36 | SH-60 SERIES (OCO) | 6,430 | 6,430 |
| 39 | P-3 SERIES (OCO) | 6,000 | 6,000 |
| 48 | SPECIAL PROJECT AIRCRAFT (OCO) | 6,100 | 6,100 |
| 53 | COMMON ECM EQUIPMENT (OCO) | 38,700 | 31,020 |
| | Directed Infrared Countermeasures Installation Kit Cost Growth | --- | -7,680 |
| 54 | COMMON AVIONICS CHANGES (OCO) | 14,100 | 14,100 |
| 55 | COMMON DEFENSIVE WEAPON SYSTEM (OCO) | 10,500 | 10,500 |
| 57 | RQ-7 SERIES (OCO) | 8,000 | 8,000 |
| 58 | V-22 (TILT/ROTOR ACFT) OSPREY (OCO) | 36,420 | 36,420 |
| 59 | SPARES AND REPAIR PARTS (OCO) | 3,500 | 208,500 |
| | Aviation Spares | --- | +205,000 |
| | --- | --- | --- |
| | TOTAL, AIRCRAFT PROCUREMENT, NAVY | 420,358 | 1,269,549 |
| | --- | --- | --- |
| | WEAPONS PROCUREMENT, NAVY | | |
| | --- | --- | --- |
| 5 | SIDEWINDER (OCO) | 2,923 | --- |
| | Non-combat Expenditures | --- | -2,923 |
| 9 | HELLFIRE (OCO) | 85,504 | 85,504 |
| 26 | SMALL ARMS AND WEAPONS (OCO) | 4,998 | 4,998 |
| | --- | --- | --- |
| | TOTAL, WEAPONS PROCUREMENT, NAVY | 93,425 | 90,502 |
| | --- | --- | --- |
| | PROCUREMENT OF AMMO, NAVY & MARINE CORPS | | |
| | --- | --- | --- |
| 1 | GENERAL PURPOSE BOMBS (OCO) | 6,060 | --- |
| | Contract Delay | --- | -6,060 |
| 3 | AIRBORNE ROCKETS, ALL TYPES (OCO) | 76,043 | 76,043 |
| 4 | MACHINE GUN AMMUNITION (OCO) | 69,660 | 68,660 |
| | 20mm Linked TP, PGU-27 Cost Growth | --- | -1,000 |
| 7 | AIR EXPENDABLE COUNTERMEASURES (OCO) | 33,632 | 33,632 |
| 11 | OTHER SHIP GUN AMMUNITION (OCO) | 455 | 455 |
| 12 | SMALL ARMS & LANDING PARTY AMMO (OCO) | 7,757 | 7,757 |
| 13 | PYROTECHNIC AND DEMOLITION (OCO) | 1,209 | 1,209 |
| 15 | SMALL ARMS AMMUNITION (OCO) | 19,498 | 19,498 |
| 16 | LINEAR CHARGES, ALL TYPES (OCO) | 4,677 | 4,677 |
| 17 | 40 MM, ALL TYPES (OCO) | 11,307 | 11,307 |
| 18 | 60MM, ALL TYPES (OCO) | 17,150 | 17,150 |
| 19 | 81MM, ALL TYPES (OCO) | 27,738 | 27,738 |
| 20 | 120MM, ALL TYPES (OCO) | 96,895 | 96,895 |
| 21 | CTG 25MM, ALL TYPES (OCO) | 990 | 990 |
| 22 | GRENADES, ALL TYPES (OCO) | 6,137 | 6,137 |
| 23 | ROCKETS, ALL TYPES (OCO) | 13,543 | 13,543 |
| 24 | ARTILLERY, ALL TYPES (OCO) | 137,118 | 137,118 |
| 25 | DEMOLITION MUNITIONS, ALL TYPES (OCO) | 9,296 | 9,296 |
| 26 | FUZE, ALL TYPES (OCO) | 25,888 | 25,888 |
| 27 | NON LETHALS (OCO) | 31 | 31 |
| | --- | --- | --- |
| | TOTAL, PROCUREMENT OF AMMO, NAVY & MARINE CORPS | 565,084 | 558,024 |
| | --- | --- | --- |

| P-1 | | Budget Request | Recommendation |
|---|---|---|---|
| | --- | --- | --- |
| | OTHER PROCUREMENT, NAVY | | |
| | --- | --- | --- |
| 25 | STANDARD BOATS (OCO) | 30,706 | 23,706 |
| | Riverine Patrol Boats - Unjustified Request | --- | -7,000 |
| 57 | MATCALS (OCO) | 27,080 | 25,080 |
| | ASPARCS - Unjustified Cost Growth | --- | -2,000 |
| 74 | EMI CONTROL INSTRUMENTATION (OCO) | 1,800 | 1,800 |
| 94 | EXPEDITIONARY AIRFIELDS (OCO) | --- | 4,600 |
| | AM-2 Matting Expeditionary Airfield - Requested Transfer from OM,MC | --- | +4,600 |
| 99 | AVIATION LIFE SUPPORT (OCO) | 26,024 | 10,024 |
| | CSEL Excess to Need | --- | -16,000 |
| 117 | EXPLOSIVE ORDNANCE DISPOSAL EQUIP (OCO) | 132,386 | 10,386 |
| | JCREW - Funding No Longer Required | --- | -122,000 |
| 122 | PASSENGER CARRYING VEHICLES (OCO) | 1,234 | 1,234 |
| 123 | GENERAL PURPOSE TRUCKS (OCO) | 420 | 420 |
| 124 | CONSTRUCTION & MAINTENANCE EQUIP (OCO) | 55,474 | 41,474 |
| | Contract Delays | --- | -14,000 |
| 126 | TACTICAL VEHICLES (OCO) | 91,802 | 91,802 |
| 129 | ITEMS UNDER $5 MILLION (OCO) | 26,016 | 26,016 |
| 131 | MATERIALS HANDLING EQUIPMENT (OCO) | 33,659 | 33,659 |
| 137 | COMMAND SUPPORT EQUIPMENT (OCO) | 2,775 | 2,775 |
| 146 | PHYSICAL SECURITY EQUIPMENT (OCO) | 46,417 | 38,917 |
| | ATFP Afloat - Ahead of Need | --- | -7,500 |
| 149 | SPARES AND REPAIR PARTS (OCO) | 4,942 | 4,942 |
| | --- | --- | --- |
| | TOTAL, OTHER PROCUREMENT, NAVY | 480,735 | 316,835 |
| | --- | --- | --- |
| | PROCUREMENT, MARINE CORPS | | |
| | --- | --- | --- |
| 2 | LAV PIP (OCO) | 152,333 | 37,573 |
| | Baseline Budget Requirement | --- | -114,760 |
| 5 | 155MM LIGHTWEIGHT TOWED HOWITZER (OCO) | 103,600 | 103,600 |
| 6 | HIGH MOBILITY ARTILLERY ROCKET SYSTEM (OCO) | 145,533 | 145,533 |
| 7 | WEAPONS & COMBAT VEHICLES UNDER $5 M (OCO) | 7,329 | 7,329 |
| 9 | MODIFICATION KITS (OCO) | 12,000 | 12,000 |
| 10 | WEAPONS ENHANCEMENT PROGRAM (OCO) | 18,571 | 18,571 |
| 16 | UNIT OPERATIONS CENTER (OCO) | 112,424 | 112,424 |
| 17 | REPAIR AND TEST EQUIPMENT (OCO) | 15,962 | 38,762 |
| | OCO Shortfall: ETMS and Obsolescence Upgrades | --- | +22,800 |
| 19 | MODIFICATION KITS (OCO) | 18,545 | 3,345 |
| | Unexecutable Funding - CESAS | --- | -15,200 |
| 20 | ITEMS UNDER $5 MILLION (COMM & ELEC) (OCO) | 11,549 | 11,549 |
| 21 | AIR OPERATIONS C2 SYSTEMS (OCO) | 41,031 | 41,031 |
| 22 | RADAR SYSTEMS (OCO) | 5,493 | 10,993 |
| | OCO Shortfall: TPS-59 | --- | +5,500 |
| 23 | FIRE SUPPORT SYSTEM (OCO) | 4,710 | 4,710 |
| 24 | INTELLIGENCE SUPPORT EQUIPMENT (OCO) | 82,897 | 82,897 |
| 26 | DCGS-MC (OCO) | 21,789 | 21,789 |
| 28 | COMMON COMPUTER RESOURCES (OCO) | 29,412 | 29,412 |
| 29 | COMMAND POST SYSTEMS (OCO) | 36,256 | 36,256 |
| 30 | RADIO SYSTEMS (OCO) | 155,545 | 110,545 |
| | E-LMR - Not an OCO Requirement | --- | -45,000 |
| 31 | COMM SWITCHING & CONTROL SYSTEMS (OCO) | 63,280 | 28,280 |
| | Previously Funded UUNS | --- | -35,000 |
| 35 | 5/4T TRUCK HMMWV (MYP) (OCO) | 12,994 | --- |
| | Service Requested Reduction | --- | -12,994 |
| 37 | MEDIUM TACTICAL VEHICLE REPLACEMENT (OCO) | 80,559 | 80,559 |
| 38 | LOGISTICS VEHICLE SYSTEM REP (OCO) | 109,100 | 109,100 |
| 39 | FAMILY OF TACTICAL TRAILERS (OCO) | 22,130 | 22,130 |
| 42 | ENVIRONMENTAL CONTROL EQUIP ASSORT (OCO) | 17,799 | 27,399 |
| | OCO Shortfall: ECU and SFRS | --- | +9,600 |
| 43 | BULK LIQUID EQUIPMENT (OCO) | 1,628 | 16,758 |
| | OCO Shortfall: Tank and Pump Modules | --- | +15,130 |
| 44 | TACTICAL FUEL SYSTEMS (OCO) | 83,698 | 89,498 |
| | OCO Shortfall: Liquid Fuel Storage | --- | +5,800 |
| 45 | POWER EQUIPMENT ASSORTED (OCO) | 41,536 | 41,536 |
| 47 | EOD SYSTEMS (OCO) | 213,985 | 188,985 |
| | Excess to Requirement | --- | -25,000 |
| 48 | PHYSICAL SECURITY EQUIPMENT (OCO) | 5,200 | 5,200 |
| 50 | MATERIAL HANDLING EQUIP (OCO) | 58,264 | 58,264 |
| 53 | TRAINING DEVICES (OCO) | 55,864 | 55,864 |
| 54 | CONTAINER FAMILY (OCO) | 8,826 | 8,826 |
| 56 | FAMILY OF INTERNALLY TRANSPORTABLE VEHICLE (OCO) | 28,401 | 28,401 |
| | --- | --- | --- |
| | TOTAL, PROCUREMENT, MARINE CORPS | 1,778,243 | 1,589,119 |

| P-1 | | Budget Request | Recommendation |
|---|---|---|---|
| | --- | --- | --- |
| | --- | --- | --- |
| | AIRCRAFT PROCUREMENT, AIR FORCE | | |
| | --- | --- | --- |
| 1 | F-35 (OCO) | 204,900 | --- |
| | Unjustified Request | --- | -204,900 |
| 19 | CV-22 (OCO) | --- | 70,000 |
| | Program Increase - Provides for One Additional Combat Loss Aircraft | --- | +70,000 |
| 25 | HH-60M OPERATIONAL LOSS REPLACEMENT (OCO) | 114,000 | 417,400 |
| | Program Increase (Adds 10 Aircraft, Not Less Than Four for the Air National Guard) | --- | +303,400 |
| 26 | RQ-11 (OCO) | 9,380 | 9,380 |
| 34 | MQ-9 (OCO) | 216,000 | 376,814 |
| | Spares | --- | -55,186 |
| | Transfer 12 Aircraft from Title III | --- | +216,000 |
| 37 | B-1B (OCO) | 8,500 | 8,500 |
| 39 | A-10 (OCO) | 16,500 | 16,500 |
| 44 | C-5 (OCO) | 73,400 | 73,400 |
| 47 | C-17A (OCO) | 224,450 | 176,450 |
| | Program Decrease | --- | -48,000 |
| 56 | KC-10A (ATCA) (OCO) | 3,540 | 3,540 |
| 62 | C-130 (OCO) | 166,720 | 166,720 |
| 63 | C-130 MODS INTEL (OCO) | 10,900 | 10,900 |
| 66 | COMPASS CALL MODS | 10,000 | 10,000 |
| 72 | H-60 (OCO) | 81,000 | 153,200 |
| | Excess to Need for Radars | --- | -61,000 |
| | Program Increase - Transportable Blackhawk Operation Simulators | --- | +92,800 |
| | Program Increase - Control Display Unit Mission | --- | +12,500 |
| | Program Increase - GPS/Inertial Navigation Units | --- | +27,900 |
| 75 | OTHER AIRCRAFT (OCO) | 61,600 | 61,600 |
| 78 | MQ-9 PAYLOAD - UAS | 45,000 | 160,383 |
| | Transfer from Title III | --- | +115,383 |
| 79 | CV-22 MODS (OCO) | 830 | 830 |
| 80 | INITIAL SPARES/REPAIR PARTS | 10,900 | 10,900 |
| 98 | OTHER PRODUCTION CHARGES (OCO) | 57,500 | 218,138 |
| | Transfer from Title III | --- | +160,638 |
| 104 | DARP (OCO) | 47,300 | 47,300 |
| | --- | --- | --- |
| | TOTAL, AIRCRAFT PROCUREMENT, AIR FORCE | 1,362,420 | 1,991,955 |
| | --- | --- | --- |
| | MISSILE PROCUREMENT, AIR FORCE | | |
| | --- | --- | --- |
| 5 | PREDATOR HELLFIRE MISSILE (OCO) | 41,621 | 41,621 |
| 10 | AGM-65D MAVERICK (OCO) | 15,000 | 15,000 |
| | --- | --- | --- |
| | TOTAL, MISSILE PROCUREMENT, AIR FORCE | 56,621 | 56,621 |
| | --- | --- | --- |
| | PROCUREMENT OF AMMUNITION, AIR FORCE | | |
| | --- | --- | --- |
| 2 | CARTRIDGES (OCO) | 30,801 | 30,801 |
| 4 | GENERAL PURPOSE BOMBS (OCO) | 53,192 | 53,192 |
| 5 | JOINT DIRECT ATTACK MUNITION (OCO) | 147,991 | 147,991 |
| 11 | FLARES (OCO) | 20,486 | 20,486 |
| 12 | FUZES (OCO) | 24,982 | 24,982 |
| 13 | SMALL ARMS (OCO) | 15,507 | 15,507 |
| | --- | --- | --- |
| | TOTAL, PROCUREMENT OF AMMUNITION, AIR FORCE | 292,959 | 292,959 |
| | --- | --- | --- |
| | OTHER PROCUREMENT, AIR FORCE | | |
| | --- | --- | --- |
| 2 | MEDIUM TACTICAL VEHICLE (OCO) | 7,350 | 5,350 |
| | Contract Savings | --- | -2,000 |
| 5 | SECURITY AND TACTICAL VEHICLES (OCO) | 15,540 | 13,540 |
| | Uparmored HMMWV - Unjustified Cost Growth | --- | -2,000 |
| 11 | ITEMS LESS THAN $5,000,000(VEHICLES)(OCO) | 690 | 690 |
| 16 | INTELLIGENCE COMM EQUIPMENT (OCO) | 1,400 | 1,400 |
| 19 | THEATER AIR CONTROL SYS IMPROVEMEN | 4,354 | 4,354 |
| 20 | WEATHER OBSERVATION FORECAST (OCO) | 9,825 | --- |
| | OS-21 Contract Delays | --- | -9,825 |
| 28 | AIR FORCE PHYSICAL SECURITY SYSTEM (OCO) | 6,100 | 6,100 |

| P-1 | | Budget Request | Recommendation |
|---|---|---|---|
| | --- | --- | --- |
| 38 | USCENTCOM (OCO) | 28,784 | 28,784 |
| 44 | MILSATCOM SPACE (OCO) | 4,300 | 4,300 |
| 46 | COUNTERSPACE SYSTEM (OCO) | 8,200 | 8,200 |
| 47 | TACTICAL C-E EQUIPMENT (OCO) | 2,552 | 2,552 |
| 52 | COMM ELECT MODS (OCO) | 470 | 470 |
| 53 | NIGHT VISION GOGGLES (OCO) | 8,833 | 4,433 |
| | NVCD-NSL Contract Delays | --- | -4,400 |
| 57 | CONTINGENCY OPERATIONS (OCO) | 131,559 | 16,759 |
| | JCREW Ahead of Need | --- | -114,800 |
| 56 | BASE PROCURED EQUIPMENT (OCO) | 9,070 | 9,070 |
| 59 | MOBILITY EQUIPMENT (OCO) | 16,588 | 16,588 |
| 66 | DEFENSE SPACE RECONNAISSANCE PROG (OCO) | 9,700 | 9,700 |
| | OTHER PROGRAMS (OCO) | 2,822,166 | 2,736,303 |
| | Classified Adjustment | --- | -85,863 |
| | --- | --- | --- |
| | TOTAL, OTHER PROCUREMENT, AIR FORCE | 3,087,481 | 2,868,593 |
| | --- | --- | --- |
| | PROCUREMENT, DEFENSE-WIDE | | |
| | --- | --- | --- |
| 5 | DIA SUPT TO CENTCOM INTELLIGENCE ACT (OCO) | 27,702 | 27,702 |
| 18 | GLOBAL COMMAND AND CONTROL SYS (OCO) | 1,000 | 1,000 |
| 20 | TELEPORT PROGRAM (OCO) | 6,191 | 6,191 |
| 23 | DEFENSE INFORMATION SYSTEM NETWORK (OCO) | 520 | 520 |
| 35 | AEGIS FIELDING | --- | 189,720 |
| | SM-3 Block IA - Additional 20 Interceptors | --- | +189,720 |
| 50 | MAJOR EQUIPMENT, OSD (OCO) | 5,700 | 5,700 |
| 52 | UNDISTRIBUTED, INTELLIGENCE | 15,000 | 15,000 |
| XX | OTHER PROGRAMS (OCO) | 323,486 | 333,675 |
| | Classified Adjustment | --- | +10,189 |
| 55 | ROTARY WING UPGRADES &SUSTAINMENT (OCO) | 5,600 | 5,600 |
| 55A | MH-47G | --- | 28,500 |
| | Combat Loss Replacement Aircraft | --- | +28,500 |
| 56 | MH-47 SERVICE LIFE EXTENSION PROG (OCO) | 4,222 | 15,222 |
| | Modifications for Combat Loss Replacement Aircraft | --- | +11,000 |
| 57 | MH-60 SOF MODERNIZATION (OCO) | --- | 7,800 |
| | Modifications for Combat Loss Replacement Aircraft | --- | +7,800 |
| 58 | NON-STANDARD AVIATION | --- | 121,268 |
| | Medium NSAV -- Transfer from Title III | --- | +121,268 |
| 63 | CV-22 SOF MODIFICATION | --- | 15,000 |
| | Modifications for Combat Loss Replacement Aircraft | --- | +15,000 |
| 64 | MQ-1 UAS(OCO) | 8,202 | 8,202 |
| 65 | MQ-9 UAV (OCO) | 4,368 | 4,368 |
| 71 | SOF ORDNANCE REPLENISHMENT (OCO) | 75,878 | 65,878 |
| | Execution Delays | --- | -10,000 |
| 72 | SOF ORDNANCE ACQUISITION (OCO) | 49,776 | 49,776 |
| 73 | COMMUNICATIONS EQUIPMENT & ELECTRONICS (OCO) | 9,417 | 31,817 |
| | Program Increase - Unfunded Requirement | --- | 22,400 |
| 74 | SOF INTELLIGENCE SYSTEMS (OCO) | 149,406 | 81,306 |
| | Leased Aircraft - Unjustified Request | --- | -42,800 |
| | HF-TTL Baseline Budget Requirement | --- | -25,300 |
| 81 | TACTICAL VEHICLES (OCO) | 36,262 | 91,262 |
| | Program Increase - Unfunded Requirement | --- | +55,000 |
| 83 | COMBAT MISSION REQUIREMENTS (OCO) | 30,000 | --- |
| | OCO Program Growth | --- | -30,000 |
| 88 | SOF AUTOMATION SYSTEMS (OCO) | 1,291 | 1,291 |
| 90 | SOF OPERATIONAL ENHANCEMENTS INTELLIGENCE (OCO) | 25,000 | 25,000 |
| 92 | SOF VISUAL AUGMENTATION, LASERS & SENSORS (OCO) | 3,200 | 22,700 |
| | Program Increase - Unfunded Requirement | | +19,500 |
| 93 | SOF TACTICAL RADIO SYSTEMS (OCO) | 3,985 | 3,985 |
| 96 | MISCELLANEOUS EQUIPMENT (OCO) | 5,530 | 5,530 |
| 97 | SOF OPERATIONAL ENHANCEMENTS (OCO) | 79,869 | 95,545 |
| | Program Increase - Unfunded Requirement | --- | +51,376 |
| | Requirement Addressed by Reprogramming | --- | -35,700 |
| | CLASSIFIED PROGRAMS | 2,941 | 2,941 |
| | --- | --- | --- |
| | TOTAL, PROCUREMENT, DEFENSE-WIDE | 874,546 | 1,262,499 |
| | --- | --- | --- |

| P-1 | Budget Request | Recommendation |
|---|---|---|
| --- | --- | --- |
| NATIONAL GUARD AND RESERVE EQUIPMENT | | |
| --- | --- | --- |
| NATIONAL GUARD AND RESERVE EQUIPMENT | --- | 850,000 |
| Program Increase | --- | +850,000 |
| --- | --- | --- |
| MINE RESISTANT AMBUSH PROTECTED VEHICLE FUND | | |
| --- | --- | --- |
| MINE RESISTANT AMBUSH PROTECTED VEHICLE FUND | 3,415,000 | 3,415,000 |
| --- | --- | --- |
| TOTAL, PROCUREMENT | 21,361,868 | 25,316,335 |
| --- | --- | --- |

MINE RESISTANT AMBUSH PROTECTED (MRAP) AND MINE RESISTANT AMBUSH PROTECTED ALL TERRAIN VEHICLES (MATVS)

The recommendation provides $3,415,000,000, equal to the request, to address MRAP and M–ATV requirements, as identified by the Department. The Department shall continue to adhere to the execution and reporting requirements contained in section 8122 of Public Law 110–116.

NATIONAL GUARD AND RESERVE EQUIPMENT

The recommendation for the National Guard and Reserve Equipment Account is $850,000,000. Of that amount, $250,000,000 is for the Army National Guard; $250,000,000 is for the Air National Guard; $140,000,000 is for the U.S. Army Reserve; $70,000,000 is for the Navy Reserve; $70,000,000 is for the Marine Corps Reserve; and $70,000,000 is for the Air Force Reserve to meet urgent equipment needs that may arise this fiscal year.

This funding will allow the Guard and reserve components to procure high priority equipment that may be used by these units for both their combat missions and their missions in support of State governors. In addition to the items previous listed in Senate Report 111–295, this funding will allow the Guard and reserve components to procure high priority items such as: Generation 4 Advanced Targeting Pods; Lightweight Airborne Radio Systems; Active Electronically Scanned Array radars; Helmet Mounted Integrated Targeting Systems; Upgraded air ground power units; Real Time in Cockpit Tactical Datalink Capability; C–130 Loadmaster Crashworthy Seats; secure radios; Security Forces equipment; digital computer communications equipment; Family of Medium Tactical Vehicles; Light Utility Helicopter Mission Enhancement Program; Climate Regulated Cargo Trailer; Modular Small Arms Training Systems; Joint Threat Emitters; tactical radios; tactical trailers; and field engineering, logistics, and maintenance equipment.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

For Research, Development, Test and Evaluation, funds are to be available for fiscal year 2011, as follows:

[in thousands of dollars]:

| R-1 | | Budget Request | Recommendation |
|---|---|---|---|
| | RESEARCH, DEVELOPMENT, TEST & EVALUATION, ARMY | | |
| 48 | NIGHT VISION ADVANCED TECHNOLOGY (OCO) | 0 | 23,100 |
| | Program increase - Aviation night and limited visibility sensor demonstration | --- | +23,100 |
| 59 | ADVANCED TANK ARMAMENT SYSTEM (OCO) | 0 | 0 |
| | Stryker V-Hull Development - funded in Title IV | --- | 0 |
| 60 | SOLDIER SUPPORT AND SURVIVABILITY (OCO) | 57,900 | 14,900 |
| | HFDS - transfer to line 75 for execution at request of the Army | --- | -48,000 |
| | REF - transfer from Title IV for OCO requirement | --- | +5,000 |
| 61 | TACTICAL ELECTRONIC SURVEILLANCE SYSTEM - ADV DEV | 0 | 7,800 |
| | Transfer from JIEDDO: Air Vigilance | --- | +7,800 |
| 75 | ELECTRONIC WARFARE DEVELOPMENT (OCO) | 5,400 | 48,000 |
| | HFDS - transfer from line 60 for execution at request of the Army | --- | +48,000 |
| | Long-term development effort | --- | -5,400 |
| 77 | ALL SOURCE ANALYSIS SYSTEM (OCO) | 8,100 | 8,100 |
| 171 | INFORMATION SYSTEMS SECURITY PROGRAM (OCO) | 63,306 | 0 |
| | Protected Information - Biometrics - Transfer to line 171x | --- | -25,134 |
| | Transfer to OP,A, line 51 for execution at request of the Army | --- | -38,172 |
| 171x | FAMILY OF BIOMETRICS | 0 | 25,134 |
| | Non-MIP Biometrics - Transfer from line 171 | --- | +25,134 |
| 178 | DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS (OCO) | 16,200 | 16,200 |
| | TOTAL, RESEARCH, DEVELOPMENT, TEST & EVALUATION, ARMY | 150,906 | 143,234 |
| | RESEARCH, DEVELOPMENT, TEST & EVALUATION, NAVY | | |
| 19 | ELECTROMAGNETIC SYSTEMS ADVANCED TECHNOLOGY (OCO) | 14,100 | 10,680 |
| | Unjustified request | --- | -3,420 |
| 53 | JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT (OCO) | 1,000 | 1,000 |
| 75 | JOINT COUNTER RADIO CONTROLLED IED ELECTRONIC WARFARE (OCO) | 0 | 11,800 |
| | Network Enabled EW - Transfer from JIEDDO | --- | +11,800 |
| 124 | MEDICAL DEVELOPMENT (OCO) | 300 | 300 |
| 153 | NAVY SPACE AND ELECTRONIC WARFARE (SEW) SUPPORT (OCO) | 5,200 | 5,200 |
| 204 | TACTICAL UNMANNED AERIAL VEHICLES | 0 | 36,000 |
| | Transfer from OM,MC for Qualitative Risk Assessment | --- | +36,000 |
| 213 | RQ-7 UAV (OCO) | 6,900 | 6,900 |
| 999 | OTHER PROGRAMS (OCO) | 32,901 | 32,901 |
| | TOTAL, RESEARCH, DEVELOPMENT, TEST & EVALUATION, NAVY | 60,401 | 104,781 |
| | RESEARCH, DEVELOPMENT, TEST & EVALUATION, AIR FORCE | | |
| 17 | ADVANCED AEROSPACE SENSORS | 0 | 56,000 |
| | Blue Devil Block 2 - transfer from JIEDDO | --- | +56,000 |
| 36 | SPACE CONTROL TECHNOLOGY (OCO) | 16,000 | 16,000 |
| 66 | TACTICAL DATA NETWORKS ENTERPRISE (OCO) | 30,000 | 30,000 |
| 128 | MQ9 UAV (OCO) | 0 | 88,500 |
| | VADER/DDR on MQ-9 - transfer from JIEDDO | --- | +88,500 |
| 145 | CSAF INNOVATION PROGRAM (OR ISR INNOVATIONS) | 0 | 112,000 |
| | ISR Sensor Pilot Program | --- | +112,000 |
| 164 | MISSION PLANNING SYSTEMS (OCO) | 4,443 | 4,443 |

| R-1 | | Budget Request | Recommendation |
|---|---|---|---|
| 211 | NETWORK-CENTRIC COLLABORATIVE TARGETING (OCO | 6,100 | 6,100 |
| 230 | SPECIAL TACTICS/COMBAT CONTROL (OCO) | 10,325 | 10,325 |
| 999 | OTHER PROGRAMS (OCO) | 199,373 | 161,014 |
| | Classified Adjustment | --- | -38,359 |
| | TOTAL, RESEARCH, DEVELOPMENT, TEST & EVALUATION, AIR FORCE | 266,241 | 484,382 |
| | RESEARCH, DEVELOPMENT, TEST & EVALUATION, DEFENSE-WIDE | | |
| 56 | DARPA SENSOR TECHNOLOGY | 0 | 40,000 |
| | Transfer from JIEDDO: Wide Area Surveillance Development Roadmap | --- | +40,000 |
| 197 | LONG-HAUL COMMUNICATIONS DCS (OCO) | 23,125 | 23,125 |
| 202 | INFORMATION SYSTEMS SECURITY PROGRAM (OCO) | 750 | 750 |
| 254 | SPECIAL OPERATIONS INTELLIGENCE SYSTEMS DEVELOPMENT (OCO) | 9,440 | 9,440 |
| 255 | SOF Operational Enhancements | 0 | 14,500 |
| | Transfer from JIEDDO: EW Family of Systems | --- | +14,500 |
| 999 | OTHER PROGRAMS (OCO) | 123,925 | 134,801 |
| | Classified Adjustment | --- | +3,376 |
| | Transfer from JIEDDO: Wallaby | --- | +7,500 |
| | TOTAL, RESEARCH, DEVELOPMENT, TEST & EVALUATION, DEFENSE-WIDE | 157,240 | 222,616 |
| | TOTAL, RESEARCH, DEVELOPMENT, TEST & EVALUATION | 634,788 | 955,013 |

INTELLIGENCE, SURVEILLANCE AND RECONNAISSANCE (ISR) PROGRAMS

The Act includes an increase of $112,000,000 for an ISR Sensor Pilot Program (Research, Development, Test and Evaluation, Air Force). These funds are provided to allow the Secretary of the Air Force the opportunity to fund programs that may provide game-changing capabilities with significant savings to the taxpayer. The Secretary of the Air Force shall fund at least one Predator C aircraft as a prototype platform and shall fund a prototype capability using commercial-off-the-shelf long range, dual-band electro-optical/infrared solutions for the MQ–9 that are currently in use by partner nations and derived from sensors currently utilized on the Air Force's U–2. Further, the Secretary of the Air Force shall review other programs such as active near-infrared imaging for high resolution ISR, counter-IED capabilities, sensors which provide signals intelligence tracking capability, and/or a sensor testbed aircraft as a surrogate platform for MQ–9 testing. The Secretary of the Air Force is directed to provide an execution plan for these funds not later than 60 days after enactment of this Act and prior to obligation to the congressional defense committees. Subsequent updates shall be provided at the beginning of the first and third quarter of each fiscal year until all funds are obligated and expended.

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For the Defense Working Capital Funds, $485,384,000 is provided for fiscal year 2011.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

For Other Department of Defense Programs, funds are to be available for fiscal year 2011, as follows:

[in thousands of dollars]:

| --- | --- | Budget Request | Recommendation |
|---|---|---|---|
| --- | --- | --- | --- |
| | DEFENSE HEALTH PROGRAM | | |
| --- | --- | --- | --- |
| OPERATION AND MAINTENANCE | | 1,398,092 | 1,398,092 |
| --- | IN-HOUSE CARE | 709,004 | 709,004 |
| --- | PRIVATE SECTOR CARE | 538,376 | 538,376 |
| --- | CONSOLIDATED HEALTH CARE | 128,412 | 128,412 |
| --- | INFORMATION MANAGEMENT/IT | 2,286 | 2,286 |
| --- | MANAGEMENT HEADQUARTERS | 518 | 518 |
| --- | EDUCATION AND TRAINING | 18,061 | 18,061 |
| --- | BASE OPERATIONS AND COMMUNICATIONS | 1,435 | 1,435 |
| --- | --- | --- | --- |
| RESEARCH AND DEVELOPMENT | | 0 | 24,000 |
| --- | Blast Recovery Monitors (transfer from JIEDDO) | --- | +8,000 |
| --- | Body Blood Flow Monitor (transfer from JIEDDO) | --- | +9,000 |
| --- | EMF Blast Pulse Effects (transfer from JIEDDO) | --- | +7,000 |
| --- | --- | --- | --- |
| --- | TOTAL, DEFENSE HEALTH PROGRAM | 1,398,092 | 1,422,092 |
| --- | --- | --- | --- |
| | DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE | | |
| --- | --- | --- | --- |
| --- | AFGHANISTAN AIR MOBILITY | 141,634 | 141,634 |
| --- | AFGHANISTAN BORDER FACILITIES | 5,000 | 5,000 |
| --- | AFGHANISTAN BORDER POLICE EQUIP | 19,500 | 19,500 |
| --- | AFGHANISTAN BORDER TRAINING | 20,000 | 20,000 |
| --- | CENTCOM SUPPORT - AFGHANISTAN | 3,000 | 3,000 |
| --- | COUNTER NARCOTICS POLICE AFGHANISTAN FACILITIES | 25,295 | 25,295 |
| --- | TRAINING | 50,250 | 50,250 |
| --- | COUNTER NARCOTICS POLICE AFGHANISTAN (CNP-A) EQUIPMENT | 1,241 | 1,241 |
| --- | INTELLIGENCE AND TECHNOLOGY | 61,500 | 56,900 |
| --- | Program Adjustment | --- | -4,600 |
| --- | PAKISTAN | 49,590 | 49,590 |
| --- | KAZAKHSTAN | 7,850 | 7,850 |
| --- | KYRGYZSTAN | 27,900 | 27,900 |
| --- | TAJIKISTAN | 8,500 | 8,500 |
| --- | TURKMENISTAN | 10,350 | 10,350 |
| --- | UZBEKISTAN | 8,500 | 8,500 |
| --- | YEMEN | 17,000 | 17,000 |
| --- | PROGRAM ADJUSTMENT | --- | -12,000 |
| --- | --- | --- | --- |
| --- | TOTAL, DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE | 457,110 | 440,510 |

| --- | --- | Budget Request | Recommendation |
|---|---|---|---|
| --- | --- | --- | --- |
| | JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND | | |
| --- | --- | --- | --- |
| 1 | ATTACK THE NETWORK | 1,434,400 | 765,200 |
| --- | Transfer to Staff and Infrastructure for proper execution | --- | -238,800 |
| --- | Air Vigilance - outside JIEDDO mission, transfer to RDTE,A line 61 and OM,A line 411 for proper execution | --- | -13,200 |
| --- | Blue Devil Block 2 - transfer to RDTE,AF line 17 for proper execution | --- | -56,000 |
| --- | Copperhead - program terminated | --- | -125,000 |
| --- | Electronic Warfare Family of Systems (EW FoS) - transfer to SOCOM, RDTE,DW for proper execution | --- | -14,500 |
| --- | JUON Reserve | --- | +100,000 |
| --- | Solar ISE - outside JIEDDO mission | --- | -7,000 |
| --- | Synchronization and Integration WTI Cell - transfer to OM,A, SAG 135 and OM,DW for proper execution | --- | -6,400 |
| --- | Thermal Station (National IED Exploitation Facility (NIEF) - transfer to OM,A, SAG 135 for proper execution | --- | -13,000 |
| --- | VADER development transfer $88.5 million to RDTE,AF line 128 | --- | -241,800 |
| --- | Wallaby - transfer to RDTE,DW for proper execution | --- | -7,500 |
| --- | Wide Area Surveillance Development Roadmap (WASDP) - transfer to DARPA for proper execution | --- | -40,000 |
| --- | Wolfhound II - transfer to OM,DW for proper execution | --- | -6,000 |
| 2 | DEFEAT THE DEVICE | 1,529,390 | 1,223,090 |
| --- | ACES HY Roadmap - Program terminated | --- | -28,000 |
| --- | Transfer to Staff and Infrastructure for proper execution | --- | -105,000 |
| --- | Beachcomber - transfer to OM,A, SAG 135 for proper execution | --- | -3,000 |
| --- | Counter Bomber - transfer to OM,A, SAG 135, OM,N, OM,MC, and OM,AF for proper execution | --- | -3,000 |
| --- | CREW -SSM - Universal Test Set - transfer to OM,A, SAG 135, OM,N, and OM,MC for proper execution | --- | -5,000 |
| --- | JUON Reserve | --- | -105,000 |
| --- | Networked Enabled EW - transfer to RDTE,N line 75 for proper execution | --- | -11,800 |
| --- | Personnel Borne IED/Vehicle Borne IED (PBIED/VBIED) - transfer to OP,A line136 for proper execution | --- | -28,000 |
| --- | Starlite Development Program - Program terminated | --- | -16,000 |
| --- | Subtle Magnetic Anomaly Detection Networked Systems - transfer to OM,A SAG 135 and OM,MC for proper execution | --- | -1,500 |
| 3 | TRAIN THE FORCE | 286,210 | 170,410 |
| --- | Transfer to Staff and Infrastructure for proper execution | --- | -75,400 |
| --- | Blast Recovery Monitors - transfer to DHP RDTE for proper execution | --- | -8,000 |
| --- | Body Blood Flow Monitor - transfer to DHP RDTE for proper execution | --- | -9,000 |
| --- | EMF Blast Pulse Effects - transfer to DHP RDTE for proper execution | --- | -7,000 |
| --- | Technical Collection Training Program - transfer to OM,A, SAG 135 for proper execution | --- | -16,400 |
| 4 | STAFF AND INFRASTRUCTURE | 0 | 635,068 |
| --- | Transfer from Title VI | --- | +215,868 |
| --- | Transfer from Attack the Network for proper execution | --- | +238,800 |
| --- | Transfer from Defeat the Device for proper execution | --- | +105,000 |
| --- | Transfer from Train the Force for proper execution | --- | +75,400 |
| --- | --- | --- | --- |
| --- | TOTAL, JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND | 3,250,000 | 2,793,768 |
| --- | --- | --- | --- |
| | OFFICE OF THE INSPECTOR GENERAL | | |
| --- | --- | --- | --- |
| --- | OFFICE OF THE INSPECTOR GENERAL | 10,529 | 10,529 |
| --- | --- | --- | --- |
| | OFFICE OF THE INSPECTOR GENERAL | 10,529 | 10,529 |
| --- | --- | --- | --- |
| --- | TOTAL, OTHER DEPARTMENT OF DEFENSE PROGRAMS | 5,115,731 | 4,666,899 |

GENERAL PROVISIONS—THIS TITLE

The recommendation includes general provisions which address requests by the Administration for various authorities, the continuation or modification of provisions carried in Acts from previous years, or new matters of specific concern.

DISCLOSURE OF EARMARKS AND CONGRESSIONALLY DIRECTED SPENDING ITEMS

Following is a list of congressional earmarks and congressionally directed spending items (as defined in clause 9 of rule XXI of the Rules of the House of Representatives and rule XLIV of the Standing Rules of the Senate, respectively) included in the bill or this explanatory statement, along with the name of each Senator, House Member, Delegate, or Resident Commissioner who submitted a request to the House or Senate Committee of jurisdiction for each item so identified. Neither the bill nor the explanatory statement contains any limited tax benefits or limited tariff benefits as defined in the applicable House and Senate rules.

**DEFENSE [Congressionally Directed Spending Items]**

| Account | Project | Amount | Requester(s) | |
|---|---|---|---|---|
| | | | House | Senate |
| AP,A | Air Filtration Systems for the Army National Guard | 1,600,000 | --- | Bond |
| AP,A | Air Warrior Survival Vest Ensemble Reset Program | 2,400,000 | --- | Warner, Webb |
| AP,A | Damage Tolerance Improvement and Monitoring for Condition Based Maintenance | 2,080,000 | --- | Shelby |
| AP,A | Forward Looking Infrared Sensors for the Minnesota National Guard | 720,000 | Peterson (MN) | Franken, Klobuchar |
| AP,A | Light Utility Helicopter Survivability | 5,000,000 | --- | Cochran |
| AP,A | Reduced Size Crashworthy External Fuel System 125 Gallon Tank | 2,400,000 | --- | Bennett, Leahy |
| AP,AF | 109th Airlift Wing Propeller Improvement Program | 3,200,000 | --- | Dodd, Gillibrand, Lieberman, Schumer |
| AP,AF | Aircraft Patient Support Systems for 190th ARW, KS ANG | 1,360,000 | --- | Brownback |
| AP,AF | C-130 Cargo Rail Systems for the 118th Airlift Wing | 2,400,000 | --- | Alexander |
| AP,AF | On-Board Oxygen Generation System Retrofit for AFSOC C-130 | 4,800,000 | --- | Harkin |
| AP,AF | SENIOR SCOUT IMINT Integration for UT ANG | 5,760,000 | --- | Bennett |
| AP,AF | Support Equipment for Time Critical Targeting, SENIOR SCOUT | 1,520,000 | --- | Bennett, Crapo, Risch |
| AP,N | Direct Squadron Support Readiness Training Program | 2,720,000 | --- | Rockefeller |
| DHP | Accelerated Therapies for Healing Battlefield Wounds and Scars | 3,000,000 | Ryan (OH) | Cornyn, Hutchison |
| DHP | Advanced Medical Training and Technology Platform | 2,400,000 | Smith (WA) | Cantwell |
| DHP | AFIP/Joint Pathology Center Records Digitization and Repository Modernization | 9,600,000 | --- | Rockefeller |
| DHP | African Humanitarian Medical Outreach Program | 1,040,000 | Scott (VA) | --- |
| DHP | Austen BioInnovation Institute in Akron | 4,000,000 | Ryan (OH) | --- |
| DHP | Autism Brain Morphology Library | 1,600,000 | Edwards (TX) | --- |
| DHP | Childrens Hospital Integrated Patient Electronic Records System | 800,000 | Lee | --- |
| DHP | Combined Injury Research Consortium | 2,000,000 | Snyder | Lincoln, Pryor |
| DHP | Customized Nursing Programs | 2,000,000 | Bishop (GA) | Isakson |
| DHP | Diabetes Model Program | 2,400,000 | Ortiz | --- |
| DHP | Fort Drum Regional Health Planning Organization | 344,000 | Owens | --- |
| DHP | Hawaii Federal Health Care Network | 21,100,000 | --- | Inouye |
| DHP | Health Research and Disparities Eradication Program | 6,400,000 | Clyburn | --- |
| DHP | High Bandwidth, Mobile Medical Communications Platform to Revolutionize Rural Health Care | 1,600,000 | Space | --- |
| DHP | Madigan Army Medical Center Trauma Assistance Program at Tacoma Trauma Trust | 3,500,000 | Dicks, Smith (WA) | Cantwell, Murray |
| DHP | Medical Evaluation Data Conversion Support System | 800,000 | Rahall | --- |
| DHP | Military Family Wellness Initiative | 468,000 | McCarthy (NY), Nadler (NY), Rothman | --- |
| DHP | Nanoparticle Delivery Systems for Pocket Vaccines | 1,120,000 | Edwards (TX) | --- |
| DHP | Old Dominion University Bioelectrics Research for Casualty Care and Management | 1,600,000 | Nye | --- |
| DHP | Rescue Eagle Program | 3,200,000 | Davis (IL) | --- |
| DHP | Shock Trauma Center/National Traumatic Injury Simulation Training Center | 2,400,000 | Ruppersberger, Cummings | --- |
| DHP | Virtual Agent Technology Pilot Program - afterdeployment.org | 1,200,000 | --- | Murray |
| DHP | Web Based Teaching Programs for Military Social Work | 4,000,000 | Roybal-Allard | Boxer |
| DHP | Soldier Health Promotion to Examine and Reduce Suicide Deaths | 2,000,000 | Clyburn | --- |
| DPA | Advanced Carbon Nanotube Volume Production Facility | 3,120,000 | --- | Gregg, Shaheen |
| DPA | Advanced Composite Radome | 3,200,000 | --- | Gregg |
| DPA | Advanced Tactical Fuels Mandan Biomass Refinery | 6,400,000 | --- | Conrad, Dorgan |

**DEFENSE [Congressionally Directed Spending Items]**

| Account | Project | Amount | Requester(s) | |
|---|---|---|---|---|
| | | | House | Senate |
| DPA | Automated Composite Technologies and Manufacturing Center | 4,000,000 | --- | Bennett |
| DPA | Conformal Coated Chip Capacitor | 1,280,000 | --- | Collins, Snowe |
| DPA | Domestic Production Source for Gun Hard Inertial Measurement Unit | 2,400,000 | --- | Dodd, Lieberman |
| DPA | Extremely Large Domestic Expendable and Reusable Structures Manufacturing Center | 4,000,000 | --- | Cochran, Wicker |
| DPA | High Rate Polyimide Composites for Military Aircraft | 1,600,000 | --- | Brown (OH) |
| DPA | Hostile Fire Indicator System | 2,400,000 | --- | Reed, Whitehouse |
| DPA | Hybrid Plastics and POSS Nanotechnology Engineering Scale-Up Initiative | 960,000 | --- | Wicker |
| DPA | Multi-mode CWDM Optical Component Production Capability for Space and Avionics | 2,400,000 | --- | Reid |
| DPA | Navy Production Capacity Improvement Project at Lehigh Heavy Forge | 1,600,000 | --- | Casey, Specter |
| DPA | Preservation of Domestic Copper Nickel Tubing Manufacturing | 4,800,000 | --- | Dodd |
| DPA | Terahertz Spectrometer | 2,400,000 | --- | Dodd, Lieberman |
| Drugs | Alaska National Guard Counter-Drug Program | 2,400,000 | --- | Begich, Murkowski |
| Drugs | Colorado Joint Counter-Drug Task Force | 1,200,000 | --- | Udall (CO) |
| Drugs | Delaware National Guard Counter-Drug Task Force | 240,000 | --- | Carper, Kaufman |
| Drugs | Florida Counter-Drug Program | 3,200,000 | Brown (FL), Meek (FL) | Nelson (FL) |
| Drugs | Hawaii National Guard Counter-Drug Program | 3,000,000 | --- | Akaka, Inouye |
| Drugs | Indiana National Guard Counter-Drug Program | 2,400,000 | Visclosky | --- |
| Drugs | Kentucky National Guard Marijuana Eradication Efforts | 4,000,000 | --- | McConnell |
| Drugs | Midwest Counter-Drug Training Center | 5,600,000 | --- | Grassley, Harkin |
| Drugs | Minnesota National Guard Counter-Drug Program | 1,600,000 | Oberstar | Franken, Klobuchar |
| Drugs | Montana National Guard Counter-Drug Task Force | 800,000 | --- | Baucus, Tester |
| Drugs | Nevada National Guard Counter-Drug Program | 4,500,000 | Berkley, Titus | Ensign, Reid |
| Drugs | New Mexico National Guard Counter-Drug Support Program | 4,800,000 | Teague | Bingaman, Udall (NM) |
| Drugs | Northeast Counter-Drug Training Center | 2,800,000 | --- | Casey, Specter |
| Drugs | Oculus Counter-Drug/Counter-IED Intelligence, Surveillance, Target Acquisition and Reconnaissance ISTAR Platform | 2,400,000 | Mollohan | --- |
| Drugs | Regional Counter-Drug Training Academy - Meridian | 3,400,000 | --- | Cochran, Wicker |
| Drugs | Tennessee National Guard Counter-Drug Task Force, Appalachia | 3,500,000 | Tanner, Davis (TN) | Alexander |
| Drugs | Texas Army National Guard Joint Counter-Drug Task Force | 1,600,000 | Rodriguez | Cornyn |
| Drugs | Utah National Guard Counter-Drug State Plan | 1,200,000 | --- | Bennett |
| Drugs | West Virginia Counter-Drug Program | 680,000 | --- | Rockefeller |
| Drugs | Western Regional Counter-Drug Training Center | 1,600,000 | Smith (WA), Dicks, Larsen (WA) | Cantwell, Murray |
| GP | Center for Military Recruitment, Assessment and Employment | 3,200,000 | Kennedy, Kaptur | Boxer |
| GP | Edward M. Kennedy Institute for the United States Senate | 8,000,000 | Markey (MA) | --- |
| GP | John P. Murtha Foundation | 10,000,000 | Brady (PA), Fattah, Critz, Moran (VA), Ryan (OH) | --- |
| GP | Joint Venture Education Program | 5,500,000 | --- | Inouye |
| GP | New Jersey Technology Solutions Center | 7,800,000 | Holt, Pallone | Lautenberg, Menendez |
| GP | Online Tax Preparation Assistance for Servicemembers | 160,000 | Sanchez, Loretta | --- |
| GP | SOAR Virtual School District | 6,400,000 | Braley | Grassley, Harkin |
| GP | Training Range Upgrades | | --- | Murkowski |
| GP | United States Olympic Committee Paralympic Military Program | 8,000,000 | Langevin, Kennedy | --- |

**DEFENSE [Congressionally Directed Spending Items]**

| Account | Project | Amount | Requester(s) | |
|---|---|---|---|---|
| | | | House | Senate |
| GP | Women In Military Service for America Memorial Foundation | 1,040,000 | Richardson | --- |
| Milpers, ANG | Additional Mandays for the Nevada National Guard | 6,533,000 | --- | Ensign, Reid |
| Milpers, ANG | Joint Interagency Training and Education Center | 800,000 | --- | Rockefeller |
| Milpers, ARNG | Creating High Tech Jobs for Service Disabled Veterans | 1,600,000 | Kanjorski | --- |
| Milpers, ARNG | Joint Interagency Training and Education Center | 2,000,000 | --- | Rockefeller |
| MP,AF | Minuteman III Solid Rocket Motor Warm Line Program | 6,000,000 | --- | Bennett |
| NDSF | Texas Maritime Academy Training Vessel Conversion | 2,400,000 | Green, Gene (TX); Paul | Hutchison |
| OM,A | Academic Support and Research Compliance for Knowledge Gathering | 1,600,000 | --- | Roberts |
| OM,A | Air Battle Captain ROTC Helicopter Training | 1,200,000 | Pomeroy | Conrad, Dorgan |
| OM,A | Americans with Disabilities Act and Safety System Compliance for the Historical Fort Hamilton Community Club | 2,560,000 | McMahon | Gillibrand |
| OM,A | Army Conservation and Ecosystem Management | 4,000,000 | --- | Inouye |
| OM,A | Biometrics Operations Directorate Transition | 800,000 | --- | Rockefeller |
| OM,A | CBPS Care of Supplies in Storage | 200,000 | Ross | --- |
| OM,A | CP DEPMEDS Care of Supplies in Storage | 400,000 | Ross | --- |
| OM,A | Diversity Recruitment for West Point Military Academy | 1,200,000 | Becerra, Hall (NY) | Gillibrand |
| OM,A | Eckerd College Leadership Development and Conflict Management Training for Government Agencies | 1,200,000 | Castor (FL) | --- |
| OM,A | Entrance Road Resurfacing (Gaffney Road) | 960,000 | --- | Begich, Murkowski |
| OM,A | Environmental/Geography Research for Army Operations | 1,200,000 | --- | Roberts |
| OM,A | Fayetteville State University Center for Critical Language and Culture | 1,600,000 | Kissell | --- |
| OM,A | Fire Resistant Environmental Ensemble | 2,800,000 | --- | Carper, Kaufman, Mikulski |
| OM,A | Fort Bliss Data Center | 2,000,000 | Reyes | --- |
| OM,A | Fort Hood Training Lands Restoration and Maintenance | 600,000 | Edwards (TX) | --- |
| OM,A | Install/Repair HVAC Systems | 1,600,000 | --- | Murkowski |
| OM,A | Installation Management Command, Non-Tactical Vehicle, Service Life Extension Program | 4,000,000 | --- | Collins, Snowe |
| OM,A | M12A1 Care of Supplies in Storage | 240,000 | Ross | --- |
| OM,A | M17 Care of Supplies in Storage | 240,000 | Ross | --- |
| OM,A | Mobile Aerosol Monitoring System for Department of Defense | 960,000 | Berkley | Reid |
| OM,A | New England Defense Manufacturing Supply Chain Initiative | 2,000,000 | Welch, McGovern, Michaud | Collins, Snowe |
| OM,A | Paine College Critical Languages Institute | 800,000 | Barrow | --- |
| OM,A | Research, Development, and Engineering Command Workforce Development and Training | 2,000,000 | --- | Mikulski |
| OM,A | Rock Island Arsenal, Building #299 Roof Replacement and Restoration (Phase V) | 4,800,000 | Braley | Durbin, Grassley, Harkin |
| OM,A | ROTC and Reserve Component Strategic Language HUB Pilot | 1,000,000 | Bishop (GA), Marshall | Chambliss |
| OM,A | Storm Water Harvest and Reuse System | 1,200,000 | Giffords | --- |
| OM,A | Troops to Teachers Program | 160,000 | --- | Burris |
| OM,A | UAS Branch Concept Development | 2,560,000 | Bright | Sessions |
| OM,A | Wounded Warrior Careers | 1,600,000 | Moran (VA), Kennedy, Kissell, Langevin, McIntyre | Bennet, Hagan, Murray |
| OM,AF | Air Force Academy Diversity Recruitment Outreach Program | 1,651,000 | Sanchez, Loretta; Becerra | --- |

**DEFENSE [Congressionally Directed Spending Items]**

| Account | Project | Amount | Requester(s) | |
|---|---|---|---|---|
| | | | House | Senate |
| OM,AF | Air Force Academy Space and Defense Studies Research and Curriculum Development | 160,000 | --- | Udall (CO) |
| OM,AF | Alaska Land Mobile Radio System | 800,000 | --- | Begich |
| OM,AF | Alaska NORAD Region Communication Upgrades and Repairs | 400,000 | --- | Begich |
| OM,AF | B-1 High Velocity Maintenance Initiative | 8,000,000 | --- | Thune |
| OM,AF | Battlefield and Airspace Network Integration | 1,200,000 | --- | Reid |
| OM,AF | Defense Critical Languages and Cultures Initiative | 2,400,000 | --- | Hutchison |
| OM,AF | Electrical Distribution Upgrade at Hickam AFB | 6,800,000 | --- | Inouye |
| OM,AF | Global Logistics Support Center Materiel Information Management Environment | 3,200,000 | --- | Grassley, Harkin |
| OM,AF | HQ USNORTHCOM - National Center for Integrated Civilian-Military Domestic Disaster Medical Response (Yale New Haven Health System) | 5,600,000 | DeLauro | Dodd, Lieberman |
| OM,AF | Improved Pararescue Upgrade Training | 2,400,000 | --- | Tester |
| OM,AF | Joint Pacific Alaska Range Complex Sustainment/Enhancements | 5,600,000 | --- | Murkowski |
| OM,AF | Military Medical Training and Disaster Response Program | 1,600,000 | Mitchell | --- |
| OM,AF | Minority Aerospace Training Program | 960,000 | Meek (FL), Hastings (FL) | --- |
| OM,AF | National Unmanned Aircraft System Maintenance Training Program | 2,000,000 | Peterson | Franken, Klobuchar |
| OM,AF | Native American Document Conversion Program | 2,400,000 | --- | Conrad, Dorgan, Udall (NM) |
| OM,AF | Repair Arctic Utilities and Infrastructure - Phase 1 | 1,200,000 | --- | Murkowski |
| OM,AF | Upgrade Readiness Training Center Main Area | 1,360,000 | --- | Begich, Murkowski |
| OM,ANG | Connecticut National Guard Military Support Program | 400,000 | DeLauro, Courtney | --- |
| OM,ANG | Expansion of National Disaster Training Center | 2,400,000 | Larson (CT) | Dodd, Lieberman |
| OM,ANG | Incident Management and Emergency Notification System | 560,000 | Pierluisi, Bordallo | --- |
| OM,ANG | Joint Interagency Training and Education Center | 68,000 | --- | Rockefeller |
| OM,ANG | Remote Piloted Aircraft Expansion | 2,000,000 | Titus, Berkley | --- |
| OM,ARNG | Advanced Law Enforcement Rapid Response Training Program | 1,600,000 | Doggett | Hutchison |
| OM,ARNG | Army National Guard Unit History Records | 3,200,000 | --- | Bennett |
| OM,ARNG | Camp Perry Staff Training Program | 1,800,000 | Kaptur | --- |
| OM,ARNG | Colorado National Guard Reintegration Program | 800,000 | --- | Bennet, Udall (CO) |
| OM,ARNG | Continuity of Operations Planning | 800,000 | Oberstar | Franken, Klobuchar |
| OM,ARNG | Controlled Humidity Protection for South Carolina Army National Guard Aviation Support Facilities | 1,600,000 | --- | Graham |
| OM,ARNG | Ethan Allen Firing Range Upgrades | 1,200,000 | Welch | Leahy, Sanders |
| OM,ARNG | Family Assistance Centers | 800,000 | Etheridge, Butterfield, Kissell, McIntyre, Miller (NC), Price (NC), Watt | --- |
| OM,ARNG | Indiana National Guard Civilian Training | 4,000,000 | Hill, Visclosky | --- |
| OM,ARNG | Joint Interagency Training and Education Center | 3,600,000 | --- | Rockefeller |
| OM,ARNG | Joint Operations Center modernization | 2,800,000 | --- | Graham |
| OM,ARNG | Minnesota National Guard Beyond the Yellow Ribbon Reintegration Program | 2,000,000 | Walz, Ellison, McCollum, Oberstar | Franken, Klobuchar |
| OM,ARNG | National Guard and First Responder Resiliency Training | 1,200,000 | --- | Brownback |
| OM,ARNG | National Guard CST/CERFP Sustainment Training and Evaluation Program | 1,500,000 | Dicks | Cantwell, Murray |
| OM,ARNG | National Guard Global Education Program | 800,000 | Rothman | Lautenberg, Menendez |
| OM,ARNG | New Hampshire National Guard Deployment Cycle Support Program | 2,000,000 | Shea-Porter | Gregg, Shaheen |

**DEFENSE [Congressionally Directed Spending Items]**

| Account | Project | Amount | Requester(s) | |
|---|---|---|---|---|
| | | | House | Senate |
| OM,ARNG | Oregon National Guard PT-1 SC Ballistic Eyewear and CAG-1 Combat Glove Kit | 400,000 | --- | Merkley, Wyden |
| OM,ARNG | Oregon National Guard Yellow Ribbon Reintegration Program | 1,600,000 | Schrader, Blumenauer, DeFazio | Merkley, Wyden |
| OM,ARNG | Our Military Kids | 2,000,000 | Moran (VA), Connolly, Kennedy, Kilroy | --- |
| OM,ARNG | Rapid Data Management System | 600,000 | --- | Collins |
| OM,ARNG | Regional Geospatial Service Centers | 1,600,000 | --- | Hutchison |
| OM,ARNG | Texas Facilities Initiative | 1,600,000 | Cuellar | --- |
| OM,ARNG | Vermont National Guard Sustainable Energy Project | 4,800,000 | --- | Sanders |
| OM,ARNG | Vermont Service Member, Veteran, Family Outreach, Readiness and Reintegration Program | 2,400,000 | --- | Sanders |
| OM,ARNG | Washington National Guard Employment Enhancement Project | 1,500,000 | Larsen (WA), Baird, Smith (WA) | Cantwell, Murray |
| OM,ARNG | Women Veterans and Servicemembers Joint Health Resource Center | 2,400,000 | Adler (NJ), Rothman | --- |
| OM,ARNG | Wounded Warrior Training Facility Feasibility Study | 1,200,000 | Mollohan | --- |
| OM,DW | Alaska National Guard Youth ChalleNGe Facilities | 1,200,000 | --- | Murkowski |
| OM,DW | Almaden Air Force Station Environmental Assessment, Remediation and Demolition | 2,400,000 | Honda, Lofgren | Boxer, Feinstein |
| OM,DW | Apra Harbor Strategic Port Infrastructure Improvements for Military Build Up | 800,000 | Bordallo | --- |
| OM,DW | Armed Forces Health and Food Supply Research | 3,200,000 | --- | Roberts |
| OM,DW | Badger Oversight and Management Commission | 200,000 | Baldwin | --- |
| OM,DW | Blue Grass Army Depot Support Airport Study | 288,000 | Chandler | --- |
| OM,DW | Castner Range Conservation Conveyance | 400,000 | Reyes | --- |
| OM,DW | Center of Excellence of Geospatial Science | 800,000 | Teague | Bingaman, Udall (NM) |
| OM,DW | Counter-Threat Finance - Global | 1,200,000 | --- | Brown (OH), Feinstein |
| OM,DW | Critical Language Training at SDSU | 2,800,000 | Davis (CA), Filner | --- |
| OM,DW | DaVinci Program for Counter Threat Finance Intelligence | 1,600,000 | --- | Feinstein |
| OM,DW | Defense Critical Languages and Cultures Program | 2,000,000 | --- | Baucus, Tester |
| OM,DW | Delaware Valley Continuing Education Initiative for Veterans, National Guard and Reserves | 1,200,000 | Schwartz, Sestak | Casey, Lautenberg, Menendez |
| OM,DW | East Asian Security Studies Program | 680,000 | Sánchez, Linda | --- |
| OM,DW | Economic Development Assistance - Otis ANGB/Massachusetts Military Reservation | 800,000 | Delahunt | --- |
| OM,DW | Economic Development Assistance - South Weymouth Naval Air Station | 800,000 | Delahunt | --- |
| OM,DW | Emergency Aid to Military Families in Crisis | 740,000 | Meek (FL), Hastings (FL), Klein, Wasserman Schultz | --- |
| OM,DW | Fleet Industrial Supply Center Infrastructure Improvements - Alameda Landing | 3,200,000 | Stark | Boxer, Feinstein |
| OM,DW | Highland Falls/Fort Montgomery Central School District - Education Assistance | 1,440,000 | Hall (NY) | Schumer |
| OM,DW | Hunters Point Shipyard | 7,200,000 | Pelosi | --- |
| OM,DW | IASTAR Federal Information Security Management Act Compliance | 2,400,000 | --- | Bond |
| OM,DW | Joint Operational Contract Support Program Management | 7,600,000 | --- | Rockefeller |
| OM,DW | Joint Safety Climate System | 1,600,000 | --- | Kerry, Reed |
| OM,DW | McClellan AFB Infrastructure Improvements Gateway VI | 3,920,000 | Matsui | Boxer |
| OM,DW | Middle East Regional Security Issues Program | 3,200,000 | Berman | --- |
| OM,DW | Naval Special Warfare Tactical Athlete Program | 2,240,000 | Nye, Davis (CA) | --- |
| OM,DW | Phase 2 of Berth N2 Reconstruction - MOTBY | 3,304,000 | Sires | Lautenberg, Menendez |
| OM,DW | Pier 70 Hazardous Materials Abatement | 2,400,000 | Pelosi | --- |

**DEFENSE [Congressionally Directed Spending Items]**

| Account | Project | Amount | Requester(s) | |
|---|---|---|---|---|
| | | | House | Senate |
| OM,DW | Port of Anchorage Intermodal Expansion Project | 8,000,000 | Young (AK) | Begich, Murkowski |
| OM,DW | Remediation at Mare Island Naval Shipyard | 4,400,000 | Miller, George (CA) | --- |
| OM,DW | Reskinning Hangar One at former NAS Moffett Field | 8,000,000 | Eshoo, Lofgren, Farr, Honda, Thompson (CA) | --- |
| OM,DW | Reuse Site Development/Infrastructure Improvements at the Former Castle Air Force Base | 1,600,000 | Cardoza | --- |
| OM,DW | Rule of Law | 1,200,000 | --- | Graham |
| OM,DW | Smart Electrochlorinator Scale-Up Project | 1,600,000 | --- | Cantwell |
| OM,DW | Soldier Center at Patriot Park | 4,000,000 | Bishop (GA) | --- |
| OM,DW | Special Operation Forces – Modular Glove System | 1,600,000 | --- | Murray |
| OM,DW | Strategic Language Initiative | 2,800,000 | Sherman, Lofgren | Boxer |
| OM,MC | Heroes and Healthy Families - Mental Health Support for Active Duty Military Personnel | 1,200,000 | Sanchez, Loretta | --- |
| OM,MC | Rapid Data Management System | 3,600,000 | --- | Gregg, Shaheen |
| OM,MC | Spray Technique Analysis and Research for Defense | 1,520,000 | Braley | Grassley, Harkin |
| OM,N | Advanced Naval Sustainment and Reset | 3,200,000 | Dicks | Murray |
| OM,N | Air-speed – Fleet Readiness Center (Cherry Point) | 1,600,000 | --- | Hagan |
| OM,N | Center for Defense Technology and Education for the Military Services | 2,800,000 | Farr | --- |
| OM,N | Data Conversion, Integration and Support for Naval Air Systems Command | 8,000,000 | --- | Baucus, Tester |
| OM,N | Digitization, Integration and Analyst Access of Investigative Files, Naval Criminal Investigative Service | 3,400,000 | --- | Rockefeller |
| OM,N | Distance Learning Education for U.S. Navy Personnel | 901,000 | Schauer | Levin, Stabenow |
| OM,N | Diversity Recruitment for the Naval Academy | 1,600,000 | Sarbanes, Becerra | --- |
| OM,N | Energy Education Accreditation Training for Military Personnel | 400,000 | Pomeroy | Conrad, Dorgan |
| OM,N | Enhanced Navy Shore Readiness Integration | 4,400,000 | Dicks | --- |
| OM,N | FSCJ Institute for Threat Reduction and Response - Training for a Global Presence | 960,000 | Brown (FL) | --- |
| OM,N | Hemostatic Combat Gauze/Combat Gauze Trauma Pad | 2,000,000 | --- | Dodd, Lieberman |
| OM,N | Independent Verification and Validation of Navy Future Pay and Personnel System | 4,000,000 | --- | Landrieu, Vitter |
| OM,N | Infrastructure Modernization for Condition-Based Maintenance of Shipyard Facilities and Capital Production Assets | 3,200,000 | Hirono, Abercrombie | --- |
| OM,N | Military Physician Combat Medical Training by the University of Florida College of Medicine-Jacksonville for the Navy | 800,000 | Brown (FL) | --- |
| OM,N | National Military History Heritage Preservation | 1,600,000 | Sarbanes | --- |
| OM,N | Technical Documentation Modernization to SD1000D | 1,600,000 | --- | Conrad, Dorgan |
| OP,A | 100 Meter Indoor Small Arms Range | 1,520,000 | Sanchez, Loretta | --- |
| OP,A | Automatic Identification Technology for Red River Army Depot | 1,600,000 | --- | Bond |
| OP,A | Colorado National Guard Emergency Response Network | 2,000,000 | DeGette, Polis | --- |
| OP,A | Combat Skills Marksmanship Trainer | 4,800,000 | --- | Chambliss, Isakson |
| OP,A | Container Gantry Crane, Blue Grass Army Depot | 4,400,000 | --- | Bunning |
| OP,A | Dismounted Soldier Network Extension | 4,000,000 | --- | Kerry |
| OP,A | Doppler-Based, Dual-Mode, Noise-Immune Stethoscope for Medical Evacuation | 400,000 | --- | Cardin |
| OP,A | Drill Hall Communications for the MN ARNG | 880,000 | Walz | Franken, Klobuchar |
| OP,A | Emergency Communications Management and Knowledge Management Systems for the MN ARNG | 700,000 | Oberstar, Peterson | Franken, Klobuchar |
| OP,A | FIDO Explosives Detection | 2,800,000 | --- | Inhofe |
| OP,A | Immersive Group Simulation Virtual Training System for the HI ARNG | 2,000,000 | --- | Akaka |
| OP,A | Mine Resistant Ambush Protected Vehicles Virtual Trainers for the AL ARNG | 4,000,000 | Bright | Sessions |

**DEFENSE [Congressionally Directed Spending Items]**

| Account | Project | Amount | Requester(s) | |
|---|---|---|---|---|
| | | | House | Senate |
| OP,A | Mine Resistant Ambush Protected Vehicles Virtual Trainers for the CA ARNG | 3,200,000 | Capps; Sanchez, Loretta | Boxer, Feinstein |
| OP,A | Mine Resistant Ambush Protected Vehicles Virtual Trainers for the ID ARNG | 800,000 | --- | Crapo, Risch |
| OP,A | Mine Resistant Ambush Protected Vehicles Virtual Trainers for the LA ARNG | 1,200,000 | --- | Vitter |
| OP,A | Mine Resistant Ambush Protected Vehicles Virtual Trainers for the UT ARNG | 4,800,000 | --- | Bennett |
| OP,A | Mobile C3 and Asset Tracking Equipment for the TX ARNG | 1,440,000 | Ortiz | Cornyn |
| OP,A | Modular Crew Served Weapon Light | 1,600,000 | --- | Reid |
| OP,A | New York Army National Guard Mobile Satellite Communications Terminal | 1,200,000 | Lowey, Engel | --- |
| OP,A | Radio Personality Modules for SINCGARS Test Sets | 5,600,000 | --- | Brownback |
| OP,A | Ultra Light Utility Vehicles for the ARNG | 2,400,000 | --- | Franken, Harkin, Klobuchar |
| OP,A | Virtual Door Gunner Trainers for the AK ARNG | 1,600,000 | Young (AK) | Murkowski |
| OP,A | Virtual Interactive Combat Environment for the NJ ARNG | 2,000,000 | --- | Lautenberg, Menendez |
| OP,A | Wheeled Vehicle Virtual Operations Trainers for the TN ARNG | 4,000,000 | Davis (TN), Tanner | Alexander |
| OP,AF | Air National Guard Joint Threat Emitter | 4,800,000 | --- | Chambliss |
| OP,AF | Airfield Mobility and Logistics Enhancement | 5,600,000 | --- | Reid |
| OP,AF | Eagle Vision for the Hawaii Air National Guard | 4,400,000 | --- | Akaka, Inouye |
| OP,AF | Emergency Communications Network | 2,400,000 | --- | Akaka, Inouye |
| OP,AF | Guardian Angel Integrated Oxygen System | 1,600,000 | --- | Bond |
| OP,AF | Joint Threat Emitter | 800,000 | Stupak | Levin |
| OP,AF | Joint Threat Emitter for Mountain Home AFB | 1,360,000 | --- | Crapo, Risch |
| OP,AF | NBC Version of Advanced Mission Extender Device | 800,000 | --- | Leahy |
| OP,AF | Red Integrated Air Defense System Phase IVB | 4,000,000 | --- | Murkowski |
| OP,AF | Test/Training Communication Instrumentation Upgrade | 4,480,000 | --- | Murkowski |
| OP,N | Advanced Amphibious Transportation Lift and Storage System | 1,600,000 | --- | Murray |
| OP,N | Force Protection Boats | 3,200,000 | --- | Landrieu, Vitter |
| OP,N | High Speed/High Resolution Combined Multi-beam Side Scan Sonar | 1,600,000 | --- | Gregg, Shaheen |
| OP,N | Impact Mitigating Boat Decking | 1,600,000 | --- | Bond |
| OP,N | Man Overboard Indicator Program | 4,720,000 | --- | Lugar |
| OP,N | Mission Helmet Recording System for EOD | 3,920,000 | --- | Collins, Gregg, Shaheen, Snowe |
| OP,N | Navy AIT Logistics Modernization Initiative | 3,200,000 | --- | Brown (OH), Grassley, Hagan, Harkin, Murray |
| OP,N | Pearl Harbor Navy Shipyard Equipment Modernization | 2,960,000 | --- | Inouye |
| OP,N | Smart Valve Autonomic Fire Suppression System | 1,920,000 | --- | Collins, Snowe |
| OP,N | SPAWAR Systems Center (SSC/ITC) | 4,000,000 | Cao | Landrieu, Vitter |
| P,DW | AN/PRC-148 Radio for Naval Special Warfare | 3,600,000 | --- | Mikulski |
| P,DW | Chemical Biological Protective Shelter for the Illinois National Guard | 6,400,000 | --- | Bond, Mikulski, Durbin |
| P,DW | Clip-on Thermal Imager | 3,920,000 | --- | Gregg, Shaheen |
| P,DW | Coded Small Lightweight Laser Marker | 2,400,000 | --- | Gregg, Shaheen |
| P,DW | Northeastern University Autonomous Biomimetic Robotic System | 2,400,000 | Tierney | --- |
| P,DW | Reactive Skin Decontamination Lotion | 4,600,000 | --- | Cochran |
| P,DW | SOVAS Hand Held Imagers – Long Range | 4,000,000 | --- | Baucus, Kerry, Tester |
| P,DW | Special Operations Combat Assault Rifle | 1,600,000 | --- | Graham |
| P,DW | Special Operations Craft - Riverine | 4,000,000 | --- | Cochran |

**DEFENSE [Congressionally Directed Spending Items]**

| Account | Project | Amount | Requester(s) | |
|---|---|---|---|---|
| | | | House | Senate |
| P,MC | Small Tactical Optical Rifle Mounted Micro Laser Range Finder | 1,600,000 | --- | Gregg, Shaheen |
| PA,A | Ammunition Production Base Support | 2,400,000 | --- | Casey, Specter |
| PA,A | Blue Grass Army Depot Robotic Welding Equipment | 1,600,000 | Chandler | --- |
| PA,A | Electrical System Modernization - Holston Army Ammunition Plant | 4,800,000 | --- | Alexander |
| PA,A | EPACT Utility Tracking, Iowa Army Ammunition Plant | 1,920,000 | Loebsack | Grassley, Harkin |
| PA,AF | McAlester Army Ammunition Plant Bomb Line Modernization | 4,000,000 | Boren | Inhofe |
| RDTE,A | 155mm Less Toxic Smoke Projectile | 4,800,000 | --- | Lincoln, Pryor |
| RDTE,A | 2.0kW Stirling Tactical Cogeneration System | 2,800,000 | --- | Murray |
| RDTE,A | 2nd Generation Fully Fungible Biofuels | 4,000,000 | --- | Lincoln, Pryor |
| RDTE,A | 4th Generation Wireless RF Target Exploitation from Unmanned Aerial Vehicles (UAVs) | 3,600,000 | --- | Gregg, Shaheen |
| RDTE,A | Accelerated Advanced Manufacturing Open Innovation Network for Transportation | 4,000,000 | Kilpatrick | Levin |
| RDTE,A | Accelerated Materials Development and Characterization for Army Cannon Systems | 2,400,000 | Herseth Sandlin | Johnson |
| RDTE,A | Adaptive Lightweight Materials for Missile Defense | 4,000,000 | --- | Baucus, Tester |
| RDTE,A | Adaptive Robotics Technology for Space, Air and Missiles | 4,320,000 | --- | Sessions |
| RDTE,A | Additive Manufacturing Repair Center | 3,200,000 | --- | Lugar |
| RDTE,A | Adjustable and Adaptive Insulation for Small Tents and Sleeping Bags | 800,000 | --- | Gregg, Shaheen |
| RDTE,A | Advanced Ballistic Testing of Lithia Alumina Silicate and Disilicate Glass Ceramic Armor | 3,200,000 | --- | Casey, Specter |
| RDTE,A | Advanced Battery Manufacturing Research and Development | 800,000 | Yarmuth, Chandler | --- |
| RDTE,A | Advanced Cancer Genome Institute | 960,000 | Slaughter, Higgins | Gillibrand |
| RDTE,A | Advanced Cavitation Power Technology | 3,300,000 | --- | Cochran |
| RDTE,A | Advanced CB Aerosol Referee Instrumentation for Dugway | 3,200,000 | --- | Bennett |
| RDTE,A | Advanced Ceramic Material for Lightweight ESAPI Body Armor | 1,600,000 | --- | Lincoln, Pryor |
| RDTE,A | Advanced Commercial Technology Insertion for Aviation and Missile Research, Development and Engineering | 2,480,000 | --- | Sessions, Shelby |
| RDTE,A | Advanced Communications for Mobile Networks | 3,200,000 | Mollohan | --- |
| RDTE,A | Advanced Energy Storage Systems for Military Use | 1,600,000 | --- | Bond |
| RDTE,A | Advanced Environmental Control System | 3,200,000 | --- | Reid |
| RDTE,A | Advanced Foamed Celluloid Technology | 2,400,000 | Rothman | Lautenberg, Menendez |
| RDTE,A | Advanced Fuel Cell Research Program | 2,400,000 | --- | Hutchison |
| RDTE,A | Advanced Ground Electronic Warfare System | 2,400,000 | Maffei, Owens | Gillibrand |
| RDTE,A | Advanced Ground EW and Signals Intelligence System | 2,400,000 | --- | Murray |
| RDTE,A | Advanced High Energy Density Battery Chemistry for Portable Power | 2,640,000 | --- | Brownback, Roberts |
| RDTE,A | Advanced High Performance Coatings for DoD Infrastructure | 1,600,000 | --- | Lincoln, Pryor |
| RDTE,A | Advanced Lightweight Materials for Enhanced Lethality and Survivability of Warfighter | 1,200,000 | --- | Dodd, Lieberman |
| RDTE,A | Advanced Materials and Manufacturing Solutions to Complex Problems | 3,600,000 | Herseth Sandlin | Johnson |
| RDTE,A | Advanced Materials and Process for Armament Structures | 4,000,000 | --- | Brown (OH) |
| RDTE,A | Advanced Materials Design and Processing Development | 1,600,000 | Brown (FL), Hastings (FL) | Nelson (FL) |
| RDTE,A | Advanced Materials Research for Alternative Energy and Transportation | 800,000 | --- | Levin |
| RDTE,A | Advanced Medium Caliber Tungsten Penetrators | 3,200,000 | --- | Lincoln, Pryor |
| RDTE,A | Advanced Motion Simulation System | 400,000 | --- | Baucus, Tester |
| RDTE,A | Advanced Nanocomposite Integrated Survivability and Force Protection Systems | 2,800,000 | Ryan (OH) | --- |

**DEFENSE [Congressionally Directed Spending Items]**

| Account | Project | Amount | Requester(s) | |
|---|---|---|---|---|
| | | | House | Senate |
| RDTE,A | Advanced Packaging Materials for Combat Rations | 800,000 | --- | Isakson, Landrieu, Vitter |
| RDTE,A | Advanced Portable Power Institute | 440,000 | Gordon, Davis (TN) | --- |
| RDTE,A | Advanced Power Source for Future Soldiers | 1,500,000 | Visclosky, Carson | Lugar |
| RDTE,A | Advanced Prognostic Capabilities System for Unmanned Aerial Systems | 3,520,000 | --- | Shelby |
| RDTE,A | Advanced Reactive Hybrid Armor Material Technology | 2,560,000 | --- | Lautenberg, Menendez |
| RDTE,A | Advanced Regenerative Medicine Therapies for Combat Injuries | 2,400,000 | Doyle | Casey, Specter |
| RDTE,A | Advanced Restoration Therapies for Spinal Cord Injuries | 800,000 | Hoyer, Cummings, Ruppersberger | Cardin |
| RDTE,A | Advanced Robot and Sensor Technologies for Surveillance and Energy Efficiency Applications | 2,000,000 | --- | Johnson |
| RDTE,A | Advanced Thermal Management Systems | 1,600,000 | --- | Levin |
| RDTE,A | Advanced Ultrasonic Inspection of Helicopter Rotor Blades and Condition Monitoring of Helicopter Components | 1,600,000 | --- | Inhofe |
| RDTE,A | Advanced Ultrasound for Combat Casualty Care | 800,000 | --- | Nelson (FL) |
| RDTE,A | Advanced Wearable Power Systems | 2,400,000 | --- | Baucus, Tester |
| RDTE,A | Advancing iPSC Technology for Regenerative Medicine Therapies to Treat Combat Injuries | 2,400,000 | --- | Kerry, Murray |
| RDTE,A | Affordable Light-Weight Metal Matrix Composite | 2,800,000 | --- | Reid |
| RDTE,A | Airlift Research Foundation | 1,600,000 | Doyle | --- |
| RDTE,A | ALS Therapy Development Institute Gulf War Research Project | 3,840,000 | Capuano, Spratt, Kennedy | Kerry, Murkowski |
| RDTE,A | Alternative Power Technology for Missile Defense | 1,600,000 | Herseth Sandlin | Johnson, Thune |
| RDTE,A | Amputee Skin Breakdown Research and Development | 2,400,000 | --- | Merkley, Wyden |
| RDTE,A | Anode Materials for Improved Lithium Ion Battery Performance | 1,600,000 | --- | Franken, Klobuchar |
| RDTE,A | Anthrax Vaccine Research | 400,000 | Crowley | --- |
| RDTE,A | Appalachian State University/North Carolina Research Campus Human Performance Lab | 762,000 | Kissell | --- |
| RDTE,A | Applied Communications and Information Networking | 3,800,000 | Andrews | Lautenberg, Menendez |
| RDTE,A | Armament Research, Development and Engineering Center/Ohio Manufacturing Extension Partnership DoC/DoD Bridge Program | 1,600,000 | Boccieri | --- |
| RDTE,A | Army Injury Prevention and Performance Enhancement Research Initiative | 1,600,000 | --- | Bunning |
| RDTE,A | Army Range Technology Program | 5,000,000 | --- | Cochran |
| RDTE,A | Army Responsive Tactical Space | 1,600,000 | --- | Cochran, Wicker |
| RDTE,A | Army Responsive Tactical Space System Exerciser (ARTSSE) | 2,080,000 | --- | Sessions, Shelby |
| RDTE,A | Army Tactical Asset Visibility | 1,200,000 | --- | Reid |
| RDTE,A | AT4-Confined Space Tandem Warhead YJ05 | 2,720,000 | --- | Bunning |
| RDTE,A | Automated Critical Care System | 3,600,000 | --- | Lautenberg, Menendez |
| RDTE,A | Autonomous Connected Vehicle Proving Center | 1,600,000 | Dingell | Levin |
| RDTE,A | Ballistic Armor Research | 3,200,000 | --- | Specter |
| RDTE,A | Basecamp Environmental Management Systems | 1,600,000 | --- | Tester |
| RDTE,A | Battlefield Telemedicine System | 3,200,000 | --- | Nelson (NE) |
| RDTE,A | Bethesda Hospitals Emergency Preparedness Partnership | 1,600,000 | Van Hollen | Cardin |
| RDTE,A | Bioactive Polymers and Coating Systems for Protection against Bio-threats | 4,000,000 | Pomeroy | Conrad, Dorgan |
| RDTE,A | Bioinformatics Center at the University of Pittsburgh | 1,600,000 | Doyle | --- |
| RDTE,A | Biomarkers of Exposure to Toxic Industrial Chemicals | 2,000,000 | --- | McConnell |
| RDTE,A | Biomass to Liquid Fuel Using Synthetic Enzymes (Phase II) | 1,600,000 | --- | Bingaman, Udall (NM) |

**DEFENSE [Congressionally Directed Spending Items]**

| Account | Project | Amount | Requester(s) | |
|---|---|---|---|---|
| | | | House | Senate |
| RDTE,A | Biometrics DNA | 600,000 | --- | Rockefeller |
| RDTE,A | Biosecurity Research for Soldier Food Safety | 2,400,000 | --- | Roberts |
| RDTE,A | Biosensor, Communicator and Controller System | 4,000,000 | --- | Reid |
| RDTE,A | Biowaste to Bioenergy Center | 2,800,000 | Tonko | Schumer |
| RDTE,A | Blood Loss Therapy for Critically Wounded Warfighters | 2,080,000 | Oberstar | --- |
| RDTE,A | Blood Safety and Decontamination Technology | 2,400,000 | --- | Casey, Feinstein, Specter |
| RDTE,A | Bone Fracture Dart Gun for Rapid Fixation of Battlefield Injuries | 1,000,000 | --- | Lugar |
| RDTE,A | Bone-Integrated Prosthetics for Combat-Injured Soldiers | 1,600,000 | Etheridge, Kissell | --- |
| RDTE,A | Brain Interventional Initiative | 2,000,000 | Wasserman Schultz | --- |
| RDTE,A | Brain Safety Net | 1,600,000 | DeFazio, Blumenauer, Schrader, Wu | Merkley, Wyden |
| RDTE,A | Burn and Shock Trauma Institute | 1,920,000 | --- | Durbin |
| RDTE,A | Camp Perry Army National Guard, Base Facility Independence | 2,750,000 | Kaptur | --- |
| RDTE,A | Cancer Initiative for Research at the Dean and Betty Gallo Prostate Cancer Center | 1,600,000 | Pallone, Payne | Lautenberg, Menendez |
| RDTE,A | Cancer Vaccine and Immunotherapy Project | 3,600,000 | Kilpatrick | Levin, Stabenow |
| RDTE,A | Captive Carry Sensor Test-Bed | 1,200,000 | Davis (AL) | |
| RDTE,A | Carbon Nanotechnology | 2,000,000 | Price (NC), Etheridge, Miller (NC) | --- |
| RDTE,A | Cell Based Therapeutic Products for Burns | 3,200,000 | --- | Kohl, Levin |
| RDTE,A | Cellulose Nanocomposites Panels for Forward Operating Base Infrastructure | 1,720,000 | Michaud, Pingree (ME) | Collins, Snowe |
| RDTE,A | Center for Advanced Emergency Response Training System | 3,440,000 | --- | Durbin |
| RDTE,A | Center for Experiential Technologies for Urban Warfare and Disaster Response | 2,960,000 | Price (NC), McIntyre | Burr |
| RDTE,A | Center for Genetic Origins of Cancer | 2,000,000 | Dingell | Levin, Stabenow |
| RDTE,A | Center for Hetero-Functional Materials | 1,600,000 | Doggett | --- |
| RDTE,A | Center for Integration of Medicine and Innovative Technology | 6,000,000 | Capuano, Lynch | Kerry |
| RDTE,A | Center for Neuroprosthetics and BioMEMS | 2,800,000 | McGovern | |
| RDTE,A | Center for Regenerative Biology and Medicine | 2,000,000 | Michaud | Collins, Snowe |
| RDTE,A | Center for Respiratory Biodefense | 2,400,000 | --- | Bennet |
| RDTE,A | Center for Vaccine Scale-Up/Process Research | 1,360,000 | Bishop (GA), Johnson (GA), Lewis (GA), Scott (GA) | Chambliss |
| RDTE,A | CH-47 Vibration Control System | 2,400,000 | --- | Casey, Specter |
| RDTE,A | Clarkson University Solar Thermal Technology Project | 800,000 | Hinchey | Gillibrand |
| RDTE,A | Clinical Development of a Norovirus Gastroenteritis Vaccine | 4,000,000 | --- | Baucus, Tester |
| RDTE,A | Cognitive Map-Based Modeling and Simulation for Tactical Decision Support | 2,000,000 | Bishop (GA) | Chambliss, Isakson |
| RDTE,A | Cognitive Performance of Dismounted Combatants/Homeland Defenders | 1,600,000 | Lynch, Capuano | --- |
| RDTE,A | Combat Medic Trainer | 800,000 | --- | Casey, Nelson (FL), Specter |
| RDTE,A | Combat Mental Health Initiative | 2,400,000 | Kaptur | --- |
| RDTE,A | Combat Ration Supplements for Improved Physical and Cognitive Performance Using Nanodelivery Systems to Improve Bioavailability | 1,600,000 | Rothman | Lautenberg, Menendez |
| RDTE,A | Combat Stress Intervention Program | 1,200,000 | Critz | --- |
| RDTE,A | Compact Airborne Multi-mission Payload | 2,400,000 | --- | Bond |
| RDTE,A | Compact Optical Biothreat Rapid Analyzer for Military Applications | 5,040,000 | Capuano | Kerry |

**DEFENSE [Congressionally Directed Spending Items]**

| Account | Project | Amount | Requester(s) | |
|---|---|---|---|---|
| | | | House | Senate |
| RDTE,A | Complementary and Alternative Medicine Research for Military Operations | 5,200,000 | --- | Harkin |
| RDTE,A | Composite Applied Research and Technology for Tactical Vehicle Survivability | 2,400,000 | --- | Carper, Kaufman |
| RDTE,A | Composite Tissue Allotransplantation | 800,000 | Yarmuth | --- |
| RDTE,A | Containment Vehicle for the Suppression and Transport of Munitions and IEDs | 1,600,000 | --- | Reid |
| RDTE,A | Continuous Threat Alerting Sensing System | 1,600,000 | --- | Reid |
| RDTE,A | Cooperative Developmental Energy Program at Fort Valley State University | 1,600,000 | Bishop (GA) | --- |
| RDTE,A | Cyber Assurance Tool Set | 3,680,000 | --- | Sessions, Shelby |
| RDTE,A | Cybersecurity in Tactical Environments | 1,200,000 | --- | Carper, Kaufman |
| RDTE,A | Cyberspace Technology Integration | 3,360,000 | --- | Shelby |
| RDTE,A | Cyclotron at the UB Clinical and Translational Research Center | 3,680,000 | Slaughter | Gillibrand, Schumer |
| RDTE,A | Cyclotron-Based Radiotracer Technology for Advanced High Performance Molecular Imaging of Injuries and Repairs | 4,000,000 | Jackson | Durbin |
| RDTE,A | Data Analytics for Condition-Based Maintenance of Weapon Systems | 800,000 | Davis (AL) | Sessions |
| RDTE,A | Dauphin/Perry Regional Integrated Command Operations Program | 1,600,000 | Holden | --- |
| RDTE,A | DC Air Conditioner Suitable for PV Solar Air Conditioning Using Novel VSD Technology and Commercial AC Compressors | 2,800,000 | --- | Reid |
| RDTE,A | Defense Advanced Transportation Technology Program, Hybrid Truck Users Forum | 2,400,000 | --- | Boxer |
| RDTE,A | Defense Metals Technology Center | 2,400,000 | Ryan (OH), Boccieri | Brown (OH) |
| RDTE,A | Demilitarization of HC White Smokes | 2,000,000 | --- | Baucus, Tester |
| RDTE,A | Demilitarization Technology Research and Development Initiative | 4,400,000 | Rothman | Lautenberg, Menendez |
| RDTE,A | Detection Algorithms and Software for Force Protection | 960,000 | --- | Reed, Shelby |
| RDTE,A | Developing Molecular Sensors to Detect Pathogens and Toxins | 2,800,000 | Clay | --- |
| RDTE,A | Development and Demonstration of an Expeditionary Closed Loop System to Produce JP-8 from Algae | 2,400,000 | Watson | --- |
| RDTE,A | Development of a Novel Therapy for Traumatic Injury and Uncontrolled Hemorrhage | 1,120,000 | Ackerman | Gillibrand |
| RDTE,A | Development of Drugs for Malaria and Leishmaniasis | 3,400,000 | Childers | Cochran |
| RDTE,A | Development of Enabling Chemical Technologies for Power from Green Sources | 2,000,000 | Olver | Kerry |
| RDTE,A | Development of JP-8 Fuel from Domestic Coal | 2,400,000 | Rahall | --- |
| RDTE,A | Development of Large Scale PEM Electrolysis for Hydrogen Fueling of Ground Vehicle Fleets | 1,600,000 | --- | Dodd, Lieberman |
| RDTE,A | Discriminatory Imaging and Network Advancement for Missiles, Aviation and Space | 5,200,000 | --- | McConnell |
| RDTE,A | Distributed Power from Wastewater | 1,200,000 | Wilson (OH) | Brown (OH), Voinovich |
| RDTE,A | Distributive Crowd Behavior Modeling for Irregular Warfare Training and Research | 2,000,000 | Gonzalez | --- |
| RDTE,A | DoD Diabetes Research and Development Initiative | 4,000,000 | Dicks | --- |
| RDTE,A | DOD Health IT - Exchange of Diagnostic Images | 2,400,000 | Moran (VA) | --- |
| RDTE,A | Drug and Vaccine Testing for Force Protection | 1,600,000 | Maffei | Gillibrand |
| RDTE,A | Durability Study on Flame Resistant Garments | 1,200,000 | --- | Graham |
| RDTE,A | Electrolyte Additives for Improved Lithium Ion Battery Performance | 1,440,000 | --- | Burris |

**DEFENSE [Congressionally Directed Spending Items]**

| Account | Project | Amount | Requester(s) | |
|---|---|---|---|---|
| | | | House | Senate |
| RDTE,A | Emerging Infectious Diseases and Links to Desert Environments | 1,600,000 | --- | Reid |
| RDTE,A | Emerging Technologies in Advanced Materials | 4,000,000 | Herseth Sandlin | Johnson, Thune |
| RDTE,A | Enabling Optimization of Reactive Armor | 5,000,000 | --- | Bunning, Dodd, Lieberman, McConnell |
| RDTE,A | End Item Industrial Preparedness Activities | 1,600,000 | --- | Burris |
| RDTE,A | Energy Efficient Electronic Systems | 4,800,000 | Hinchey | Gillibrand, Schumer |
| RDTE,A | Enhanced Gait and Balance Retraining for Injured Soldiers | 1,600,000 | Scott (VA) | Warner, Webb |
| RDTE,A | Enhanced Rapid Tactical Integration for Fielding of Systems Initiative | 4,000,000 | --- | Sessions, Shelby |
| RDTE,A | Enhanced Situational Awareness Technology Demonstrator | 1,600,000 | --- | Nelson (FL) |
| RDTE,A | Enhanced Visual Fidelity Simulation | 2,000,000 | Levin | Levin |
| RDTE,A | Enhancing Soldier Effectiveness at High Altitude | 2,000,000 | Perlmutter | --- |
| RDTE,A | Evaluation of Integrative Approaches to Resilience | 2,800,000 | Moran (VA) | --- |
| RDTE,A | Expeditionary Water Reclamation System | 1,600,000 | --- | Bond |
| RDTE,A | Experimental Fighting Vehicle | 6,000,000 | --- | Rockefeller |
| RDTE,A | Extreme Temperature, Lightweight, Lithium-Iron Disulfide Batteries | 800,000 | --- | Bond, Brown (OH), Leahy |
| RDTE,A | Eye-safe Standoff Fusion Detection of CBE Threats | 1,600,000 | --- | Specter |
| RDTE,A | Family of Heavy Tactical Vehicles | 9,600,000 | --- | Kohl |
| RDTE,A | FASTinfo: Patient Status Monitor | 800,000 | --- | Murray |
| RDTE,A | Fighting Combat-Related Fatigue Syndrome | 1,600,000 | Kosmas, Brown (FL) | Nelson (FL) |
| RDTE,A | Flame and Thermal Protection for the Individual Soldier | 1,840,000 | --- | Kohl |
| RDTE,A | Flammability, Smoke, Toxicity Standards for Military Ground Vehicles to Improve Health for the Troops | 3,840,000 | Levin | Levin, Stabenow |
| RDTE,A | Force Projection Technology Development | 3,200,000 | --- | Levin |
| RDTE,A | Force Protection Demining | 4,000,000 | --- | Leahy |
| RDTE,A | Forensic Science Center of Excellence Focusing on National Security | 1,600,000 | Hastings (FL), Meek (FL), Wasserman Schultz | --- |
| RDTE,A | Forward Osmosis Water Purification | 800,000 | --- | Inhofe, Merkley, Wyden |
| RDTE,A | Fuel Cell Hybrid Diesel Engine Project | 1,040,000 | Clyburn | --- |
| RDTE,A | Fuel-Efficient Tactically-Agile Mobile-Electric Power System | 3,200,000 | Mollohan | --- |
| RDTE,A | Fully-Integrated Head Protection System | 2,000,000 | --- | Leahy |
| RDTE,A | Future Tactical Truck Composite Shelter | 1,600,000 | --- | Begich |
| RDTE,A | Geosciences/Atmospheric Research | 2,400,000 | Markey (CO), Salazar | Bennet |
| RDTE,A | GLA Adjuvants for Influenza/Cancer Vaccines | 1,600,000 | McDermott | --- |
| RDTE,A | Global Military Operating Environments | 2,000,000 | Titus | Reid |
| RDTE,A | Ground System Power and Mobility Enhancement | 8,000,000 | --- | Levin |
| RDTE,A | Hadron Particle Therapy | 1,600,000 | Foster | --- |
| RDTE,A | Harbor Hospital Military Medical Simulation and Training Initiative | 2,000,000 | Ruppersberger | --- |
| RDTE,A | Hawaii Undersea Military Munitions Assessment | 2,400,000 | --- | Inouye |
| RDTE,A | Healing our Troops - Trauma Recovery and Suicide Prevention Program | 1,200,000 | Moran (VA) | Harkin |
| RDTE,A | Heat Illness Research at West Chester University's HEAT Institute to Ensure the Safety of Warfighters | 300,000 | Sestak | --- |
| RDTE,A | HELSTF | 4,000,000 | --- | Bingaman, Udall (NM) |
| RDTE,A | Henry Ford Health System Physician Executable Guidelines Systems | 1,600,000 | Kilpatrick | Levin |
| RDTE,A | High Altitude Shuttle System | 3,200,000 | --- | Merkley, Wyden |
| RDTE,A | High Fidelity Medical Simulation to Optimize Healthcare Delivery and Teamwork for Military Use | 1,600,000 | Lipinski | --- |
| RDTE,A | High Frequency Devices and Circuits for Nanotubes and Nanowires | 2,400,000 | --- | Lincoln, Pryor |

**DEFENSE [Congressionally Directed Spending Items]**

| Account | Project | Amount | Requester(s) | |
|---|---|---|---|---|
| | | | House | Senate |
| RDTE,A | High Tech Brain Interface Research | 1,200,000 | --- | Hutchison |
| RDTE,A | High Temperature Polymers for Missile System Applications | 3,200,000 | --- | Cochran, Wicker |
| RDTE,A | High-Frequency, High-Power Electronic and Optoelectric Devices on Aluminum Nitride | 5,200,000 | --- | Burr |
| RDTE,A | Highly Functional Neurally Controlled Skeletally Attached and Intelligent Prosthetic Devices | 3,200,000 | --- | Bennett |
| RDTE,A | Hostile Fire Detection for the US Army/Navy Helicopters | 3,200,000 | --- | Shaheen |
| RDTE,A | Human Genomics, Molecular Epidemiology and Clinical Diagnostics for Infectious Diseases | 1,600,000 | Pastor (AZ) | --- |
| RDTE,A | Human Performance, Movement and Analyses Lab Equipment | 680,000 | Pascrell | --- |
| RDTE,A | Humanoid Robotics for Enhanced Mobility, Agility and Access in Complex Urban Environments | 1,600,000 | Neal | Kerry |
| RDTE,A | Hybrid Electric Drive Vehicle Reliability Research | 2,400,000 | --- | Levin |
| RDTE,A | Hydraulic Hybrid Vehicles for the Tactical Wheeled Fleet | 2,160,000 | --- | Levin, Stabenow |
| RDTE,A | Hydrocarbon Fueled Solid Oxide Fuel Cell Manufacturability | 1,600,000 | --- | Levin, Stabenow |
| RDTE,A | Hydrogen Batteries for the Warfighter | 1,200,000 | Clyburn | |
| RDTE,A | Hypothermia and Regenerative Treatments for Neurotrauma | 4,480,000 | --- | Nelson (FL), Specter |
| RDTE,A | Identification of the Immune Tolerance to RhD | 960,000 | Moore (WI) | Kohl |
| RDTE,A | Impact of the Battlefield Environment on Soldiers' and Veterans' Health | 800,000 | Michaud, Pingree (ME) | Snowe |
| RDTE,A | Implementation of Aging and Battle Damaged Weapon Systems Repair Processes | 1,200,000 | --- | Johnson, Thune |
| RDTE,A | Improved Ground System Survivability | 4,000,000 | --- | Levin |
| RDTE,A | Improved Manufacturing Processes Demonstration Program for Army Tactical Vehicles | 1,200,000 | --- | Bond |
| RDTE,A | Improved Thermal Resistant Nylon for Enhanced Durability and Thermal Protection in Combat Uniforms | 2,400,000 | --- | Carper, Graham, Kaufman |
| RDTE,A | Improving Soldier Recovery from Catastrophic Bone Injuries | 2,560,000 | Murphy (CT) | Lieberman |
| RDTE,A | Infection Prevention Program for Battlefield Wounds | 1,600,000 | --- | Kerry |
| RDTE,A | Infectious Diseases Research | 1,280,000 | Harman | --- |
| RDTE,A | In-Home Tele-Behavioral Health Care Study | 2,000,000 | Dicks | --- |
| RDTE,A | Inner Ear Research to Improve Hearing Capabilities of Combat Veterans | 800,000 | Schiff | --- |
| RDTE,A | Inova Institute for Personalized Medicine and Translational Research | 8,000,000 | Connolly, Moran (VA) | --- |
| RDTE,A | Installation Support and Production Qualification Testing of Army's First Fielding of V35/85 and Torquemeter Equipment | 2,000,000 | --- | Leahy |
| RDTE,A | Institute for the Advancement of Bloodless Medicine | 1,520,000 | Rothman | Lautenberg, Menendez |
| RDTE,A | Integrated Cyber Test and Evaluation Environment | 6,240,000 | --- | Shelby |
| RDTE,A | Integrated Electronic Product Design | 2,400,000 | Price (NC), Etheridge, Miller (NC) | --- |
| RDTE,A | Integrated Flexible Electronics | 1,600,000 | --- | Specter |
| RDTE,A | Integrated Smart-device Test-wafer Platform | 800,000 | Tonko | --- |
| RDTE,A | Intelligent Network-Centric Sensor Development Program | 2,400,000 | Cohen | --- |
| RDTE,A | Intelligent Orthopedic Fracture Implant Program | 1,200,000 | Kildee | Hutchison, Levin, Stabenow |
| RDTE,A | Iowa Simulation Center for Patient Safety and Clinic Skills Enhanced Training of Iowa National Guard and Army Reserve | 880,000 | Boswell | Harkin, Grassley |
| RDTE,A | Joint Vehicle Lifecycle Management | 2,400,000 | --- | Leahy |
| RDTE,A | Large Caliber Parts Upgrade | 1,600,000 | --- | Casey, Specter |
| RDTE,A | Large Format Lithium Ion Battery | 4,000,000 | --- | Kohl |

**DEFENSE [Congressionally Directed Spending Items]**

| Account | Project | Amount | Requester(s) | |
|---|---|---|---|---|
| | | | House | Senate |
| RDTE,A | Large-Scale Manufacturing of Revolutionary Nanostructured Materials | 1,600,000 | Moore (WI) | Kohl |
| RDTE,A | Laser Detection of Radionuclides for Nuclear Facilities | 1,200,000 | Berry | Lincoln, Pryor |
| RDTE,A | Laser Guided Energy | 4,400,000 | --- | Cochran |
| RDTE,A | Laser Sinterstation for Rapid Engineering, Development and Production of Aerospace and On-Demand Special Forces Products | 920,000 | Shuler | Hagan |
| RDTE,A | Laser Studied and Enhanced Reactive Materials: Self-Decontaminating Polymers for Chemical-Biological Defense | 1,600,000 | --- | Crapo, Risch |
| RDTE,A | Lighter Body Armor Inserts for U.S. Solider | 2,000,000 | --- | McConnell, Shaheen |
| RDTE,A | Lightweight Armored Hybrid Power Generating Tactical Vehicle | 1,600,000 | --- | Bennett |
| RDTE,A | Lightweight Cannon Recoil Reduction | 1,600,000 | --- | Reid |
| RDTE,A | Lightweight Munitions and Surveillance System for Unmanned Air Vehicles | 3,840,000 | --- | Lautenberg, Menendez |
| RDTE,A | Linear Accelerator Cancer Research Project | 2,000,000 | Maloney, Hinchey, Lowey, Rangel | Gillibrand |
| RDTE,A | Locally-Delivered Treatments for Noise Induced Hearing Loss and Tinnitus | 1,600,000 | --- | Feinstein |
| RDTE,A | Logistics Fuel Processing Advancement | 2,000,000 | --- | Cardin |
| RDTE,A | Long Term Pain and Infection Management for Combat Casualty Care | 2,200,000 | --- | Cochran, Wicker |
| RDTE,A | Low Cost Automated Production of Superior High Capacity, High Rate, Rechargeable Lithium-Ion Batteries | 2,400,000 | --- | Casey, Specter |
| RDTE,A | Low-Cost Anti-Tamper Integrated Circuit | 3,600,000 | --- | Lugar |
| RDTE,A | LVC - Advanced Live, Virtual and Constructive Training Systems | 3,200,000 | --- | Grassley, Harkin |
| RDTE,A | Magnesium Armor Manufacturing for Ground Vehicles | 1,600,000 | --- | Levin, Stabenow |
| RDTE,A | Maine Institute for Human Genetics and Health | 1,600,000 | Michaud | Collins, Snowe |
| RDTE,A | Manufacturability of Advanced Prosthetic Limbs | 3,200,000 | --- | Warner, Webb |
| RDTE,A | Manufacturing and Industrial Training Center | 400,000 | Boyd | --- |
| RDTE,A | Manufacturing Process Improvements for Powertrain Components | 3,200,000 | --- | Durbin |
| RDTE,A | Mass Casualty First Responders Disaster Surge Technology Program | 2,400,000 | Rothman, Pallone | Lautenberg, Menendez |
| RDTE,A | MatchBox/MX Server | 3,600,000 | --- | Rockefeller |
| RDTE,A | Materials Processing and Applications Development Center | 3,200,000 | --- | Sessions |
| RDTE,A | Materials Technology for LED Lighting Applications | 2,400,000 | --- | Baucus, Tester |
| RDTE,A | McConnellsville Readiness Center Renewable Energy Demonstration Project | 3,200,000 | Space | --- |
| RDTE,A | Medical Errors Reduction Initiative | 800,000 | Rothman | --- |
| RDTE,A | Michigan State University Center for Advanced Energy Storage Research and Technology | 2,000,000 | Kilpatrick | Levin, Stabenow |
| RDTE,A | Microcantilever MEMS Microsensors for Protection of the Warfighter | 3,200,000 | Pomeroy | Conrad, Dorgan |
| RDTE,A | Micro-electro-mechanical Systems (MEMS) Antenna for Wireless Communications | 2,400,000 | Pomeroy | Conrad, Dorgan |
| RDTE,A | Military Drug Management Systems | 1,600,000 | --- | Rockefeller |
| RDTE,A | Military Installation Electric Vehicle Demonstration Project | 1,600,000 | --- | Bond, Brownback |
| RDTE,A | Military Nutrition Research | 800,000 | --- | Landrieu, Vitter |
| RDTE,A | Mini Long Range Scout Surveillance System | 2,080,000 | --- | Gregg, Shaheen |
| RDTE,A | Miniature Universal Electro-optic Soldier Sensor Platform IED Detection | 2,800,000 | --- | Casey, Specter |
| RDTE,A | Miniaturization of Electronic Circuitry to Reduce Electronic Susceptibilities | 2,400,000 | Hinchey | --- |
| RDTE,A | Miniaturized Satellite Technology Development and Testing | 1,600,000 | Kosmas | --- |

**DEFENSE [Congressionally Directed Spending Items]**

| Account | Project | Amount | Requester(s) | |
|---|---|---|---|---|
| | | | House | Senate |
| RDTE,A | Mission Based Field Experimentation | 2,400,000 | Hoyer | --- |
| RDTE,A | Missouri Multi-Threat Detection Initiative | 2,400,000 | --- | Bond |
| RDTE,A | Mobile Nanotechnology-Based Sensor Network System for Ground Vehicles | 880,000 | Carson | --- |
| RDTE,A | Model Based Enterprise Tools for Reverse Engineering | 3,800,000 | Ryan (OH) | --- |
| RDTE,A | Monitoring and Control of Manufacturing Connectivity | 1,600,000 | Driehaus | Brown (OH) |
| RDTE,A | Montefiore Clinical Looking Glass | 1,200,000 | Engel | Gillibrand |
| RDTE,A | MRAP Armored Vehicle Precision Engineering and Manufacturing Advancement | 1,600,000 | --- | Levin, Stabenow |
| RDTE,A | Multi Frequency Meshed Battle-Cloud Network | 4,000,000 | --- | Casey, Specter |
| RDTE,A | Multi-Campus Base Facility Energy Independence Integration | 4,000,000 | Kaptur | --- |
| RDTE,A | Multi-Disciplinary Center for Diagnosis and Treatment of Breast Cancer | 3,200,000 | Kilpatrick | Levin, Stabenow |
| RDTE,A | Multi-Functional Armor Development for Integrated Survivability Suits in Light Tactical Vehicles | 1,600,000 | Visclosky | Lugar |
| RDTE,A | Multi-Functional Bone Cements | 1,200,000 | Kaptur | --- |
| RDTE,A | Multifunctional Technologies Alliance | 4,800,000 | --- | Carper, Kaufman |
| RDTE,A | Multi-Modal Biometric Patient Identification and Registration System | 1,200,000 | Ryan (OH) | --- |
| RDTE,A | Munitions Technology Advanced Development for Pennsylvania Innovative and Advanced Technology Association | 1,600,000 | Carney, Kanjorski | --- |
| RDTE,A | Nano Advanced Cluster Energetics | 4,000,000 | Rothman, Payne | Lautenberg, Menendez |
| RDTE,A | Nano-Bio-Hybrid Solar and Light Scavenging | 1,600,000 | Stupak | Levin |
| RDTE,A | Nanocomposite Enhanced Radar and Aerospace Materials | 1,600,000 | --- | Hutchison |
| RDTE,A | Nanomanufacturing of Integrated Smart Materials Systems | 3,200,000 | Tsongas | Kerry |
| RDTE,A | Nanophosphate Battery Storage for the Smart Grid and V2G Integration | 1,600,000 | --- | Kerry |
| RDTE,A | Nanophotonic Devices | 2,000,000 | --- | Hutchison |
| RDTE,A | Nanoscale Solar Powered Bio-Sensors | 2,400,000 | --- | Lincoln, Pryor |
| RDTE,A | NanoTechnology Enterprise Consortium | 4,000,000 | --- | Bond |
| RDTE,A | National Biodefense Training Center | 4,000,000 | --- | Hutchison |
| RDTE,A | National Center for Robotics Engineering and Engineering Technology | 1,280,000 | Critz | Casey |
| RDTE,A | National Functional Genomics Center | 1,600,000 | Castor (FL) | Nelson (FL) |
| RDTE,A | National Information Assurance Center | 6,000,000 | --- | McConnell |
| RDTE,A | National Malaria Diagnostic Reference Lab | 2,000,000 | Holden | --- |
| RDTE,A | National Nanotechology Manufacturing Center | 1,200,000 | Bishop (GA) | Isakson |
| RDTE,A | National Optimum Healing Environments Evaluation Program | 1,600,000 | Larson (CT) | Dodd, Lieberman |
| RDTE,A | National Security Human Rights Strategy | 7,600,000 | --- | Dodd |
| RDTE,A | Neuromechanics Research for Spinal Cord Injury | 560,000 | Jackson, Gutierrez, Rush | --- |
| RDTE,A | Neuro-Performance Research | 2,400,000 | Moran (VA) | --- |
| RDTE,A | Neuroprosthetic Solutions for Restoring Sensorimotor Function | 1,360,000 | Altmire | --- |
| RDTE,A | Neuropsychiatric Trauma in U.S. Combat Troops | 5,000,000 | Pelosi | --- |
| RDTE,A | New Paltz Power Device Testing Program | 4,000,000 | Hinchey | --- |
| RDTE,A | New Technologies for Infectious Disease Pathogens | 1,200,000 | Cohen | --- |
| RDTE,A | New Vaccines for Central Nervous System Disorders | 1,600,000 | --- | Grassley, Harkin, Nelson (NE) |
| RDTE,A | New York Medical College Bioterrorism Training | 1,040,000 | Lowey | --- |
| RDTE,A | Next Generation Aluminum Armor Plate Alloy | 1,200,000 | --- | Rockefeller |
| RDTE,A | Next Generation High Strength Glass Fibers for Ballistic Armor Applications | 2,000,000 | --- | Graham |

**DEFENSE [Congressionally Directed Spending Items]**

| Account | Project | Amount | Requester(s) | |
|---|---|---|---|---|
| | | | House | Senate |
| RDTE,A | Next Generation Lightweight Drive Systems for Army Weapon Systems | 1,600,000 | --- | Johnson |
| RDTE,A | Next Generation Machining Technology and Equipment | 1,600,000 | Murphy (NY) | --- |
| RDTE,A | Next Generation Materials Corrosion Inhibitor | 2,000,000 | --- | Rockefeller |
| RDTE,A | Next Generation Protective Seat | 4,000,000 | --- | Casey, Specter |
| RDTE,A | Nicholson Center for Surgical Advancement Medical Robotics and Simulation Research Project | 4,000,000 | Grayson | --- |
| RDTE,A | Non-Lethal Portable Vehicle Immobilization Device for Large Vehicles | 800,000 | --- | Murray |
| RDTE,A | Non-Thermal Plasma Wound Treatment | 1,000,000 | Andrews | --- |
| RDTE,A | North American Clinical Trials Network | 800,000 | Green, Al; Brady (PA) | Bunning |
| RDTE,A | Northern Illinois Proton Treatment and Research Center | 2,400,000 | Foster | --- |
| RDTE,A | Northern West Virginia Regional Integrated Command Operations Program | 1,200,000 | Mollohan | --- |
| RDTE,A | Novel Advanced Projectile Technologies | 2,400,000 | Kanjorski | --- |
| RDTE,A | Nursing Clinical Simulation Center | 2,000,000 | Cummings | --- |
| RDTE,A | Ocular Wound Treatment | 2,000,000 | --- | Feinstein |
| RDTE,A | Ohio State University - Neurotrauma Battlefield Wound Healing | 2,320,000 | Kilroy | --- |
| RDTE,A | ONAMI Mobile Military Energy Initiative | 2,000,000 | Schrader, Blumenauer, DeFazio, Wu | Merkley, Wyden |
| RDTE,A | On-Board Vehicle Power Systems Development | 3,680,000 | --- | Sessions, Shelby |
| RDTE,A | Open Source Intelligence for Force Protection and Intelligence Analysis | 2,080,000 | DeLauro | Dodd, Hutchison, Lieberman |
| RDTE,A | Operation Re-Entry North Carolina | 2,240,000 | Butterfield | Hagan |
| RDTE,A | Ophthalmic Robotic Surgery | 2,960,000 | Brady (PA) | --- |
| RDTE,A | Optical Neural Techniques for Combat and Post-Trauma Healthcare | 2,800,000 | --- | Cantwell |
| RDTE,A | Oxygen Delivery Patch | 1,200,000 | --- | Bennett |
| RDTE,A | Pacific Island UXO Detection and Munition Study | 2,400,000 | --- | Inouye |
| RDTE,A | Pacific Rim Blood Alliance Perfect Match Program | 4,000,000 | McDermott | Cantwell, Murray |
| RDTE,A | Parsons Institute for Information Mapping for Defense Health Program | 4,000,000 | Nadler | Gillibrand |
| RDTE,A | Partnership for National Security | 2,800,000 | --- | Hagan |
| RDTE,A | Parts on Demand for CONUS Operations | 3,200,000 | --- | Conrad, Dorgan |
| RDTE,A | Patient Safety Software Application | 1,600,000 | Hinchey | --- |
| RDTE,A | Pediatric Center Research and Clinical Trials | 4,000,000 | Van Hollen, Conyers, Ryan (OH), Sestak, Sires | --- |
| RDTE,A | Permafrost Tunnel | 800,000 | --- | Begich |
| RDTE,A | Photovoltaic Technology Development | 4,000,000 | --- | Levin |
| RDTE,A | Plug-in Hybrid Electric Cargo Vehicle | 3,200,000 | --- | Lugar |
| RDTE,A | Polymeric Web Run-Flat Tire Inserts for Convoy Protection | 3,200,000 | --- | Kohl |
| RDTE,A | Portable Helicopter Oxygen Delivery System Console | 2,000,000 | --- | Merkley, Wyden |
| RDTE,A | Portable High Performance Sensor Technologies - Columbia College Chicago Construct TrustTable | 4,000,000 | Gutierrez, Quigley, Davis (IL), Jackson, Rush | Durbin |
| RDTE,A | Positron Capture and Storage | 2,400,000 | --- | Murray |
| RDTE,A | Powder Injection Molding for Advanced Munitions Applications | 1,600,000 | --- | Lautenberg, Menendez |
| RDTE,A | Precision Airdrop Accuracy Enhancement | 1,600,000 | Markey (MA) | --- |
| RDTE,A | Press-Loaded Explosive Projectile Washout Line | 1,200,000 | --- | Klobuchar, Lugar |
| RDTE,A | Production of Wood-Based Diesel and Jet Fuel at Pulp and Paper Facilities | 2,400,000 | --- | Kerry, Klobuchar, Kohl, Snowe |
| RDTE,A | Projectile Penetration Research | 1,920,000 | Thompson (MS) | Cochran, Wicker |

**DEFENSE [Congressionally Directed Spending Items]**

| Account | Project | Amount | Requester(s) | |
|---|---|---|---|---|
| | | | House | Senate |
| RDTE,A | Protection using Ballistic Core Technology | 2,800,000 | --- | Collins |
| RDTE,A | Protein Hydrogel for Surgical Repair of Battlefield Injuries | 1,440,000 | --- | Chambliss, Isakson |
| RDTE,A | Quad City Manufacturing Lab at Rock Island Arsenal | 5,120,000 | Hare, Braley | Durbin, Grassley, Harkin |
| RDTE,A | Rapid Bedside Cellular Therapy for Burn Wounds | 1,800,000 | --- | Bennett |
| RDTE,A | Rapid Response Hostile Fire Detection and Active Protection of Ground and Air Vehicles Sensor Demonstration | 3,600,000 | --- | Shelby |
| RDTE,A | Real Time MS Laser Applied Research | 1,760,000 | --- | Cochran, Wicker |
| RDTE,A | Regenerative Medicine and Advanced Engineering Research | 1,200,000 | Capuano | |
| RDTE,A | Regenerative Sciences Initiative | 2,880,000 | Davis (IL) | Durbin |
| RDTE,A | Regenerative Therapeutics for Combat Wound Healing | 3,200,000 | --- | Baucus, Tester |
| RDTE,A | Regenerative Wound Repair Technology | 1,600,000 | --- | Casey |
| RDTE,A | Rehabilitation Technology Transition Center | 2,800,000 | --- | Cardin, Grassley, Harkin, Inhofe |
| RDTE,A | Renewable Jet Fuel from Lignocellulosic Feedstocks | 1,600,000 | Herseth Sandlin | Johnson, Thune |
| RDTE,A | Research and Development Initiative - Capacity Building for Stronger National Defense with Greater Diversity | 3,600,000 | Norton; Bishop (GA); Butterfield; Clay; Johnson, Eddie Bernice (TX); Sestak | Cochran, Gillibrand, Landrieu |
| RDTE,A | Research Program in Plastic Materials for Portable Soldier Power and Electronics | 4,000,000 | --- | Durbin |
| RDTE,A | Responsible Environmental Nanotechnologies | 1,600,000 | --- | Bond |
| RDTE,A | Revolutionary Biomedical Engineering for Surgery and Triage | 1,840,000 | --- | Hutchison |
| RDTE,A | Riptide Unmanned Ground Vehicle Weaponization | 2,000,000 | --- | Collins, Snowe |
| RDTE,A | Rubber Track Conversion System for MRAP Vehicles | 1,600,000 | --- | Franken, Klobuchar |
| RDTE,A | Scalable Smart Reserve Cell Technology | 2,000,000 | Payne | Dodd, Lautenberg, Lieberman, Menendez |
| RDTE,A | Scleral Healing and Bone Repair with Sphere-templated (6S) Polymers | 1,200,000 | Smith (WA) | Murray |
| RDTE,A | Seattle University College of Nursing | 2,400,000 | McDermott | --- |
| RDTE,A | Self Inerting Munitions | 800,000 | Kennedy, Langevin | Reed, Whitehouse |
| RDTE,A | Self-Righting All Sensor Suite | 2,080,000 | Richardson | --- |
| RDTE,A | Self-Separation Technologies for Army Unmanned Aircraft | 2,000,000 | --- | Shelby |
| RDTE,A | Sensors for Terrorist IED Network Defeat at the University of Rhode Island | 3,600,000 | Kennedy, Langevin | Kerry, Reed, Whitehouse |
| RDTE,A | Sentinel Active Electronically Scanned Array | 3,200,000 | --- | Cochran |
| RDTE,A | Shared Vision | 1,200,000 | --- | Harkin |
| RDTE,A | Shock Trauma Research Center - Effects of Shock on Cells | 1,200,000 | Cleaver | --- |
| RDTE,A | Silicon Carbide Devices for Power Systems | 1,600,000 | --- | Levin, Stabenow |
| RDTE,A | Simulation Based Reliability and Safety (SimBRS) DoD Program | 4,000,000 | Childers | Cochran, Wicker |
| RDTE,A | Small Agile Tactical Spacecraft | 3,200,000 | --- | Murray |
| RDTE,A | Small Footprint Wide Angle Visual Display | 1,200,000 | Hinchey | --- |
| RDTE,A | Smart Machine Platform Initiative | 2,800,000 | --- | Voinovich |
| RDTE,A | Smart Plug-In Hybrid Electric Vehicle Program | 2,400,000 | Dingell, Conyers | Levin, Stabenow |
| RDTE,A | Smart Prosthetic Hand Technology | 2,400,000 | --- | Crapo, Risch |
| RDTE,A | Smart Sensor Supercomputing Center | 7,200,000 | --- | Rockefeller |
| RDTE,A | Smart Wound Dressing for MRSA-infected Battlefield Wounds | 2,800,000 | --- | Kerry, Warner, Webb, Voinovich |
| RDTE,A | SMDI- Rapid Prototyping Solutions for the Warfighter | 2,000,000 | Doyle, Altmire | Casey, Specter |
| RDTE,A | Social Work Center for Soldiers and Military Families | 765,000 | Etheridge, Kissell | --- |
| RDTE,A | Solar-Assisted Hot Water and Space Conditioning | 800,000 | --- | Durbin |
| RDTE,A | Soldier Safe Head and Neck Injury Protection | 1,600,000 | Fudge | --- |
| RDTE,A | Southern West Virginia Regional Integrated Command Operations Program | 1,440,000 | Rahall | --- |
| RDTE,A | Spider Mortar Base Plate | 800,000 | Ryan (OH) | Brown (OH) |

**DEFENSE [Congressionally Directed Spending Items]**

| Account | Project | Amount | Requester(s) | |
|---|---|---|---|---|
| | | | House | Senate |
| RDTE,A | Spider Munitions System Research | 1,600,000 | --- | Warner, Webb |
| RDTE,A | Spinal Muscular Atrophy Research Program | 2,400,000 | Pelosi, Lowey, Nadler (NY) | Gillibrand |
| RDTE,A | Spray Dried Plasma | 1,600,000 | --- | Kerry |
| RDTE,A | Stabilized Enzyme Biofuel Call for Unmanned Ground Sensors | 1,600,000 | --- | Bond |
| RDTE,A | Stand-off IED Detection | 2,400,000 | --- | Leahy |
| RDTE,A | Standoff Improvised Explosive Detection Program at Florida A&M University | 2,800,000 | Boyd, Brown (FL), Meek (FL), Wasserman Schultz | --- |
| RDTE,A | Staph Vaccine | 4,800,000 | --- | Conrad, Dorgan |
| RDTE,A | Stark State College Materials Joining and Welding Center | 2,000,000 | Boccieri | --- |
| RDTE,A | Static Detonation Chamber | 4,000,000 | --- | Lautenberg, Menendez |
| RDTE,A | Submerged Munitions Research Program | 2,400,000 | Langevin, Kennedy | Whitehouse, Reed |
| RDTE,A | Superior Weapons Systems Through Castings | 2,000,000 | --- | Bond, Brownback, Roberts |
| RDTE,A | Surface Preservation/Enhancement Repair Research Facility | 4,000,000 | --- | Conrad, Dorgan |
| RDTE,A | Surgical Skills and Simulation Training Program | 4,000,000 | Wasserman Schultz | Nelson (FL) |
| RDTE,A | Sustainable High Performance Rigid Containers for Military Rations | 1,600,000 | --- | Lugar |
| RDTE,A | Sustainable Water Production | 2,000,000 | --- | Dodd, Lieberman |
| RDTE,A | Swarms Defense System | 2,000,000 | --- | Sessions, Shelby |
| RDTE,A | Techniques to Manage Hemorrhage Following Combat Injury | 1,200,000 | Rodriguez, Gonzalez, Oritz | --- |
| RDTE,A | Technologies for Rapid Response in Interventional Medicine | 800,000 | Schiff | --- |
| RDTE,A | Technology Insertion for Army Aviation Legacy Systems | 2,080,000 | --- | Landrieu, Vitter |
| RDTE,A | Tele-Health Outreach for Psychological Services | 1,440,000 | Bishop (GA) | Chambliss |
| RDTE,A | Telemedicine for Trauma Battlefield, Disaster and Large Scale Emergencies | 2,400,000 | Grijalva | --- |
| RDTE,A | Terahertz-Frequency Materials and Devices Research Center | 1,920,000 | Towns | Gillibrand |
| RDTE,A | The Cooperative International Neuromuscular Research Group | 4,160,000 | --- | Cochran, Wicker |
| RDTE,A | The Operating Room of the Future | 1,600,000 | --- | Boxer |
| RDTE,A | Thermal and Electrical Nanoscale Transport | 1,200,000 | Honda | --- |
| RDTE,A | Threat Cue Research | 1,600,000 | --- | Levin, Stabenow |
| RDTE,A | Threat Detection and Neutralization | 3,200,000 | Mollohan | |
| RDTE,A | Tissue Regeneration Following Injury | 766,000 | Herseth Sandlin | Johnson, Thune |
| RDTE,A | Titanium Extraction, Mining and Process Engineering Research | 4,800,000 | --- | Baucus, Tester |
| RDTE,A | Titanium Stockpile Pilot Program | 2,400,000 | Ryan (OH) | Brown (OH) |
| RDTE,A | Tracking the Health of Soldiers with Advanced Implantable Nano-Sensors | 2,000,000 | DeLauro, Courtney | Dodd |
| RDTE,A | Translational Research in Motor Performance | 1,600,000 | --- | Durbin |
| RDTE,A | Trauma Care, Research and Training | 2,400,000 | --- | Cornyn, Hutchison |
| RDTE,A | Traumatic Brain Injury and Long-Term Health Effects in the Military | 2,400,000 | Pelosi | --- |
| RDTE,A | Treatment of Battlefield Spinal Cord and Burn Injuries | 1,600,000 | --- | Merkley, Wyden |
| RDTE,A | Treatment of Osteoporosis and Bone Fractures | 1,600,000 | --- | Lincoln, Pryor |
| RDTE,A | Triad Phase 3 | 1,600,000 | Teague | Bingaman, Udall (NM) |
| RDTE,A | UH-60 Transmission/Gearbox Galvanic Corrosion Reduction | 1,600,000 | --- | Burr, Hagan |
| RDTE,A | Ultra High Efficiency Heat Pump for Cooling and Heating Using In-Rush Control via Variable Speed Operation and Pulsing Refrigerant Flow Control | 3,040,000 | --- | Reid |
| RDTE,A | Ultracold Matter Systems Engineering Initiative at the University of Colorado | 2,000,000 | Polis | Udall (CO) |
| RDTE,A | Universal Control Program | 4,000,000 | --- | Dodd, Lieberman |

**DEFENSE [Congressionally Directed Spending Items]**

| Account | Project | Amount | Requester(s) | |
|---|---|---|---|---|
| | | | House | Senate |
| RDTE,A | University Center for Disaster Preparedness and Emergency Response | 1,200,000 | Pallone, Holt, Rothman | Lautenberg, Menendez |
| RDTE,A | University of Detroit, Mercy, Advanced Robotics Research and Education | 400,000 | Kilpatrick, Conyers | Levin, Stabenow |
| RDTE,A | University of Maryland Center for Advanced Cyber Security Research and Technology Development | 2,000,000 | Edwards (MD), Cummings, Hoyer, Ruppersberger | Cardin |
| RDTE,A | Unmanned Aerial Vehicle Resupply (UAVR)-BURRO | 2,400,000 | --- | Dodd, Lieberman |
| RDTE,A | Unmanned Ground Vehicle Initiative | 8,000,000 | --- | Levin |
| RDTE,A | Unmanned Hybrid Projectile Project | 3,200,000 | Larson (CT), Courtney | Dodd, Lieberman |
| RDTE,A | Unmanned System Algorithm Development | 3,200,000 | Mollohan | --- |
| RDTE,A | Unserviceable Ammunition Demilitarization via Chemical Acid Dissolution | 2,080,000 | --- | Bennett |
| RDTE,A | Vectored Thrust Ducted Propeller Compound Helicopter Flight Demonstration Program | 3,200,000 | --- | Carper, Casey, Cochran, Kaufman, Specter |
| RDTE,A | Vehicle Electronics and Architecture Development | 4,000,000 | --- | Levin |
| RDTE,A | VePro - Implementation of Fatigue Data Analysis and Management Methods to Extend Vehicle Life | 3,040,000 | --- | Cochran, Wicker |
| RDTE,A | Vertical Integration for Missile Defense Surveillance Data | 3,560,000 | Thompson (MS) | Cochran, Wicker |
| RDTE,A | Vet-Biz Initiative for National Sustainment | 2,400,000 | Salazar | Udall (CO) |
| RDTE,A | Vibration Management Enhancement Program | 3,200,000 | --- | Feinstein |
| RDTE,A | Virtual Medical Simulation Training Center | 800,000 | Kosmas | --- |
| RDTE,A | Vision Integrating Strategies in Ophthalmology and Neurochemistry | 1,200,000 | --- | Cornyn |
| RDTE,A | West Point Energy Security Project | 4,000,000 | Hinchey | |
| RDTE,A | Wireless Medical Monitoring System (WiMed) | 1,600,000 | --- | Grassley, Harkin |
| RDTE,A | Womens Cancer Genomics Center | 3,200,000 | McCarthy (NY), Lowey | Gillibrand, Schumer |
| RDTE,A | Young Adult Oncology Program | 800,000 | Schiff | --- |
| RDTE,A | Zirconium Oxychloride Manufacturing Optimization | 2,100,000 | --- | Cochran |
| RDTE,A | Zouline Armor | 1,200,000 | --- | Bond |
| RDTE,AF | Accelerated Insertion of Advanced Materials and Certification for Military Aircraft Structure Material Substitution and Repair | 2,000,000 | --- | Brownback, Roberts |
| RDTE,AF | Active Noise Reduction Communication Ear Plug for Military Aircrew | 2,000,000 | --- | Leahy |
| RDTE,AF | Advanced Aerospace Carbon Foam Heat Exchangers | 3,200,000 | --- | Voinovich |
| RDTE,AF | Advanced Aircraft Maintenance Technologies | 1,600,000 | --- | Specter |
| RDTE,AF | Advanced Development of Aerospace Fabrication and Assembly Technologies | 1,600,000 | --- | Bond |
| RDTE,AF | Advanced Integrated Microsystems for Military Systems | 4,000,000 | --- | Cochran, Wicker |
| RDTE,AF | Advanced Performance Aircraft Engine Laboratory | 2,320,000 | Visclosky | --- |
| RDTE,AF | Advanced Research Laboratory Upgrade for Material Sciences and Aeronautics | 1,200,000 | Napolitano | --- |
| RDTE,AF | Advanced Sensor Data Integration for Space Superiority | 2,400,000 | --- | Specter |
| RDTE,AF | Advanced Solar Photovoltaics and Power Conversion Modules | 1,360,000 | Spratt | --- |
| RDTE,AF | AFRL Edwards Rocket Test Stand 2-A Improvements | 2,400,000 | --- | Feinstein |
| RDTE,AF | Air Force Minority Leaders Program | 2,400,000 | --- | Alexander, Brown (OH), Landrieu |
| RDTE,AF | Aircraft Evaluation Readiness Initiative | 2,080,000 | --- | Grassley, Harkin |
| RDTE,AF | Aircraft Fatigue Modeling and Simulation | 3,200,000 | --- | Hutchison |
| RDTE,AF | Alaska Industrial Supercritical Water | 800,000 | --- | Begich |
| RDTE,AF | Algal Biofuels for Aviation | 1,600,000 | Teague | Bingaman, Udall (NM) |
| RDTE,AF | ARL-ONAMI Center for Nanoarchitectures for Enhanced Performance | 1,600,000 | --- | Merkley, Wyden |

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| Account | Project | Amount | Requester(s) | |
|---|---|---|---|---|
| | | | House | Senate |
| RDTE,AF | AT-6B Demonstration for the Air National Guard | 5,600,000 | --- | Brownback, Roberts |
| RDTE,AF | B-1B AESA Radar Operations Utility Evaluation | 1,600,000 | --- | Johnson, Thune |
| RDTE,AF | B-52 Satellite Communications | 5,600,000 | --- | Brownback, Roberts |
| RDTE,AF | Base Facility Energy Independence | 2,400,000 | Hinchey | --- |
| RDTE,AF | BattleSpace - Reducing Military Decision Cycles, Phase II | 2,000,000 | --- | Nelson (NE) |
| RDTE,AF | Blast Resistant Concrete Products | 2,400,000 | Boyd | --- |
| RDTE,AF | Center for Metamaterials and Nanophotonics for Advanced Technology | 2,960,000 | Scott (VA) | --- |
| RDTE,AF | Center for Microplasma Science and Technology | 1,200,000 | Rothman, Sires | Lautenberg, Menendez |
| RDTE,AF | Center for Solar Electricity and Hydrogen | 4,000,000 | Kaptur | --- |
| RDTE,AF | Chabot Space and Science Center | 800,000 | Lee (CA) | --- |
| RDTE,AF | Close Proximity Space Situational Awareness | 960,000 | Edwards (TX) | --- |
| RDTE,AF | Collaboration Gateway | 1,600,000 | --- | Burr, Hagan |
| RDTE,AF | Computer and Communications Network Vulnerability Solutions | 3,600,000 | --- | Gillibrand |
| RDTE,AF | Computer Network Attack/Computer Network Defense | 800,000 | Nye, Scott (VA) | Warner, Webb |
| RDTE,AF | Conducting Polymer Stress and Polymer Damage Sensors for Composites | 1,600,000 | --- | Cochran, Wicker |
| RDTE,AF | Counter-MANPAD RF Amplifier | 1,600,000 | --- | Crapo, Risch |
| RDTE,AF | Critical Infrastructure Cyber Operations Simulation | 1,520,000 | --- | Crapo, Risch |
| RDTE,AF | Cyber Attack Prevention via Technology and User Education | 800,000 | --- | Cornyn, Hutchison |
| RDTE,AF | Cyber Center for Innovation and Education | 2,400,000 | Arcuri | Gillibrand, Schumer |
| RDTE,AF | Cyber Innovation Center - Research and Development Seed Fund | 4,000,000 | --- | Landrieu, Vitter |
| RDTE,AF | Cyber Security Shield Initiative | 2,400,000 | Arcuri | Schumer |
| RDTE,AF | Cyber Transition Program | 800,000 | Rodriguez | --- |
| RDTE,AF | Cyberattack Forecasting | 2,080,000 | --- | Nelson (NE) |
| RDTE,AF | Defense Energy and Awareness Program | 6,400,000 | Murphy (PA) | Casey |
| RDTE,AF | Demonstration and Validation of Renewable Energy Technology | 1,600,000 | Bishop (GA) | --- |
| RDTE,AF | Development and Validation of Advanced Design Technologies for Hypersonic Research | 1,600,000 | --- | Franken, Klobuchar |
| RDTE,AF | Electromagnetic Battlespace Management | 2,400,000 | Edwards (TX) | --- |
| RDTE,AF | Energy Efficiency, Recovery and Generation | 800,000 | --- | Johnson, Thune |
| RDTE,AF | Flash Hyper-Dimensional Imaging System for Space Situational Awareness and Ballistic Missile Defense | 3,200,000 | --- | Inouye |
| RDTE,AF | Freedom Fuels/Coal Fuel Alliance | 2,480,000 | --- | Bunning |
| RDTE,AF | Gallium Nitride Materials for High Performance Devices | 2,800,000 | --- | Reid |
| RDTE,AF | High Accuracy Network Determination System-Intelligent Optical Network for Space Situational Awareness | 4,000,000 | --- | Inouye |
| RDTE,AF | High Energy Conventional Energetics | 800,000 | --- | Bingaman, Udall (NM) |
| RDTE,AF | Holloman High Speed Test Track - Expanded Test Capability | 3,600,000 | --- | Bingaman, Udall (NM) |
| RDTE,AF | Hypersonic Wind Tunnel | 3,200,000 | Giffords | |
| RDTE,AF | Information Quality Tools for Persistent Surveillance Data Sets | 1,600,000 | Snyder | Lincoln, Pryor |
| RDTE,AF | In-Space Solar Electric Resource Transport Development | 800,000 | --- | Murray |
| RDTE,AF | Institute for Advanced Energy Studies | 3,200,000 | --- | Dorgan |
| RDTE,AF | Inter-Base Facility Energy Independence | 3,200,000 | Kaptur | |
| RDTE,AF | Joint Strike Fighter Authentic Tactical Fighting System | 1,600,000 | --- | Casey, Specter |
| RDTE,AF | KC-135 Structural Teardown Examination | 1,600,000 | --- | Brownback, Roberts |
| RDTE,AF | LGX High Temperature Acoustic Wave Sensors for Monitoring of Aerospace Components | 2,400,000 | Pingree (ME) | Collins, Snowe |
| RDTE,AF | LIDAR Applications for Vehicles with Analysis | 5,200,000 | --- | Inouye |
| RDTE,AF | Microsatellite Autonomous Assembly | 1,440,000 | Harman | --- |
| RDTE,AF | Military Base Energy Security Demonstration Project | 1,600,000 | --- | Bond |

**DEFENSE [Congressionally Directed Spending Items]**

| Account | Project | Amount | Requester(s) | |
|---|---|---|---|---|
| | | | House | Senate |
| RDTE,AF | Military Waste-to-Energy Project using the Hydro-Thermal Energy Conversion Process | 4,000,000 | --- | Johnson |
| RDTE,AF | Minority Defense Federal Supply Initiative | 3,000,000 | Fattah | --- |
| RDTE,AF | Mitigating RoHS Lead-Free Issues in Aerospace Circuit Board Manufacturing | 1,600,000 | Sutton, Kaptur | Brown (OH), Voinovich |
| RDTE,AF | Nanocomposites for Lightning Protection of Composite Airframe Structures | 2,400,000 | --- | Brownback, Roberts |
| RDTE,AF | National Test Facility for Aerospace Fuels and Propulsion | 1,920,000 | Visclosky | --- |
| RDTE,AF | Network Centric Airborne Defense Element | 4,800,000 | --- | Baucus, Tester |
| RDTE,AF | Next Generation Casting Initiative | 1,600,000 | --- | Levin, Reid, Stabenow |
| RDTE,AF | Next Generation Simulation Training for AFSOC Pararescue Forces | 2,400,000 | --- | Baucus, Tester |
| RDTE,AF | Nuclear Enterprise Surety Tracking II | 4,000,000 | --- | Vitter |
| RDTE,AF | Nuclear Test Monitoring Seismic Research | 4,000,000 | --- | Kerry, Leahy |
| RDTE,AF | ONAMI Safer Nanomaterials and Nanomanufacturing | 3,200,000 | Blumenauer, DeFazio, Schrader, Wu | Merkley, Wyden |
| RDTE,AF | On-Chip Integrated Photonic Polymer Transceiver | 4,000,000 | --- | Murray |
| RDTE,AF | PanSTARRS | 7,200,000 | --- | Inouye |
| RDTE,AF | Partnership for Emerging Energy Technologies | 1,600,000 | Heinrich | Bingaman, Udall (NM) |
| RDTE,AF | Pennsylvania NanoMaterials Commercialization Center | 1,600,000 | Doyle | Casey |
| RDTE,AF | PhasorBIRD Tracker Development | 1,600,000 | --- | Leahy |
| RDTE,AF | Random Obfuscating Compiler Anti-Tamper Software | 1,920,000 | --- | Collins, Snowe |
| RDTE,AF | Rapid Automated Processing of Advanced Low Observables | 1,600,000 | --- | Brown (OH) |
| RDTE,AF | Real-time Optical Surveillance Applications | 4,000,000 | --- | Inouye |
| RDTE,AF | Reconfigurable Electronics and Non-Volatile Memory Research | 720,000 | --- | Crapo, Risch |
| RDTE,AF | Renewable Aromatic Jet Fuel Components for DoD Energy Needs | 2,880,000 | --- | Burris |
| RDTE,AF | Renewable Hydrocarbon Fuels for Military Applications | 4,000,000 | Kaptur, Kucinich | Brown (OH) |
| RDTE,AF | Rio Grande Valley Nanotech Institute | 1,600,000 | Ortiz | --- |
| RDTE,AF | Science, Technology, Academic, Research, Outreach Program | 3,280,000 | --- | Bennett |
| RDTE,AF | Secure Supply of High- Purity Carbon Nanotube Solutions | 1,200,000 | --- | Inhofe |
| RDTE,AF | Service Oriented Architecture Implementation for Cyber-Security Tools | 800,000 | --- | Bond |
| RDTE,AF | Sewage-Derived Biofuels Project | 3,520,000 | --- | Cochran, Wicker |
| RDTE,AF | SiC RF Power for Airborne Avionics and Radar | 1,600,000 | --- | Merkley, Wyden |
| RDTE,AF | Silicon Carbide Material Manufacturing Initiative | 4,500,000 | --- | Cochran, Wicker |
| RDTE,AF | Silicon Carbide Power Modules for the F-35 Joint Strike Fighter | 3,200,000 | --- | Lincoln, Pryor |
| RDTE,AF | Space Plasma Research Augmentation | 1,600,000 | --- | Bingaman, Udall (NM) |
| RDTE,AF | Space Sensor Data Link Technology | 3,520,000 | --- | Bennett |
| RDTE,AF | Supply Chain Solutions Lab | 1,200,000 | Altmire | Casey |
| RDTE,AF | Technology Research and Innovation Outreach for Space | 2,400,000 | Heinrich | Bingaman, Udall (NM) |
| RDTE,AF | Texas Research Institute for Environmental Studies | 2,800,000 | Rodriguez | --- |
| RDTE,AF | Transportable Transponder Landing System | 2,400,000 | --- | Merkley, Wyden |
| RDTE,AF | UAV Sensor and Maintenance Development Center | 4,000,000 | --- | Bennett |
| RDTE,AF | University Level Technology Research and Analysis | 2,000,000 | Marshall | --- |
| RDTE,AF | Unmanned Aerial System Exploitation | 2,800,000 | --- | Voinovich |
| RDTE,AF | Unmanned Aerial Vehicle Environment-Aware Adaptive Monitoring | 3,680,000 | --- | Nelson (NE) |
| RDTE,AF | Vigilance Assistance in Screening, Surveillance and Reconnaissance | 3,600,000 | --- | Akaka |
| RDTE,AF | Washington Aerospace Training and Research Center | 800,000 | Inslee | Cantwell |

**DEFENSE [Congressionally Directed Spending Items]**

| Account | Project | Amount | Requester(s) | |
|---|---|---|---|---|
| | | | House | Senate |
| RDTE,AF | Wayne State University Sonic IR Imaging Technology Development | 800,000 | Kilpatrick | Levin, Stabenow |
| RDTE,AF | Wyoming Army National Guard Joint Training and Experimentation Center | 4,320,000 | --- | Barrasso |
| RDTE,DW | 3-D Laser Radar Technology Development | 2,800,000 | --- | Cardin, Mikulski |
| RDTE,DW | Accelerated Vaccine Design and Development Toolkit | 1,600,000 | --- | Reed, Whitehouse |
| RDTE,DW | Active Duty Military Training and Entrepreneurship Program | 1,600,000 | Clyburn | --- |
| RDTE,DW | Advanced Nanocomposite Battery Materials | 3,400,000 | Israel, Bishop (NY) | Gillibrand, Schumer |
| RDTE,DW | Advanced Non-Woven Biological and Chemical Agent Protective Gear | 2,080,000 | --- | Nelson (NE) |
| RDTE,DW | Advanced Novel Drug Development for the Warfighter | 2,100,000 | --- | Cochran, Wicker |
| RDTE,DW | Advanced, Long Endurance Unattended Ground Sensor Technologies | 2,000,000 | Childers | Cochran, Wicker |
| RDTE,DW | Affordable Robust Mid-Sized Unmanned Ground Vehicle | 2,400,000 | --- | Kerry |
| RDTE,DW | Agile Software Capability Intervention | 1,600,000 | --- | Bond |
| RDTE,DW | Ant-Based Cyber Defense | 864,000 | Kissell, Watt | --- |
| RDTE,DW | Antennas and Carbon Nanotube Devices for Intelligence | 1,600,000 | --- | Bond |
| RDTE,DW | Anti-Viral Vaccine Development | 4,880,000 | --- | Grassley, Harkin |
| RDTE,DW | Armed Forces Health and Food Supply Research | 3,200,000 | --- | Roberts |
| RDTE,DW | Army Plant Vaccine Development Program | 2,400,000 | --- | Carper, Kaufman |
| RDTE,DW | ASIC Miniaturization for SOF Sensor and Night Vision Technologies | 4,000,000 | --- | Leahy |
| RDTE,DW | Automated Picoliter Digital Nucleic Acid Analysis for Medical Biologic Detection and Diagnostics | 1,300,000 | --- | Cochran, Wicker |
| RDTE,DW | Automated Sample Preparation for Biological Detection | 800,000 | Slaughter | --- |
| RDTE,DW | Barry University Institute for Collaborative Sciences Research | 800,000 | Hastings (FL), Meek (FL), Wasserman Schultz | --- |
| RDTE,DW | Biofuels Program | 1,600,000 | --- | Levin |
| RDTE,DW | Biological And Chemical Warfare Online Repository of Technical Holdings 2 System | 1,600,000 | --- | Murray |
| RDTE,DW | Bioterrorism and Battlefield Medical Solutions | 4,000,000 | Rothman, Pascrell, Sires | Lautenberg, Menendez |
| RDTE,DW | Border Security and Defense Systems Research | 2,400,000 | --- | Hutchison |
| RDTE,DW | Butanol Production Research | 6,960,000 | Clyburn | --- |
| RDTE,DW | Camouflage Direction-finding Antennas Program | 2,800,000 | --- | Feinstein |
| RDTE,DW | Center for Critical and Strategic Materials | 1,200,000 | Perlmutter | --- |
| RDTE,DW | Center for Innovation at Arlington | 2,160,000 | --- | Hutchison |
| RDTE,DW | Center for Intelligence and Security Studies | 3,000,000 | Childers | Cochran, Wicker |
| RDTE,DW | Center for Nonproliferation Studies at the Monterey Institute of International Studies | 1,600,000 | Berman | --- |
| RDTE,DW | Center for the Diagnosis of Pathogens | 2,000,000 | Bishop (GA), Lewis (GA), Scott (GA) | --- |
| RDTE,DW | Center for UAS Research, Education and Training | 4,000,000 | Pomeroy | Conrad, Dorgan |
| RDTE,DW | Center of Excellence for Research in Ocean Sciences (CEROS) | 8,000,000 | --- | Inouye |
| RDTE,DW | Chemical and Biological Agent Fate Appropriate Response Operational Tool | 2,400,000 | Kildee | Levin, Stabenow |
| RDTE,DW | Chemical Vapor Composite Silicon Carbide and Silicon Carbide Corrugated Mirror Processes for the SM-3 Block IIA Telescope | 3,200,000 | --- | Inouye |
| RDTE,DW | Chemical/Biological Infrared Detection System | 2,400,000 | --- | Collins, Snowe |
| RDTE,DW | Chemterrorism Operations for Public Emergency Response | 3,200,000 | --- | Burr |
| RDTE,DW | Collaboration for Improved Missile Assessments | 2,000,000 | --- | Shelby |
| RDTE,DW | Collision Avoidance System for UAVs | 1,600,000 | --- | Bennett, Leahy |

**DEFENSE [Congressionally Directed Spending Items]**

| Account | Project | Amount | Requester(s) | |
|---|---|---|---|---|
| | | | House | Senate |
| RDTE,DW | Combating Terrorism - Value-Added Application of Effective Measurement and Financial Efficiency Associated with Terrorism and Counter-terrorism Risks, Hazards and Vulnerabilities | 1,600,000 | Brady (PA) | --- |
| RDTE,DW | Commodity Management Systems Consolidation Program | 1,360,000 | --- | Rockefeller |
| RDTE,DW | Contaminated Human Remains Pouch | 2,400,000 | --- | Brownback, Roberts |
| RDTE,DW | Continuous Acquisition and Life-Cycle Support Integrated Data Environment and Defense Logistics Enterprise Services Program | 2,720,000 | --- | Rockefeller |
| RDTE,DW | Corrosion Control, Prevention and Prediction through Polymer | 4,800,000 | Taylor | Cochran, Wicker |
| RDTE,DW | Corrosion Training Simulation | 1,840,000 | Oberstar | --- |
| RDTE,DW | Covert Sensing and Tagging System | 800,000 | --- | Akaka |
| RDTE,DW | Creating an Assured Joint DoD and Interagency Interoperable Net-Centric Enterprise | 240,000 | --- | Lugar |
| RDTE,DW | Critical Asset Protection for Electro-Magnetic Pulse | 4,000,000 | Doyle | --- |
| RDTE,DW | Cross Lingual Information Correlation | 1,600,000 | --- | Lincoln, Pryor |
| RDTE,DW | Cultural Intelligence for Enhanced Strategic Communications | 1,600,000 | --- | Brownback |
| RDTE,DW | Cyber Security Initiative | 1,600,000 | Rush | Durbin |
| RDTE,DW | Cybersecurity and Operational Identity Management | 2,000,000 | Farr | --- |
| RDTE,DW | DB-110 on MQ-9 | 2,400,000 | --- | Kerry |
| RDTE,DW | Detecting Exposure to Nerve Agents | 2,160,000 | --- | Nelson (NE) |
| RDTE,DW | Development of Dendritic Cell Targeted Immunotherapeutics | 1,200,000 | Kaptur | --- |
| RDTE,DW | Diversity Transformation - Applicable Knowledge of Global and Cultural Perspectives | 800,000 | Meek (FL) | --- |
| RDTE,DW | Dynamic Flow Management System | 1,600,000 | --- | Conrad, Dorgan |
| RDTE,DW | Early Responders Distance Learning Center | 1,008,000 | Brady (PA) | Specter |
| RDTE,DW | Eastern Kentucky University Cellulosic-Derived Biofuels Research Project | 2,400,000 | Chandler | --- |
| RDTE,DW | Electric Grid Test Bed | 3,200,000 | --- | Crapo, Risch |
| RDTE,DW | Electronic Commodity Project | 680,000 | --- | Rockefeller |
| RDTE,DW | Electronics and Materials for Flexible Sensors and Transponders | 5,200,000 | Pomeroy | Conrad, Dorgan |
| RDTE,DW | Energy Storage Systems for DoD | 6,400,000 | Larson (CT) | --- |
| RDTE,DW | Enhancing Vaccine Development and Capacity | 1,600,000 | Bishop (GA) | --- |
| RDTE,DW | Ensuring Reliable Internet Communications | 2,000,000 | Moran (VA) | --- |
| RDTE,DW | Environmental Baseline Assessment and Monitoring U.S. Navy South Florida Testing Facility Offshore Range | 1,400,000 | Wasserman Schultz, Klein | --- |
| RDTE,DW | Escalation of Force Non-Lethal Technology for Special Operations Forces | 2,400,000 | --- | Reid |
| RDTE,DW | Expeditionary Surveillance and Reconnaissance Program | 7,200,000 | --- | Rockefeller |
| RDTE,DW | FirstLink | 1,600,000 | Altmire, Doyle | --- |
| RDTE,DW | Garden State Cancer Vaccine Development Program | 2,400,000 | Pascrell, Rothman | --- |
| RDTE,DW | Green Product Evaluation and Implementation Program | 2,400,000 | --- | Graham |
| RDTE,DW | Hawaii Advanced Laboratory for Information Integration | 2,960,000 | --- | Inouye |
| RDTE,DW | Heron TP UAS | 6,400,000 | --- | Cochran, Wicker |
| RDTE,DW | High Performance Computational Design of Novel Materials | 3,000,000 | --- | Cochran, Wicker |
| RDTE,DW | High Performance Computing in Biomedical Engineering and Health Sciences Benefitting the Warfighter | 1,760,000 | Watt | Burr |
| RDTE,DW | Infectious Disease Research | 1,200,000 | Lowey, Nadler (NY) | --- |
| RDTE,DW | Initiative to Advance Adaptive Petascale Supercomputing | 6,400,000 | --- | Alexander |
| RDTE,DW | Inland Empire Groundwater Perchlorate Remediation | 6,400,000 | Baca | Boxer |
| RDTE,DW | Institute of Advanced Flexible Manufacturing Systems | 3,200,000 | --- | Rockefeller |
| RDTE,DW | Integrated Cryo-cooled High Power Density Systems | 3,200,000 | Boyd | Nelson (FL) |
| RDTE,DW | Integrated Rugged Checkpoint Container | 2,000,000 | --- | Cochran, Wicker |
| RDTE,DW | Integrated Support System for Soldiers | 1,360,000 | --- | Cornyn |

**DEFENSE [Congressionally Directed Spending Items]**

| Account | Project | Amount | Requester(s) | |
|---|---|---|---|---|
| | | | House | Senate |
| RDTE,DW | Intelligence Collection Management Tool Follow-on Development | 2,000,000 | --- | Sessions, Shelby |
| RDTE,DW | Islet Cell Resource Center at Georgetown University | 2,000,000 | Bishop (GA) | --- |
| RDTE,DW | Jefferson Program | 3,200,000 | Perriello | --- |
| RDTE,DW | Joint Services Aircrew Mask (JSAM) Don/Doff In-flight Upgrade | 1,360,000 | --- | Carper, Kaufman |
| RDTE,DW | Ka-Band Mini-Multimode Search and Imaging Radar Completion and Flight Testing | 2,400,000 | --- | Cochran, Wicker |
| RDTE,DW | Lithium-ion Battery Safety Detection and Control | 1,600,000 | Carson, Visclosky | Lugar |
| RDTE,DW | MAGIC UAS | 8,000,000 | --- | Cochran |
| RDTE,DW | Maine Natural Biopolymer Research and Development Partnership | 1,056,000 | Pingree (ME), Michaud | --- |
| RDTE,DW | Maritime ISR Technology Center | 1,600,000 | Scott (GA), Johnson (GA) | Chambliss |
| RDTE,DW | Military Medical Decontamination System | 4,000,000 | --- | Brown (OH), Voinovich |
| RDTE,DW | MilTech Extension Program | 1,600,000 | --- | Baucus, Tester |
| RDTE,DW | Mobile Renewable Energy for U.S. Bases in Afghanistan | 2,400,000 | --- | Cardin |
| RDTE,DW | Modeling and Simulation Development in Support of National Security Training and Decision Analysis | 2,800,000 | Nye, Scott (VA) | Warner, Webb |
| RDTE,DW | Monmouth University Dynamic Visualization Information Project | 3,500,000 | Rothman, Holt | Lautenberg, Menendez |
| RDTE,DW | Morehouse College John H. Hopps Defense Research Scholars Program | 2,000,000 | Lewis (GA), Bishop (GA), Johnson (GA) | --- |
| RDTE,DW | Multiple-Target-Tracking Optical Sensor-Array Technology | 4,000,000 | --- | Akaka |
| RDTE,DW | Nanoscience and Biotechnology Laboratories and Research Program | 1,600,000 | Johnson (GA), Lewis (GA) | --- |
| RDTE,DW | National Center for Education Research on Corrosion and Materials Performance | 2,000,000 | Sutton, Ryan (OH) | Brown (OH) |
| RDTE,DW | National Center for Blast Mitigation and Protection | 1,200,000 | Connolly | --- |
| RDTE,DW | National Center for Therapeutics Manufacturing | 3,000,000 | Edwards (TX) | --- |
| RDTE,DW | National Robotics Training Center | 3,200,000 | Clyburn | --- |
| RDTE,DW | NetCentric Intelligence Node-Pacific | 2,400,000 | --- | Inouye |
| RDTE,DW | neu VISION - Intelligent Explosives Detection System | 2,400,000 | --- | Cardin |
| RDTE,DW | Next Generation Manufacturing Technologies Initiative | 3,000,000 | Loebsack | Grassley, Harkin |
| RDTE,DW | NIDS Handheld Common Identifier for Biological Agents | 2,400,000 | --- | Carper, Kaufman |
| RDTE,DW | Ohio Enhanced Defense Alternate Energy Suppliers Program | 3,760,000 | Ryan (OH) | --- |
| RDTE,DW | ORDATA II | 600,000 | Moran (VA) | --- |
| RDTE,DW | Pacific Region Interoperability Test and Evaluation Capability | 4,000,000 | --- | Inouye |
| RDTE,DW | Paintshield for Protection from Microbial Threats | 3,200,000 | --- | Brown (OH), Voinovich |
| RDTE,DW | Partnership for Defense Innovation Wi-Fi Laboratory Testing and Assessment Center | 2,400,000 | McIntyre, Etheridge, Kissell | Burr, Hagan |
| RDTE,DW | Phoenix Non-Gasoline Burning Outboard Engine | 1,440,000 | Mollohan | --- |
| RDTE,DW | Playas Training and Research Center Joint National Training Experiment | 2,400,000 | Teague | Bingaman, Udall (NM) |
| RDTE,DW | Portable Rapid Bacterial Warfare Detection Unit | 4,800,000 | --- | Grassley, Harkin |
| RDTE,DW | Protecting Military Personnel and the Nation Against Agents of Bioterror - Developing a Therapeutic Drug with Activity Against Multiple and Unforeseen Bio-Threat Agents | 800,000 | Murphy (PA) | --- |
| RDTE,DW | Quiet Tactical UAV Development | 3,200,000 | Bishop (GA), Johnson (GA), Scott (GA) | Chambliss |
| RDTE,DW | Radio Frequency Identification Technologies | 1,000,000 | Yarmuth | Bunning, McConnell |
| RDTE,DW | Rapid DNA Identification System | 1,600,000 | --- | Conrad, Dorgan |
| RDTE,DW | Rapid Forensic Evaluation of Microbes in Biodefense | 1,280,000 | Critz | --- |

**DEFENSE [Congressionally Directed Spending Items]**

| Account | Project | Amount | Requester(s) | |
|---|---|---|---|---|
| | | | House | Senate |
| RDTE,DW | Reachback Decision Informatics Research Program | 3,500,000 | Boucher | Warner, Webb |
| RDTE,DW | Reconnaissance and Data Exploitation System | 3,200,000 | --- | Akaka |
| RDTE,DW | Responsive Textiles | 1,600,000 | --- | Kerry, Shaheen |
| RDTE,DW | Secure Procurement Logistics Project | 1,600,000 | --- | Bond |
| RDTE,DW | Self-Organized High-Assurance Wireless Networks | 200,000 | Boyd, Brown (FL), Meek (FL) | --- |
| RDTE,DW | Small Assault Vessel Expeditionary | 1,920,000 | --- | Landrieu |
| RDTE,DW | SOF Mission Based Equipage | 1,840,000 | Hoyer | |
| RDTE,DW | SpringBoard Technology Transfer | 1,600,000 | --- | Begich |
| RDTE,DW | STEM Initiative | 800,000 | Jackson-Lee; Green, Al; Green, Gene | --- |
| RDTE,DW | STEM Initiative - Vandenberg Air Force Base | 1,600,000 | Capps | --- |
| RDTE,DW | STEM Outreach Education in Southwest Indiana | 992,000 | Ellsworth | Lugar |
| RDTE,DW | STEM-UP Inglewood School District | 800,000 | Waters | --- |
| RDTE,DW | Strategic Materials | 4,000,000 | --- | Inouye |
| RDTE,DW | Street Sweeper | 3,200,000 | --- | Gregg, Shaheen |
| RDTE,DW | Superconducting Quantum Information Technology | 2,320,000 | Moore (KS) | Brownback |
| RDTE,DW | Synchrotron Beamline and Experimental Station | 1,600,000 | Bishop (NY) | Gillibrand |
| RDTE,DW | Technical Exploitation Operations Center, Gowen Field | 2,800,000 | --- | Crapo, Risch |
| RDTE,DW | Technology for Rapid Foreign Language Acquisition for Specialized Military and Intelligence Purposes | 2,560,000 | --- | Gregg, Shaheen |
| RDTE,DW | Terrorist Threat Detection System for Shipping Containers | 2,400,000 | --- | Reid |
| RDTE,DW | Thin-Film PV Module Deployment and Verification | 2,200,000 | --- | Lugar |
| RDTE,DW | Toxic Chemicals and Hazardous Material Improvement and Remediation | 2,400,000 | --- | Inouye |
| RDTE,DW | Transparent Lithia Alumina Silicate Glass Ceramic Armor Systems | 2,800,000 | --- | Lugar |
| RDTE,DW | Trusted Foundry | 4,800,000 | --- | Leahy |
| RDTE,DW | UAV/UAS Test Facility | 2,800,000 | --- | Inhofe |
| RDTE,DW | University Strategic Partnerships | 1,600,000 | Heinrich | Bingaman, Udall (NM) |
| RDTE,DW | Unmanned Aerial Platforms to Support First Responders During Local and National Disaster | 1,200,000 | --- | Reid |
| RDTE,DW | Upgrade of FilmArray Bio-threat Detection System | 2,000,000 | --- | Bennett |
| RDTE,DW | Vaccine Stabilization Initiative | 1,600,000 | Smith (WA), Baird, Inslee | Murray |
| RDTE,DW | Viral WMD - Protection and Treatment for the Warfighter | 2,000,000 | Higgins, Slaughter | Gillibrand, Schumer |
| RDTE,DW | Virtual Integrated Support for the Information Operations eNvironment | 5,000,000 | --- | Cochran, Wicker |
| RDTE,DW | Warfighter Interoperability Technologies | 1,200,000 | --- | Collins, Snowe |
| RDTE,DW | Woody Biomass Conversion to Jet Fuel | 2,500,000 | Pingree (ME), Michaud | Collins, Snowe |
| RDTE,N | 4-D Data Fusion and Visualization | 1,600,000 | --- | Akaka, Inouye |
| RDTE,N | Advanced Composite Maritime Manufacturing | 1,200,000 | --- | Carper, Kaufman |
| RDTE,N | Advanced Energetics Initiative | 3,200,000 | Hoyer | --- |
| RDTE,N | Advanced Energy Systems Integration | 3,200,000 | Hinchey | --- |
| RDTE,N | Advanced Fluid Controls for Shipboard Applications | 3,600,000 | --- | Lautenberg, Menendez |
| RDTE,N | Advanced Ship Self Defense Technology Testing | 4,880,000 | --- | Bennett |
| RDTE,N | Advanced Simulation Tools for Aircraft Structures Made of Composite Materials | 800,000 | --- | Bond |
| RDTE,N | Advanced Technology for Networked Autonomous Unmanned Systems | 1,600,000 | --- | Gillibrand, Schumer |
| RDTE,N | Agent Defeat by Energetic Nano-Materials | 1,600,000 | Rothman, Payne | Lautenberg, Menendez |

**DEFENSE [Congressionally Directed Spending Items]**

| Account | Project | Amount | Requester(s) | |
|---|---|---|---|---|
| | | | House | Senate |
| RDTE,N | Agile Port and High Speed Ship Technology Transition Program | 1,600,000 | Sánchez, Linda | --- |
| RDTE,N | Aging Military Aircraft Fleet Support | 1,600,000 | --- | Brownback, Roberts |
| RDTE,N | Airborne High Gain UHF ESA | 3,200,000 | --- | Inouye |
| RDTE,N | AMTC Research and Development Riverine Command Boat | 4,000,000 | --- | Murray |
| RDTE,N | Anthropomorphic Test Device Sensors for Kinetic and Impact Networks | 1,500,000 | Berry | Lincoln, Pryor |
| RDTE,N | Applied Research in Intelligent Autonomous Systems | 1,200,000 | Sestak | --- |
| RDTE,N | Arena Testing Utilizing LASER Systems | 1,040,000 | Berry | Lincoln, Pryor |
| RDTE,N | Artificial Intelligence-Based Combat System | 4,000,000 | --- | Reed, Whitehouse |
| RDTE,N | Automated Fiber Optic Manufacturing Initiative | 3,200,000 | --- | Kerry, Warner, Webb |
| RDTE,N | Avionics Research and Development Laboratory | 1,000,000 | Edwards (TX) | Hutchison |
| RDTE,N | Battery Research Initiative | 4,000,000 | Visclosky, Ellsworth | Lugar |
| RDTE,N | Biosensors for Defense Application | 2,000,000 | Cao | Landrieu, Vitter |
| RDTE,N | Bow Lifting Body Ship Research | 7,200,000 | --- | Inouye |
| RDTE,N | Carbon Composite Thin Films for Power Generation and Energy Storage in Military and Civilian Settings | 800,000 | Jackson-Lee | --- |
| RDTE,N | Center for Assured Critical Application and Infrastructure Security | 3,200,000 | --- | Durbin |
| RDTE,N | Center for Island Sustainability | 800,000 | Bordallo | --- |
| RDTE,N | Characterization and Exploitation of Magnetic and Electric Fields in the Coastal Ocean Environment - Dania Beach | 1,600,000 | Klein, Wasserman Schultz | Nelson (FL) |
| RDTE,N | CISRT Enabling Materials Technology | 1,600,000 | --- | Reid |
| RDTE,N | City of Hope National Medical Center Advanced Molecular Medical Initiative | 1,600,000 | Chu | --- |
| RDTE,N | Coactive Design of Human and Robot Teams for Materials Handling and IED Response | 3,200,000 | Boyd | --- |
| RDTE,N | Cognitive Radio Institute | 400,000 | Gordon | --- |
| RDTE,N | Common Command and Control System Module | 4,800,000 | --- | Dodd, Lieberman, Reed, Whitehouse |
| RDTE,N | Composite Surface Ship Louvers | 800,000 | --- | Klobuchar |
| RDTE,N | Composite Tissue Transplantation for Combat Wound Repair | 1,600,000 | --- | Chambliss |
| RDTE,N | Condition-based Maintenance Enabling Technologies Program | 2,040,000 | --- | Rockefeller |
| RDTE,N | Controllable Shock Absorber for Advanced Submarine Weapon Shock Mitigation | 2,400,000 | --- | Reid |
| RDTE,N | Cosite Interference Mitigation Suite | 1,200,000 | --- | Akaka, Inouye |
| RDTE,N | Countermine LIDAR UAV-based System | 2,000,000 | --- | Cochran |
| RDTE,N | Critical Power Securitization for Naval Installations | 2,960,000 | Courtney | Dodd, Lieberman |
| RDTE,N | Cyber Engineering and Technology Development Center Project | 1,600,000 | --- | Landrieu, Vitter |
| RDTE,N | DDG-51 Hybrid Drive System | 12,500,000 | --- | Cochran, Kerry, Wicker |
| RDTE,N | Decision and Energy Reduction Tool | 1,600,000 | --- | Levin, Stabenow, Udall (CO) |
| RDTE,N | Design for Maintainability Man-Machine Interface Lab | 1,600,000 | Hoyer | --- |
| RDTE,N | Development of Hybrid Multi-functional Composites for Submarine Structures | 4,000,000 | --- | Cochran |
| RDTE,N | Digitization, Integration and Analyst Access of NCIS Files | 1,020,000 | --- | Rockefeller |
| RDTE,N | Electronic Periscope Detection Radar | 2,400,000 | --- | Reid |
| RDTE,N | Ellipsoidal Unmanned Underwater Vehicle | 1,600,000 | --- | Reed, Whitehouse |
| RDTE,N | Energy Efficient and Survivable Tent Technology | 2,400,000 | Hinchey | Gillibrand, Schumer |
| RDTE,N | Enhance STRIKE Functionality and Integrate Actionable Intelligence into National Intelligence Systems | 1,200,000 | --- | Nelson (FL) |
| RDTE,N | Enhanced Logistics Data Analysis via Data Pedigree | 1,200,000 | Bishop (GA) | --- |
| RDTE,N | Expeditionary Capabilities Laboratory | 5,600,000 | --- | Brownback, Roberts |

**DEFENSE [Congressionally Directed Spending Items]**

| Account | Project | Amount | Requester(s) | |
|---|---|---|---|---|
| | | | House | Senate |
| RDTE,N | Fan Coil Assembly of the Future | 2,000,000 | --- | Dodd, Kerry, Lieberman |
| RDTE,N | Formable Textile for Complex Shaped Aerospace Composite Structures | 1,600,000 | --- | Collins, Snowe |
| RDTE,N | Fuel and Energy Laboratory | 800,000 | --- | Cantwell, Murray |
| RDTE,N | Fuel Efficient, High Specific Power Engine for USVs | 2,000,000 | --- | Collins, Snowe |
| RDTE,N | Fusion Exploitation Algorithm Targeting High Altitude Reconnaissance | 3,200,000 | --- | Bennett |
| RDTE,N | Global Law Enforcement Support for Counter-Narcotics | 2,400,000 | --- | Burr |
| RDTE,N | Global Supply Chain Management - Center for Advanced Logistics Management | 1,600,000 | Bishop (GA) | --- |
| RDTE,N | Graywater Treatment Technology | 880,000 | --- | Crapo, Risch |
| RDTE,N | Guidance, Navigation, Control and Targeting System | 5,600,000 | --- | Leahy |
| RDTE,N | Gulf Coast Land Based Test Facility | 21,740,000 | --- | Cochran, Wicker |
| RDTE,N | Gulf of Mexico/Texas Border Geoid Model | 1,600,000 | Ortiz | --- |
| RDTE,N | Hawaii Event Response Command Center | 2,400,000 | --- | Inouye |
| RDTE,N | Hawaii Surveillance Initiative | 17,000,000 | --- | Inouye |
| RDTE,N | Hawaii Technology Development Venture | 10,000,000 | --- | Inouye |
| RDTE,N | Hearing Restoration through Cellular Regeneration | 2,400,000 | --- | Murray |
| RDTE,N | High Density Energy Storage | 3,200,000 | --- | Nelson (NE) |
| RDTE,N | High Efficiency Power Electronics Module | 2,000,000 | --- | Kohl |
| RDTE,N | High Performance Military Aircraft Noise Reduction | 2,500,000 | --- | Cochran, Wicker |
| RDTE,N | High Power Laser Technologies Initiative | 1,600,000 | Brown (FL), Kosmas | Nelson (FL) |
| RDTE,N | High Temperature Fuel Cells | 2,400,000 | --- | Dodd, Lieberman |
| RDTE,N | High-Precision Nanoparticle Formation Control | 800,000 | Sestak | --- |
| RDTE,N | Human Neural Cell-based Biosensor | 960,000 | --- | Isakson |
| RDTE,N | Hybrid Propulsion/Power Generation for Increased Fuel Efficiency for Surface Combatants | 6,400,000 | --- | Feinstein |
| RDTE,N | Inertial North Finding for Handheld Sensors | 1,200,000 | --- | Gregg |
| RDTE,N | In-Field Body Temperature Conditioner | 2,400,000 | --- | Reid |
| RDTE,N | Infrared Materials Laboratories | 1,600,000 | --- | Inhofe |
| RDTE,N | Inland Water Quality and Desalination Program | 1,600,000 | Teague | Bingaman, Udall (NM) |
| RDTE,N | Integrated Manufacturing Enterprise | 2,800,000 | --- | Landrieu, Vitter |
| RDTE,N | Integration of Electro-Kinetic Weapons into Next Generation of Navy Ships | 4,400,000 | Boyd | Nelson (FL) |
| RDTE,N | Integration of Logistics Information for Knowledge Projection and Readiness Assessment Program | 1,360,000 | --- | Rockefeller |
| RDTE,N | Intelligent Autonomy Technology Transition/Intelligence Gathering Uninhabited System | 1,600,000 | --- | Burr |
| RDTE,N | Intelligent Decision Exploration | 4,000,000 | --- | Inouye |
| RDTE,N | Intelligent Integrated Manufacturing System | 2,400,000 | Melancon | Vitter |
| RDTE,N | Internet-Based Installation Environmental Management Information System | 800,000 | --- | Akaka |
| RDTE,N | IUID Web-Based Tracking and Accountability Software | 3,200,000 | --- | Reed |
| RDTE,N | Jet Engine Noise Reduction | 3,040,000 | Boyd | Nelson (FL) |
| RDTE,N | Joint Force Deployment Command and Control - Joint Deployment Distribution Support Platform Prototype | 800,000 | Scott (GA) | --- |
| RDTE,N | Joint Modular Intermodal Container | 1,600,000 | --- | Leahy |
| RDTE,N | Laser Phalanx | 12,000,000 | --- | Bunning, Kerry, McConnell |
| RDTE,N | LCS Axial Flow High Power Density Waterjets | 2,800,000 | --- | Kerry, Wicker |
| RDTE,N | Life Extension of Navy Weapon System Structures through AMP Technologies | 1,600,000 | --- | Johnson |
| RDTE,N | Light Weight Water Resistant Body Armor for Special Operations | 1,200,000 | --- | Hagan |

**DEFENSE [Congressionally Directed Spending Items]**

| Account | Project | Amount | Requester(s) | |
|---|---|---|---|---|
| | | | House | Senate |
| RDTE,N | Lightweight Ship Structures Technologies to Reduce Total Ownership Costs | 3,200,000 | Dicks | --- |
| RDTE,N | Littoral Battlespace Sensing-UUV | 1,600,000 | --- | Vitter |
| RDTE,N | M65 Bismaleimide Carbon Fiber Prepreg | 2,800,000 | --- | Bennett |
| RDTE,N | Managing and Extending DoD Asset Lifecycles | 1,600,000 | --- | Akaka |
| RDTE,N | MEMS Microdetonator Packaging Technology for Advanced DoD Weapons | 2,400,000 | --- | Johnson |
| RDTE,N | METOC Integrated Network-Centric Technology Systems | 2,400,000 | --- | Vitter |
| RDTE,N | Military Propulsion Advanced Program | 8,000,000 | --- | Kohl |
| RDTE,N | Millimeter Wave Imaging | 1,600,000 | --- | Carper, Kaufman |
| RDTE,N | Mobile Laser Deposition Work Cell | 2,400,000 | Conyers, Dingell, Kilpatrick, Levin | Levin, Stabenow |
| RDTE,N | MPC Performance Feedback and Assessment System | 1,600,000 | --- | Warner, Webb |
| RDTE,N | Nanofluidic Lubricants for Increased Fuel Efficiency in Heavy Duty Vehicles | 1,200,000 | Price (NC) | --- |
| RDTE,N | Nanotechnology for Anti-Reverse Engineering | 1,600,000 | --- | Lincoln, Pryor |
| RDTE,N | National Functional Genomics Center Collaborating Site | 4,000,000 | Holden | --- |
| RDTE,N | Naval Electronic Warfare Technology Integration Center | 2,400,000 | --- | Lugar |
| RDTE,N | Naval Port Security System | 4,400,000 | --- | Reed, Voinovich, Whitehouse |
| RDTE,N | Navy Nanotechnology Fuze-on-a-Chip | 3,200,000 | --- | Kohl |
| RDTE,N | Navy Ordnance Real-Time Location System Using Passive Radio Frequency Identification | 2,000,000 | --- | Cochran |
| RDTE,N | Navy Special Warfare Performance and Injury Prevention Program for SBT 22 at Stennis Space Center | 2,400,000 | Taylor | Cochran, Specter, Wicker |
| RDTE,N | Network-centric Communications Using All-digital Radio Frequency Systems | 1,600,000 | --- | Schumer |
| RDTE,N | Neural Control of External Devices (Limb Movement) | 1,200,000 | --- | Bennett |
| RDTE,N | Non-Lethal Defense Technologies | 800,000 | Critz | --- |
| RDTE,N | Nuclear Security Sensor System | 3,600,000 | --- | Baucus, Tester |
| RDTE,N | ONAMI Nanoelectronics, Nanometrology and Nanobiotechnology Initiative | 2,750,000 | Wu, Blumenauer, DeFazio, Schrader | Merkley, Wyden |
| RDTE,N | Organic Submarine Airborne ISRT Deployment | 3,600,000 | --- | Reed |
| RDTE,N | Out of Autoclave Composite Wing Project | 2,400,000 | --- | Bond |
| RDTE,N | PACNORWEST Large Diameter Unmanned Undersea Vehicle Experimentation | 4,320,000 | Dicks | --- |
| RDTE,N | Persistent Surveillance Wave Power Buoy System | 2,800,000 | --- | Lautenberg, Menendez |
| RDTE,N | Pervasive Healthcare Technology | 2,000,000 | Johnson, Eddie Bernice (TX) | --- |
| RDTE,N | Polymer Science Research and Development | 4,200,000 | --- | Cochran, Wicker |
| RDTE,N | Production Efficiency Program | 1,680,000 | --- | Inouye |
| RDTE,N | Productization of Anti-fouling and Fouling Release Coating Systems | 2,400,000 | Pomeroy | Conrad, Dorgan |
| RDTE,N | Program for Space and Defense Nano-Photovoltaics | 1,600,000 | Green, Gene (TX) | --- |
| RDTE,N | Proton Therapy Institute | 8,000,000 | Moran (VA), Scott (VA) | --- |
| RDTE,N | Puget Sound Baseline Monitoring/Intrusion Detection System | 1,600,000 | --- | Murray |
| RDTE,N | Puget Sound Littoral Environmental Sensing Network | 4,960,000 | Dicks | --- |
| RDTE,N | Quiet Drive Advanced Rotary Actuator | 2,400,000 | --- | Warner, Webb |
| RDTE,N | Rapid Casting Technology for Naval Castings | 800,000 | --- | Murray |
| RDTE,N | Rare Earth Alternatives for Permanent Magnet Motors | 4,000,000 | --- | Inhofe, Lincoln, Pryor, Wicker |
| RDTE,N | Real-Time Tactical Intelligence Collection System | 2,400,000 | --- | Cardin, Mikulski |
| RDTE,N | Research Airship | 2,000,000 | --- | Collins |
| RDTE,N | Silicon Nanofiber Medical Devices for the Warfighter | 4,000,000 | --- | Conrad, Dorgan |

**DEFENSE [Congressionally Directed Spending Items]**

| Account | Project | Amount | Requester(s) | |
|---|---|---|---|---|
| | | | House | Senate |
| RDTE,N | Smart Instrument Development for the Magdalena Ridge Observatory | 4,800,000 | Teague | Bingaman, Udall (NM) |
| RDTE,N | SOF COMMS, PSYOPS | 4,000,000 | Hoyer | --- |
| RDTE,N | Solid State Arc Fault Detection with Arc Location System | 1,240,000 | --- | Bennett |
| RDTE,N | Southern Maryland Defense Facility Fiber Connectivity Initiative | 6,000,000 | --- | Mikulski |
| RDTE,N | SPAWAR Systems Center (SSC/ITC), Atlantic New Orleans | 4,000,000 | Cao | Landrieu, Vitter |
| RDTE,N | Spin-Torque Effect Research for MRAM | 800,000 | --- | Baucus, Tester |
| RDTE,N | SSGN Weapon Launch Technology Insertion | 1,600,000 | --- | Reed, Whitehouse |
| RDTE,N | Steel Hardening for U.S. Navy Littoral Combat Ships | 2,400,000 | Ryan (OH) | --- |
| RDTE,N | STEM/Energy and Power Career Development Initiative | 3,200,000 | Schwartz, Sestak | Kaufman |
| RDTE,N | Submarine Environment for Evaluation and Development | 3,200,000 | --- | Reed |
| RDTE,N | Submarine Payload Integration | 6,400,000 | --- | Dodd, Lieberman, Reed, Whitehouse |
| RDTE,N | Supply Chain Logistics Capability at the ABL NIROP | 3,200,000 | --- | Rockefeller |
| RDTE,N | Surveillance and Strike Mission Radar Test Bed | 3,200,000 | --- | Mikulski |
| RDTE,N | TB-33 Thinline Towed Array | 2,800,000 | --- | Reed, Whitehouse |
| RDTE,N | Texas Microfactory | 2,400,000 | --- | Hutchison |
| RDTE,N | Tidal Energy Test Platform | 3,760,000 | Dicks, Baird, Inslee | Cantwell, Murray |
| RDTE,N | Tomahawk Cost Reduction Initiative | 3,040,000 | --- | Bennett, Levin, Stabenow |
| RDTE,N | Traumatic Brain Injury Research | 4,000,000 | Hoyer | Cardin |
| RDTE,N | Treatment and Rehabilitation Solutions for Battlefield Cranio-Facial Wounds | 4,000,000 | --- | Cornyn, Hutchison |
| RDTE,N | Tunable MicroRadio for Military Applications | 4,800,000 | --- | Conrad, Dorgan |
| RDTE,N | Turbulence Research Facility | 3,200,000 | --- | Gregg, Shaheen |
| RDTE,N | U.S. Navy Pandemic Influenza Vaccine Program | 1,600,000 | Owens | Gillibrand, Schumer |
| RDTE,N | Underwater Warhead Research | 3,200,000 | Hoyer | --- |
| RDTE,N | Unmanned Ground Vehicle Mobility for Complex Urban Environments in Coastal Zones | 3,200,000 | Carney | Specter |
| RDTE,N | UPSIDE Extension to Virtual Perimeter Monitoring System | 800,000 | Langevin | Reed, Whitehouse |
| RDTE,N | USMC Military Fleet Computer Co-simulation | 640,000 | Markey (CO) | --- |
| RDTE,N | Virtual Business Accelerator for the Silicon Prairie | 1,600,000 | --- | Nelson (NE) |
| RDTE,N | Virtual Maintenance Engineering Platform for SSGN Voyage Repair | 800,000 | --- | Dodd, Lieberman, Reed, Whitehouse |
| RDTE,N | Virtual Onboard Analyst for Multi-Sensor Mine Detection | 1,200,000 | --- | Akaka, Inouye |
| RDTE,N | Virtual Secure Enclave | 4,000,000 | --- | Inouye |
| RDTE,N | Vision Restoration using Wireless Retinal Implants | 3,200,000 | --- | Nelson (NE) |
| RDTE,N | Wave Energy Conversion for Persistent Surveillance and Communications | 2,000,000 | --- | Inouye |
| RDTE,N | Weapon Acquisition and Firing System | 2,400,000 | --- | Kerry, Reed, Whitehouse |
| RDTE,N | Wind-Powered Autonomous Unmanned Surface Vessel | 2,400,000 | --- | Akaka |
| RDTE,N | Wireless Sensors for Navy Aircraft | 3,200,000 | --- | Leahy |
| WP,N | ABL Accelerate Facility Restoration Plan | 3,200,000 | --- | Rockefeller |
| WP,N | Mk 110 Naval Gun System | 6,000,000 | --- | McConnell |
| WP,N | Mk 38 Mod 2 Minor Caliber Gun System | 5,000,000 | --- | McConnell |
| WTCV,A | Arsenal Support Program Initiative, Rock Island | 3,200,000 | Braley, Hare | Burris, Durbin, Grassley, Harkin |
| WTCV,A | Arsenal Support Program Initiative, Watervliet | 2,400,000 | Tonko | Gillibrand, Schumer |
| WTCV,A | M2 .50 Cal Quick Change Barrel Kits | 4,800,000 | --- | Collins, Snowe |
| WTCV,A | M2 Machine Guns for the NV ARNG | 408,000 | --- | Ensign, Reid |
| WTCV,A | M249 Light SAW Machine Guns for the NV ARNG | 45,000 | --- | Ensign, Reid |
| WTCV,A | M249 SAW Machine Guns for the NV ARNG | 220,000 | --- | Ensign, Reid |
| WTCV,A | M4 Carbines for the NV ARNG | 345,000 | --- | Ensign, Reid |

**DEFENSE [Congressionally Directed Spending Items]**

| Account | Project | Amount | Requester(s) | |
|---|---|---|---|---|
| | | | House | Senate |
| WTCV,A | M9 Handguns for the NV ARNG | 58,000 | --- | Ensign, Reid |
| WTCV,A | Rock Island Arsenal Joint Manufacturing and Technology Center Mini-Rearmament | 5,360,000 | Hare, Braley | Durbin, Grassley, Harkin |

COMPARATIVE STATEMENT OF NEW BUDGET AUTHORITY FY 2011

[Amounts in thousands]

| | FY 2010 Enacted | FY 2011 Request | FY 2011 This Bill | This Bill vs Enacted | This Bill vs Request |
|---|---|---|---|---|---|
| TITLE I | | | | | |
| MILITARY PERSONNEL | | | | | |
| Military Personnel, Army | 41,005,612 | 41,972,277 | 41,042,653 | +37,041 | −929,624 |
| Military Personnel, Navy | 25,289,049 | 25,950,949 | 25,912,449 | +623,400 | −38,500 |
| Military Personnel, Marine Corps | 12,799,990 | 13,250,161 | 13,210,161 | +410,171 | −40,000 |
| Military Personnel, Air Force | 26,174,136 | 27,121,755 | 27,105,755 | +931,619 | −16,000 |
| Reserve Personnel, Army | 4,304,713 | 4,397,165 | 4,333,165 | +28,452 | −64,000 |
| Reserve Personnel, Navy | 1,909,301 | 1,944,191 | 1,940,191 | +30,890 | −4,000 |
| Reserve Personnel, Marine Corps | 613,500 | 617,441 | 612,191 | −1,309 | −5,250 |
| Reserve Personnel, Air Force | 1,589,412 | 1,686,797 | 1,650,797 | +61,385 | −36,000 |
| National Guard Personnel, Army | 7,546,905 | 7,624,296 | 7,514,896 | −32,009 | −109,400 |
| National Guard Personnel, Air Force | 2,938,229 | 3,103,598 | 3,067,431 | +129,202 | −36,167 |
| Total, Title I, Military Personnel | 124,170,847 | 127,668,630 | 126,389,689 | +2,218,842 | −1,278,941 |
| TITLE II | | | | | |
| OPERATION AND MAINTENANCE | | | | | |
| Operation and Maintenance, Army | 30,934,550 | 33,971,965 | 33,351,597 | +2,417,047 | −620,368 |
| Operation and Maintenance, Navy | 34,714,396 | 38,134,308 | 37,849,700 | +3,135,304 | −284,608 |
| Operation and Maintenance, Marine Corps | 5,539,117 | 5,590,340 | 5,546,060 | +6,943 | −44,280 |
| Operation and Maintenance, Air Force | 33,477,116 | 36,844,512 | 36,110,720 | +2,633,604 | −733,792 |
| Operation and Maintenance, Defense-Wide | 28,115,793 | 30,583,896 | 30,303,622 | +2,187,829 | −280,274 |
| Operation and Maintenance, Army Reserve | 2,617,496 | 2,879,077 | 2,840,427 | +222,931 | −38,650 |
| Operation and Maintenance, Navy Reserve | 1,273,701 | 1,367,764 | 1,344,264 | +70,563 | −23,500 |
| Operation and Maintenance, Marine Corps Reserve | 223,175 | 285,234 | 275,484 | +52,309 | −9,750 |
| Operation and Maintenance, Air Force Reserve | 3,131,200 | 3,301,035 | 3,291,027 | +159,827 | −10,008 |
| Operation and Maintenance, Army National Guard | 6,189,713 | 6,572,704 | 6,504,424 | +314,711 | −68,280 |
| Operation and Maintenance, Air National Guard | 5,882,251 | 5,941,143 | 5,969,267 | +87,016 | +28,124 |
| Overseas Contingency Operations Transfer Account | | 5,000 | | | −5,000 |
| United States Court of Appeals for the Armed Forces | 13,932 | 14,068 | 14,068 | +136 | |
| Environmental Restoration, Army | 423,364 | 444,581 | 464,581 | +41,217 | +20,000 |
| Environmental Restoration, Navy | 285,869 | 304,867 | 304,867 | +18,998 | |
| Environmental Restoration, Air Force | 494,276 | 502,653 | 502,653 | +8,377 | |
| Environmental Restoration, Defense-Wide | 11,100 | 10,744 | 10,744 | −356 | |
| Environmental Restoration, Formerly Used Defense Sites | 292,700 | 276,546 | 316,546 | +23,846 | +40,000 |
| Overseas Humanitarian, Disaster, and Civic Aid | 109,869 | 108,032 | 108,032 | −1,837 | |
| Cooperative Threat Reduction Account | 424,093 | 522,512 | 522,512 | +98,419 | |
| Department of Defense Acquisition Workforce Development Fund | 100,000 | 217,561 | 217,561 | +117,561 | |
| Total, Title II, Operation and maintenance | 154,253,711 | 167,878,542 | 165,848,156 | +11,594,445 | −2,030,386 |
| TITLE III | | | | | |
| PROCUREMENT | | | | | |
| Aircraft Procurement, Army | 5,093,822 | 5,976,867 | 5,268,991 | +175,169 | −707,876 |
| Missile Procurement, Army | 1,251,053 | 1,887,437 | 1,570,108 | +319,055 | −317,329 |
| Procurement of Weapons and Tracked Combat Vehicles, Army | 2,335,807 | 1,723,561 | 1,477,922 | −857,885 | −245,639 |
| Procurement of Ammunition, Army | 2,056,115 | 1,979,414 | 1,857,786 | −198,329 | −121,628 |
| Other Procurement, Army | 8,582,660 | 9,765,808 | 8,204,605 | −378,055 | −1,561,203 |
| Aircraft Procurement, Navy | 18,643,221 | 18,508,613 | 17,473,588 | −1,169,633 | −1,035,025 |
| Weapons Procurement, Navy | 3,357,572 | 3,359,794 | 3,236,157 | −121,415 | −123,637 |
| Procurement of Ammunition, Navy and Marine Corps | 800,651 | 817,991 | 790,527 | −10,124 | −27,464 |
| Shipbuilding and Conversion, Navy | 13,881,532 | 15,724,520 | 15,366,658 | +1,485,126 | −357,862 |
| Other Procurement, Navy | 5,441,234 | 6,450,208 | 5,833,683 | +392,449 | −616,525 |
| Procurement, Marine Corps | 1,521,505 | 1,344,044 | 1,238,036 | −283,469 | −106,008 |
| Aircraft Procurement, Air Force | 13,295,474 | 15,366,508 | 12,528,779 | −766,695 | −2,837,729 |
| Missile Procurement, Air Force | 5,995,544 | 5,463,272 | 5,430,764 | −564,780 | −32,508 |
| Procurement of Ammunition, Air Force | 801,550 | 667,420 | 735,487 | −66,063 | +68,067 |
| Other Procurement, Air Force | 17,138,239 | 17,845,380 | 17,598,331 | +460,092 | −247,049 |
| Procurement, Defense-Wide | 4,050,537 | 4,280,368 | 4,042,241 | −8,296 | −238,127 |
| Defense Production Act Purchases | 150,746 | 28,746 | 74,906 | −75,840 | +46,160 |
| Total, Title III, Procurement | 104,397,262 | 111,189,951 | 102,728,569 | −1,668,693 | −8,461,382 |
| TITLE IV | | | | | |
| RESEARCH, DEVELOPMENT, TEST AND EVALUATION | | | | | |
| Research, Development, Test and Evaluation, Army | 11,474,180 | 10,333,392 | 10,775,081 | −699,099 | +441,689 |
| Research, Development, Test and Evaluation, Navy | 20,003,463 | 17,693,496 | 18,447,913 | −1,555,550 | +754,417 |
| Research, Development, Test and Evaluation, Air Force | 28,121,985 | 27,247,302 | 27,006,965 | −1,115,020 | −240,337 |
| Research, Development, Test and Evaluation, Defense-Wide | 20,747,081 | 20,661,600 | 21,171,272 | +424,191 | +509,672 |
| Operational Test and Evaluation, Defense | 190,770 | 194,910 | 194,910 | +4,140 | |
| Total, Title IV, Research, Development, Test and Evaluation | 80,537,479 | 76,130,700 | 77,596,141 | −2,941,338 | +1,465,441 |
| TITLE V | | | | | |
| REVOLVING AND MANAGEMENT FUNDS | | | | | |
| Defense Working Capital Funds | 1,455,004 | 1,434,536 | 1,434,536 | −20,468 | |
| National Defense Sealift Fund | 1,672,758 | 934,866 | 1,077,266 | −595,492 | +142,400 |
| Defense Coalition Support Fund | | 10,000 | | | −10,000 |
| Total, Title V, Revolving and Management Funds | 3,127,762 | 2,379,402 | 2,511,802 | −615,960 | +132,400 |
| TITLE VI | | | | | |
| OTHER DEPARTMENT OF DEFENSE PROGRAMS | | | | | |
| Defense Health Program: | | | | | |
| Operation and maintenance | 27,596,689 | 29,915,277 | 29,697,516 | +2,100,827 | −217,761 |
| Procurement | 366,692 | 519,921 | 534,921 | +168,229 | +15,000 |
| Research, development, test and evaluation | 1,280,047 | 499,913 | 1,228,333 | −51,714 | +728,420 |
| Total, Defense Health Program [1] | 29,243,428 | 30,935,111 | 31,460,770 | +2,217,342 | +525,659 |
| Chemical Agents and Munitions Destruction, Defense: | | | | | |
| Operation and maintenance | 1,146,802 | 1,067,364 | 1,067,364 | −79,438 | |
| Procurement | 12,689 | 7,132 | 7,132 | −5,557 | |
| Research, development, test and evaluation | 401,269 | 392,811 | 392,811 | −8,458 | |
| Total, Chemical Agents [2] | 1,560,760 | 1,467,307 | 1,467,307 | −93,453 | |
| Drug Interdiction and Counter-Drug Activities, Defense | 1,158,226 | 1,131,351 | 1,207,877 | +49,651 | +76,526 |
| Joint Improvised Explosive Device Defeat Fund [2] | 121,550 | 215,868 | | −121,550 | −215,868 |
| Office of the Inspector General [1] | 288,100 | 283,354 | 306,794 | +18,694 | +23,440 |

COMPARATIVE STATEMENT OF NEW BUDGET AUTHORITY FY 2011—Continued

[Amounts in thousands]

| | FY 2010 Enacted | FY 2011 Request | FY 2011 This Bill | This Bill vs Enacted | This Bill vs Request |
|---|---|---|---|---|---|
| Total, Title VI, Other Department of Defense Programs | 32,372,064 | 34,032,991 | 34,442,748 | +2,070,684 | +409,757 |
| TITLE VII | | | | | |
| RELATED AGENCIES | | | | | |
| Central Intelligence Agency Retirement and Disability System Fund | 290,900 | 292,000 | 292,000 | +1,100 | |
| Intelligence Community Management Account (ICMA) | 707,912 | 706,692 | 649,732 | −58,180 | −56,960 |
| Total, Title VII, Related agencies | 998,812 | 998,692 | 941,732 | −57,080 | −56,960 |
| TITLE VIII | | | | | |
| GENERAL PROVISIONS | | | | | |
| Additional transfer authority (Sec. 8005) | (4,000,000) | (5,000,000) | (4,000,000) | | (−1,000,000) |
| Indian Financing Act incentives (Sec. 8021) | 15,000 | | 15,000 | | +15,000 |
| FFRDC (Sec. 8025) | −125,200 | | −125,000 | +200 | −125,000 |
| Overseas Military Facility Invest Recovery (Sec. 8030) | 1,000 | 1,000 | 1,000 | | |
| Rescissions (Sec. 8041) | −1,244,057 | | −1,113,536 | +130,521 | −1,113,536 |
| O&M, Defense-wide transfer authority (Sec. 8052) | (30,000) | (30,000) | (30,000) | | |
| Fisher House Foundation (Sec. 8072) | 3,750 | | 4,000 | +250 | +4,000 |
| Special needs students (Sec. 8078) | 5,500 | | 5,500 | | +5,500 |
| Military Recruitment Assessment & Vet Empl (Sec. 8079) | 3,000 | | 3,200 | +200 | +3,200 |
| National grants (Sec. 8082) | | | 65,200 | +65,200 | +65,200 |
| Shipbuilding & conversion funds, Navy (Sec. 8087) | 10,000 | 10,000 | 10,000 | | |
| Revised economic assumptions | −861,000 | | | +861,000 | |
| Working Capital Fund excess cash (Sec. 8101) | −400,000 | | −483,000 | −83,000 | −483,000 |
| Fisher House transfer authority (Sec. 8102) | (11,000) | (11,000) | (11,000) | | |
| ICMA transfer authority (Sec. 8103) | (24,000) | (24,000) | (24,000) | | |
| Business Transformation (transfer authority) (Sec. 8109) | | | (50,000) | (+50,000) | (+50,000) |
| Tanker Replacement Transfer Fund (Sec. 8110) | 291,715 | | 538,875 | +247,160 | +538,875 |
| Iraqi/Afghan Refugee Resettlement Support | 4,000 | | | −4,000 | |
| Operation and Maintenance, Defense-Wide (Sec. 8117) | | | 250,000 | +250,000 | +250,000 |
| Operation and Maintenance, Defense-Wide (Sec. 8118) | | | 300,000 | +300,000 | +300,000 |
| Energy Security Pilot Projects (Sec. 8122) | | | 20,000 | +20,000 | +20,000 |
| Various grants (Sec. 8125) | 110,640 | | 41,400 | −69,240 | +41,400 |
| Total, Title VIII, General Provisions | −2,185,652 | 11,000 | −467,361 | +1,718,291 | −478,361 |
| TITLE IX | | | | | |
| OVERSEAS CONTINGENCY OPERATIONS | | | | | |
| Military Personnel | | | | | |
| Military Personnel, Army (emergency) | 1,429,809 | | 11,468,033 | +10,038,224 | +11,468,033 |
| (Overseas contingency operations)[3] | 9,958,840 | 10,678,409 | | −9,958,840 | −10,678,409 |
| Military Personnel, Navy (emergency) | 40,478 | | 1,308,719 | +1,268,241 | +1,308,719 |
| (Overseas contingency operations)[3] | 1,388,601 | 1,178,719 | | −1,388,601 | −1,178,719 |
| Military Personnel, Marine Corps (emergency) | 145,499 | | 732,920 | +587,421 | +732,920 |
| (Overseas contingency operations)[3] | 778,722 | 644,775 | | −778,722 | −644,775 |
| Military Personnel, Air Force (emergency) | 94,068 | | 2,060,442 | +1,966,374 | +2,060,442 |
| (Overseas contingency operations)[3] | 1,667,376 | 1,406,387 | | −1,667,376 | −1,406,387 |
| Reserve Personnel, Army (emergency) | 5,722 | | 268,031 | +262,309 | +268,031 |
| (Overseas contingency operations)[3] | 293,137 | 268,031 | | −293,137 | −268,031 |
| Reserve Personnel, Navy (emergency) | 2,637 | | 48,912 | +46,275 | +48,912 |
| (Overseas contingency operations)[3] | 37,040 | 48,912 | | −37,040 | −48,912 |
| Reserve Personnel, Marine Corps (emergency) | 34,758 | | 45,437 | +10,679 | +45,437 |
| (Overseas contingency operations)[3] | 31,337 | 30,637 | | −31,337 | −30,637 |
| Reserve Personnel, Air Force (emergency) | 1,292 | | 27,002 | +25,710 | +27,002 |
| (Overseas contingency operations)[3] | 19,822 | 27,002 | | −19,822 | −27,002 |
| National Guard Personnel, Army (emergency) | 33,184 | | 853,022 | +819,838 | +853,022 |
| (Overseas contingency operations)[3] | 824,966 | 828,122 | | −824,966 | −828,122 |
| National Guard Personnel, Air Force (emergency) | | | 16,860 | +16,860 | +16,860 |
| (Overseas contingency operations)[3] | 9,500 | 21,060 | | −9,500 | −21,060 |
| Total, Military Personnel | 16,796,788 | 15,132,054 | 16,829,378 | +32,590 | +1,697,324 |
| Operation and Maintenance | | | | | |
| Operation & Maintenance, Army (emergency) | 11,719,927 | | 59,212,782 | +47,492,855 | +59,212,782 |
| (Overseas contingency operations)[3] | 47,821,154 | 62,602,618 | | −47,821,154 | −62,602,618 |
| Operation & Maintenance, Navy (emergency) | 2,735,194 | | 8,970,724 | +6,235,530 | +8,970,724 |
| (Overseas contingency operations)[3] | 5,475,925 | 8,946,634 | | −5,475,925 | −8,946,634 |
| Coast Guard (by transfer) (OCO)[3] | | (254,461) | | | (−254,461) |
| Operation & Maintenance, Marine Corps (emergency) | 829,326 | | 4,008,022 | +3,178,696 | +4,008,022 |
| (Overseas contingency operations) | 3,430,258 | 4,136,522 | | −3,430,258 | −4,136,522 |
| Operation & Maintenance, Air Force (emergency) | 3,835,095 | | 12,989,643 | +9,154,548 | +12,989,643 |
| (Overseas contingency operations)[3] | 9,216,319 | 13,487,283 | | −9,216,319 | −13,487,283 |
| Operation & Maintenance, Defense-Wide (emergency) | 1,236,727 | | 9,276,990 | +8,040,263 | +9,276,990 |
| Coalition support funds (emergency) | | | (1,600,000) | (+1,600,000) | (+1,600,000) |
| (Overseas contingency operations)[3] | 7,490,900 | 9,426,358 | | −7,490,900 | −9,426,358 |
| Coalition support funds (OCO)[3] | (1,570,000) | (1,600,000) | | (−1,570,000) | (−1,600,000) |
| Operation & Maintenance, Army Reserve (emergency) | 41,006 | | 206,784 | +165,778 | +206,784 |
| (Overseas contingency operations)[3] | 204,326 | 286,950 | | −204,326 | −286,950 |
| Operation & Maintenance, Navy Reserve (emergency) | 75,878 | | 93,559 | +17,681 | +93,559 |
| (Overseas contingency operations)[3] | 68,059 | 93,559 | | −68,059 | −93,559 |
| Operation & Maintenance, Marine Corps Reserve (emergency) | 857 | | 29,685 | +28,828 | +29,685 |
| (Overseas contingency operations) | 86,667 | 29,685 | | −86,667 | −29,685 |
| Operation & Maintenance, Air Force Reserve (emergency) | 124,039 | | 203,807 | +79,768 | +203,807 |
| (Overseas contingency operations)[3] | 125,925 | 129,607 | | −125,925 | −129,607 |
| Operation & Maintenance, Army National Guard (emergency) | 180,960 | | 497,849 | +316,889 | +497,849 |
| (Overseas contingency operations)[3] | 321,646 | 544,349 | | −321,646 | −544,349 |
| Operation & Maintenance, Air National Guard (emergency) | 203,287 | | 417,983 | +214,696 | +417,983 |
| (Overseas contingency operations)[3] | 289,862 | 350,823 | | −289,862 | −350,823 |
| Overseas Contingency Operations Transfer Fund: | | | | | |
| (Overseas contingency operations)[3] | 5,000,000 | 1,551,781 | | −5,000,000 | −1,551,781 |
| Subtotal, Operation and Maintenance | 100,513,337 | 101,586,169 | 95,907,828 | −4,605,509 | −5,678,341 |
| Afghanistan Infrastructure Fund (emergency) | | | 400,000 | +400,000 | +400,000 |
| Afghanistan Security Forces Fund (emergency) | 2,604,000 | | 11,619,283 | +9,015,283 | +11,619,283 |
| (Overseas contingency operations)[3] | 6,562,769 | 11,619,283 | | −6,562,769 | −11,619,283 |
| Iraq Security Forces Fund (emergency) | 1,000,000 | | 1,500,000 | +500,000 | +1,500,000 |
| (Overseas contingency operations)[3] | | 2,000,000 | | | −2,000,000 |
| Total, Operation and Maintenance | 110,680,106 | 115,205,452 | 109,427,111 | −1,252,995 | −5,778,341 |
| Procurement | | | | | |
| Aircraft Procurement, Army (emergency) | 219,470 | | 2,720,138 | +2,500,668 | +2,720,138 |

COMPARATIVE STATEMENT OF NEW BUDGET AUTHORITY FY 2011—Continued

[Amounts in thousands]

| | FY 2010 Enacted | FY 2011 Request | FY 2011 This Bill | This Bill vs Enacted | This Bill vs Request |
|---|---|---|---|---|---|
| (Overseas contingency operations) [3] | 1,238,219 | 1,373,803 | | −1,238,219 | −1,373,803 |
| Army National Guard & Army Reserve (by transfer) | | (7,555) | | | (−7,555) |
| Missile Procurement, Army (emergency) | | | 343,828 | +343,828 | +343,828 |
| (Overseas contingency operations) | 475,954 | 343,828 | | −475,954 | −343,828 |
| Procurement of Weapons and Tracked Combat Vehicles, Army (emergency) | 3,000 | | 896,996 | +893,996 | +896,996 |
| (Overseas contingency operations) [3] | 1,169,466 | 687,500 | | −1,169,466 | −687,500 |
| Procurement of Ammunition, Army (emergency) | 17,055 | | 369,885 | +352,830 | +369,885 |
| (Overseas contingency operations) [3] | 365,635 | 702,591 | | −365,635 | −702,591 |
| Other Procurement, Army (emergency) | 2,065,006 | | 6,423,832 | +4,358,826 | +6,423,832 |
| (Overseas contingency operations) [3] | 5,800,516 | 5,827,274 | | −5,800,516 | −5,827,274 |
| Army National Guard & Army Reserve (by transfer) | | (980,215) | | | (−980,215) |
| Aircraft Procurement, Navy (emergency) | 296,000 | | 1,269,549 | +973,549 | +1,269,549 |
| (Overseas contingency operations) [3] | 853,297 | 420,358 | | −853,297 | −420,358 |
| Weapons Procurement, Navy (emergency) | | | 90,502 | +90,502 | +90,502 |
| (Overseas contingency operations) [3] | 50,700 | 93,425 | | −50,700 | −93,425 |
| Procurement of Ammunition, Navy and Marine Corps (emergency) | | | 558,024 | +558,024 | +558,024 |
| (Overseas contingency operations) [3] | 675,957 | 565,084 | | −675,957 | −565,084 |
| Other Procurement, Navy (emergency) | 31,576 | | 316,835 | +285,259 | +316,835 |
| (Overseas contingency operations) [3] | 241,018 | 480,735 | | −241,018 | −480,735 |
| Navy Reserve & Marine Corps Reserve (by transfer) | | (29,706) | | | (−29,706) |
| Procurement, Marine Corps (emergency) | 162,927 | | 1,589,119 | +1,426,192 | +1,589,119 |
| (Overseas contingency operations) [3] | 893,197 | 1,778,243 | | −893,197 | −1,778,243 |
| Aircraft Procurement, Air Force (emergency) | 174,766 | | 1,991,955 | +1,817,189 | +1,991,955 |
| (Overseas contingency operations) [3] | 736,501 | 1,362,420 | | −736,501 | −1,362,420 |
| Missile Procurement, Air Force (emergency) | | | 56,621 | +56,621 | +56,621 |
| (Overseas contingency operations) [3] | 36,625 | 56,621 | | −36,625 | −56,621 |
| Procurement of Ammunition, Air Force (emergency) | | | 292,959 | +292,959 | +292,959 |
| (Overseas contingency operations) [3] | 256,819 | 292,959 | | −256,819 | −292,959 |
| Other Procurement, Air Force (emergency) | 672,741 | | 2,868,593 | +2,195,852 | +2,868,593 |
| (Overseas contingency operations) [3] | 2,583,421 | 3,087,481 | | −2,583,421 | −3,087,481 |
| Procurement, Defense-Wide (emergency) | 189,276 | | 1,262,499 | +1,073,223 | +1,262,499 |
| (Overseas contingency operations) [3] | 480,780 | 874,546 | | −480,780 | −874,546 |
| National Guard and Reserve Equipment (emergency) | | | 850,000 | +850,000 | +850,000 |
| (Overseas contingency operations) [3] | 950,000 | | | −950,000 | |
| Mine Resistant Ambush Protected Vehicle Fund (emergency) | 1,123,000 | | 3,415,000 | +2,292,000 | +3,415,000 |
| (Overseas contingency operations) [3] | 6,281,000 | 3,415,000 | | −6,281,000 | −3,415,000 |
| Total, Procurement | 28,043,922 | 21,361,868 | 25,316,335 | −2,727,587 | +3,954,467 |
| Research, Development, Test and Evaluation | | | | | |
| Research, Development, Test & Evaluation, Army (emergency) | | | 143,234 | +143,234 | +143,234 |
| (Overseas contingency operations) | 57,962 | 150,906 | | −57,962 | −150,906 |
| Research, Development, Test & Evaluation, Navy (emergency) | 44,835 | | 104,781 | +59,946 | +104,781 |
| (Overseas contingency operations) [3] | 58,660 | 60,401 | | −58,660 | −60,401 |
| Research, Development, Test & Evaluation, Air Force (emergency) | 163,775 | | 484,382 | +320,607 | +484,382 |
| (Overseas contingency operations) [3] | 39,286 | 266,241 | | −39,286 | −266,241 |
| Research, Development, Test and Evaluation, Defense-Wide (emergency) | 65,138 | | 222,616 | +157,478 | +222,616 |
| (Overseas contingency operations) [3] | 112,196 | 157,240 | | −112,196 | −157,240 |
| Total, Research, Development, Test and Evaluation | 541,852 | 634,788 | 955,013 | +413,161 | +320,225 |
| Revolving and Management Funds | | | | | |
| Defense Working Capital Funds (emergency) | 1,134,887 | | 485,384 | −649,503 | +485,384 |
| (Overseas contingency operations) [3] | 412,215 | 485,384 | | −412,215 | −485,384 |
| Total, Revolving and Management Funds | 1,547,102 | 485,384 | 485,384 | −1,061,718 | |
| Other Department of Defense Programs | | | | | |
| Defense Health Program: | | | | | |
| Operation and maintenance (emergency) | 33,367 | | 1,398,092 | +1,364,725 | +1,398,092 |
| (Overseas contingency operations) [3] | 1,256,675 | 1,398,092 | | −1,256,675 | −1,398,092 |
| Research, development, test & evaluation (emergency) | | | 24,000 | +24,000 | +24,000 |
| Total, Defense Health Program [1] | 1,290,042 | 1,398,092 | 1,422,092 | +132,050 | +24,000 |
| Drug Interdiction and Counter-Drug Activities, Defense (emergency) | 94,000 | | 440,510 | +346,510 | +440,510 |
| (Overseas contingency operations) [3] | 346,603 | 457,110 | | −346,603 | −457,110 |
| Joint IED Defeat Fund (emergency) | | | 2,793,768 | +2,793,768 | +2,793,768 |
| (Overseas contingency operations) [3] | 1,762,010 | 3,250,000 | | −1,762,010 | −3,250,000 |
| Office of the Inspector General (emergency) | | | 10,529 | +10,529 | +10,529 |
| (Overseas contingency operations) | 8,876 | 10,529 | | −8,876 | −10,529 |
| Total, Other Department of Defense Programs | 3,501,531 | 5,115,731 | 4,666,899 | +1,165,368 | −448,832 |
| Title IX General Provisions | | | | | |
| Additional transfer authority (emergency) (Sec. 9002) | (500,000) | | (4,000,000) | (+3,500,000) | (+4,000,000) |
| (Overseas contingency operations) [3] | (4,000,000) | (4,000,000) | | (−4,000,000) | (−4,000,000) |
| National Intelligence for Overseas Contingency Operations (transfer authority) (emergency) (Sec. 9012) | | | (3,375) | (+3,375) | (+3,375) |
| (Transfer authority) | | (49,270) | | | (−49,270) |
| Rescissions (Other Proc, AF −$5M; RDTE, Army −$72.161 million) | −77,161 | | | +77,161 | |
| Total, General Provisions | −77,161 | | | +77,161 | |
| Total, Title IX | 161,034,140 | 157,935,277 | 157,680,120 | −3,354,020 | −255,157 |
| Total for the bill (net) | 658,706,425 | 678,225,185 | 667,671,596 | +8,965,171 | −10,553,589 |
| Net grand total (including other appropriations) | 658,706,425 | 678,225,185 | 667,671,596 | +8,965,171 | −10,553,589 |

[1] Included in Budget under Operation and Maintenance.
[2] Included in Budget under Procurement.
[3] Overseas Deployments and Other Activities (ODOA) pursuant to FY 2010 concurrent budget resolution.
[4] Contributions to Department of Defense Retiree Health Care Fund (Sec. 725, Public Law 108–375) (CBO est).

***N O T I C E***

***Incomplete record of Senate proceedings.***

***Today's Senate proceedings will be continued in the next issue of the Record.***