AMENDMENT NO._____ Calendar No._____

Purpose: In the nature of a substitute.

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

(no.) _____

(title) _____

_____

_____

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT In the Nature of a Substitute intended to be proposed by _____

Viz:

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
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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
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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 sub-

ject 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 (Re-

vised—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 exec-

utive 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 au-

thorized 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 pursu-

ant 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 edu-

cation 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 ac-

tivities 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 re-

lating 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 fi-

nanced 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) re-

siding 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 ap-

propriated 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 prod-

uct 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: *Pro-*

vided 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 appro-

priated 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 Elec-

trification 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 facili-

ties 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 ac-

quisition 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 author-

ized 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 se-

lect 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 pol-

icy 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 be-

tween 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 non-profit 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 Tech-

nology 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 in-

clude 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 Depend-

ents 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 De-

partment 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, counter-terrorism, 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 inter-governmental 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: *Pro-*

vided 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, be-

ginning 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 di-

rect 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 other-

wise 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 activi-

ties 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 phil-

osophical 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 air-

craft, $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 Institu-

tion 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 ve-

hicles; 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 appro-

priated 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 avail-

able 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 manage-

ment 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 Appro-

priations 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, ex-

cept 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 initi-

ating 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 pro-

spective 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 Sep-

tember 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 Om-

nibus 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 func-

tioning 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 pro-

gram 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 consid-

ered 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 de-

scent. 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 War-

time 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 Com-

mission, 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 recidi-

vism, 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 addi-

tion 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 infor-

mation 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 extraor-

dinary 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 ex-

penses (other than mileage), as authorized by law for Army personnel on active duty, for Army National Guard division, regimental, and battalion commanders while 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 ap-

proval 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 Gov-

ernment 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 pur-

poses and the same time period as the account to which transferred.

PROCUREMENT, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For expenses of activities and agencies of the Department of Defense (other than the military departments) necessary for procurement, production, and modification of equipment, supplies, materials, and spare parts 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 chem-

ical warfare materials that are not in the chemical weapon stockpile, $1,467,307,000, of which $1,067,364,000 shall be for operation and maintenance, of which no less than $111,178,000, shall be for the Chemical Stockpile 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 pri-

ority 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 subdivi-

sions 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 obliga-

tions 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, wheth-

er 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 accom-

plishment 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): *Pro-*

vided, 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 intel-

ligence 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 Vet-

erans 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 fur-

nishing 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-Depart-

ment of Veterans Affairs Medical Facility Demonstration Fund in accordance with the provisions of section 1704 of the National Defense Authorization Act for Fiscal Year 2010, Public Law 111–84: *Provided,* That for purposes of section 1704(b), the facility operations funded are 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 De-

fense 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 Na-

tional 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 fur-*

ther, 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, sup-

plies, 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 Sep-

tember 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 De-

partment 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 pro-

gram 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 Vir-

ginia, 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. 460l–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 Inves-

tigations, 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 author-

ized 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 Ameri-

cans, 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 En-

ergy 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 benefit-

ting 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 tech-

nologies 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 air-

craft; $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 Adminis-

tration: *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 appro-

priated 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) dur-

ing 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 Ex-

cess 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 Con-

gress 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 im-

plement 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 Inspec-

tor 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 trans-

ferred 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 Of-

fices—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 trans-

fers 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 ac-

count, 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 ob-

ligations 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 Reauthoriza-

tion 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 trans-

ferred 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 inter-agency 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 semiannu-

ally 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 ap-

propriation 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 im-

posed 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 ac-

tive 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 compensa-

tion 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 applica-

tion 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 Su-

perior 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 Pro-

ceedings, 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 offi-

cials' 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 consult-

ants, 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, inter-

est, 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 fur-*

ther, 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 con-

struction, 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 sav-

ings 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 Ad-

ministrator 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 Commit-

tees 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 Over-

sight 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 Reemploy-

ment 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 col-

lections 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 sup-

port 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: *Pro-*

vided 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 re-

programming 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, adjust-

ments 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 pre-

vention 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 ex-

penses 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 effec-

tive 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 em-

ployee 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 avail-

able 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 Colum-

bia'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 pro-

gram 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 not-

withstanding 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 pub-

lication 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 con-

tinue 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 As-

sistant 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 pro-

gram, 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 appropria-

tion 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 agree-

ment 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 re-

main 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 Emer-

gency 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 para-

graph 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 sys-

tems: *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, Cali-

fornia 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 Commis-

sion, 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: *Pro-*

vided 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 Rob-

ert 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: *Pro-*

vided 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 re-

main 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 Decisionmaking 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 avail-

able 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 Sec-

retary 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 re-

port 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 Com-

mittee 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 as-

sessment 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 dis-

pose 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 de-

scription 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 Home-

land 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, oper-

ation, 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 Emer-

gency 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; miscella-

neous 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. 460l–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. 460l–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 qual-

ity 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 Man-

agement 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 Na-

tional 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. 460l–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. 460l–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 subaccount 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 non-refundable 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 unem-

ployment 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 appropria-

tion: *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 air-

craft, 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 ve-

hicles, 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 pay-

ment 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, conces-

sion 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 Hawai-

ian 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 Statewide 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 multi-media 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 Pro-

gram'' 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. 460l–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. 460l–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 (includ-

ing 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 De-

partment 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 con-

tract 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 meth-

amphetamine 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 re-

quest 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 Learn-

ing 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 se-

lected 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 em-

ployees, $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 ac-

cordance 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, art-

work, 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, depart-

mental, 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, con-

struction, 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, Com-

pensation, 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 para-

graph (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 co-

ordinate, 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 accord-

ance 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 decommis-

sioning 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 Pro-

gram 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 Wil-

derness 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 ac-

tivities 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 Wilder-

ness 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 des-

ignated 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 des-

ignated 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 noncommer-

cial 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 con-

cerned 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 mecha-

nized 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 nec-

essary, 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 Sec-

retary 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 State-wide 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 nonrepayable 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 de-

termines 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 ex-

plosives 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 allo-

cated 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 deter-

mined 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 pro-

vided 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 (in-

cluding 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 avail-

able 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 identi-

fied 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 pre-

ceding 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 di-

rected 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 Of-

fice 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 ef-

fective 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 ac-

tivities 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 de-

velopment 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 fis-

cal 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 Edu-

cational 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, in-

cluding 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 clus-

tering. 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 ''As-

sistant 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 Na-

tional 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: *Pro-*

vided 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 ex-

ceed $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 pro-

gram, 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, mate-

rials, 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 sec-

tion 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 des-

ignee: *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 ex-

change, 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 cer-

tification 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 author-

ized 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 Print-

ing 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 certifi-

cation 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 serv-

ices, 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 crit-

ical 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 Com-

mittees 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 Con-

gress 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 pro-

ducers, 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 ex-

pired 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 ''Infor-

mation 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 Depart-

ment 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 avail-

able for fiscal year 2012, $130,000,000 for non-recurring 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 Dis-

putes 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 leas-

ing 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 Com-

pact 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 in-

creased 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, es-

tablished 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 Construc-

tion, 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 World-

wide 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 Ap-

propriations 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 fur-*

ther, 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, fur-

nishings, 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 Sep-

tember 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 pro-

grams: *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 con-

strued 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 in-

frastructure, 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 For-

eign 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 pro-

grams, 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 Democ-

racy (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 Chal-

lenge 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 re-obligation: *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, anti-corruption, 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 anti-terrorism 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 assist-

ance 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 Appropria-

tions: *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 unobli-

gated 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 demo-

cratic 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 Mili-

tary 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 de-

partment 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 prac-

ticable, 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 de-

termines 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 Devel-

opment 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 re-

quired 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 Presi-

dent 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, dis-

trict, municipal, or other sub-national 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 pro-

grams 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 tech-

nology, 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 com-

mercial 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 Sup-

port 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 sub-grantees, 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 Pales-

tinian 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)(l)(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, includ-

ing 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 re-

gion: *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 Con-

trol 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 Appropria-

tions 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 counternarcotics 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 En-

forcement'' 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, arrear-

ages, 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 num-

ber 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 dis-

arms 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 inter-

nationally 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, edu-

cation, 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 nongovernment 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 offi-

cials (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 with and disarmament, demobilization and reintegration into Afghan society of former combatants who have renounced violence against the Government of Afghanistan: *Provided,* That funds may be made available to support reconciliation and reintegration activities only if: (1) Afghan women are participating at national, provincial and local levels of government in the design, policy formulation and imple-

mentation 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 Af-

ghanistan 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 organi-

zations 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, notifica-

tion 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 ac-

cordance 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 per-

cent 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 over-

seas 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 Orga-

nizations'' 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 ex-

penditure 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 an 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 In-

come 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:

''(l)(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 re-

main 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 au-

thorized 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 para-

graph: *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 coordi-

nation 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: *Pro-*

vided 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 fund-

ing 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 au-

thorizing 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 non-revenue 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 Ad-

ministration 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 re-

search (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 Inter-

change 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 Sep-

tember 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 dem-

onstration 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 de-

fined 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 cor-

responding 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 Ad-

ministration 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 relat-

ing 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 Coun-

ty'' 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 ben-

efits 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 other-

wise 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 sys-

tem (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 Sec-

retary 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 Hous-

ing 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 Depart-

ment 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 re-issued 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 avail-

able 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 govern-

ments, 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 commu-

nity 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 appropria-

tions 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 bal-

ances 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 In-

come 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 ac-

tivities 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 hous-

ing 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 re-

viewed 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 re-

spect 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 De-

partment 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 Metropoli-

tan 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 justifica-

tions 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, ex-

cept 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 op-

erating 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 ap-

proval 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 fur-*

ther, 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 pro-

vided 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 out-

standing 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 expe-

rience 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 decisionmaking 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 be-

ginning 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 Sec-

retary, 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 ac-

tions 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 mini-

mizing 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 haz-

ards. 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 collec-

tive 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 pre-

ventive 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 sub-

section, 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 promul-

gating 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 reso-

lutions 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 Cos-

metic 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 ac-

count 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 toxi-

cological 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 vegeta-

bles, 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 sub-

section 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 biologi-

cal, 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 de-

scribed 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 Depart-

ment 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 Home-

land 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 reg-

istration 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 class-

rooms 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 epi-

nephrine 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 regula-

tions), 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 phys-

ically 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 deter-

mine 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 mainte-

nance 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 lev-

els, 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 agen-

cies, 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 sub-

section (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 necessi-

tating 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 re-

port 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, decontami-

nating, 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 investiga-

tions 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 In-

stitute 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 Moderniza-

tion 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 au-

thorized 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 knowl-

edge, 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 informa-

tion 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 govern-

ments, 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 sea-

food 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 thirdparty, 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 fa-

cility 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 con-

sider 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 on-site 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 insuffi-

cient 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 communica-

tion 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 be-

lieved 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 termi-

nated 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 viola-

tion. 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, regula-

tions, 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.