United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 112th CONGRESS, FIRST SESSION

Vol. 157 WASHINGTON, FRIDAY, MARCH 4, 2011 No. 32

House of Representatives

The House met at 2 p.m. and was called to order by the Speaker pro tempore (Mr. ROONEY).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
March 4, 2011.

I hereby appoint the Honorable TOM ROONEY to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,
Speaker of the House of Representatives.

PRAYER

The Reverend Dr. Barry Black, Chaplain of the United States Senate, offered the following prayer:

Almighty God, Who has made and preserved us as a nation, guide our lawmakers through the complexities of life and governance.

Lord, equip this body with a spirit of cooperation that brings glory to Your name.

Lead them to a fresh dedication to serve and to choose the harder right.

In the living of their days, may faith replace fear, truth conquer falsehood, justice triumph over greed, love prevail over hate, and peace abide with all humanity.

We pray in Your holy name. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

The SPEAKER pro tempore led the Pledge of Allegiance as follows:

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 4 of rule I, the following enrolled bill was signed by the Speaker on Thursday, March 3, 2011:

H.R. 662, to provide an extension of Federal-aid highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a multiyear law reauthorizing such programs.

ENROLLED BILL SIGNED

Karen L. Haas, Clerk of the House, reported and found truly an enrolled bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 662. An act to provide an extension of Federal-aid highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a multiyear law reauthorizing such programs.

ADJOURNMENT

The SPEAKER pro tempore. Without objection, the House stands adjourned until 2 p.m. on Tuesday next for morning-hour debate.

There was no objection.

Accordingly (at 2 o'clock and 3 minutes p.m.), under its previous order, the House adjourned until Tuesday, March 8, 2011, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

748. A letter from the Principal Deputy Under Secretary, Department of Defense, transmitting notification that two components of the Instrument Set, Reconnaissance and Surveying (ENFIRE) are commercial items; to the Committee on Armed Services.

749. A letter from the Director, International Cooperation, Department of Defense, transmitting Pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, Transmittal No. 3-11 informing of an intent to sign a Memorandum of Understanding with the United Kingdom of Great Britain and Northern Ireland; to the Committee on Foreign Affairs.

750. A letter from the Associate General Counsel, Department of Agriculture, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

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756. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Safe, Efficient Use and Preservation of the Navigable Airspace; Correction [Docket No.: FAA-2006-25002; Amendment No. 77-13-A] (RIN: 2120-AH31) received February 18, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

757. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Horseshoe Bay, TX [Docket No.: FAA-2010-0843; Airspace Docket No. 10-ASW-12] received February 18, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

758. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Panguitch, UT [Docket No.: FAA-2010-0529; Airspace Docket No. 10-ANM-3] received February 18, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

759. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Savannah, TN [Docket No.: FAA-2010-1047; Airspace Docket No. 10-ASO-37] received February 18, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

760. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Kaman Aerospace Corporation (Kaman) Model K-1200 Helicopters [Docket No.: FAA-2010-1253; Directorate Identifier 2010-SW-084-AD; Amendment 39-16550; AD 2010-26-11] (RIN: 2120-AA64) received February 18, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

761. A letter from the Chairman, Defense Nuclear Facilities Safety Board, transmitting the Board's Twenty-First Annual Report to Congress on health and safety activities; jointly to the Committees on Armed Services and Energy and Commerce.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII,

Mr. SCOTT of South Carolina introduced a bill (H.R. 937) to amend the Internal Revenue Code of 1986 to reduce the corporate rate of tax and to change to a more territorial method of taxing corporations; which was referred to the Committee on Ways and Means.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

Mr. SCOTT of South Carolina:

H.R. 937.

Congress has the power to enact this legislation pursuant to the following:

Clause 1 of Section 8 of Article I of the United States Constitution.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

[Omitted from the Record of March 3, 2011]

H.R. 3: Mr. ISSA and Mr. YODER.

H.R. 5: Mr. GARY G. MILLER of California, Mr. REED, and Mr. DOLD.

H.R. 58: Mr. WEST and Mr. POSEY.

H.R. 59: Mr. YODER and Mr. WEST.

H.R. 96: Mr. KING of Iowa.

H.R. 97: Mr. HURT.

H.R. 100: Mr. MCCOTTER.

H.R. 104: Mr. CRAVAACK and Ms. KAPTUR.

H.R. 153: Mr. LUETKEMEYER and Mr. HURT.

H.R. 156: Mr. ROHRABACHER.

H.R. 178: Mr. GOODLATTE, Mr. JACKSON of Illinois, Mr. KILDEE, and Mr.LIPINSKI.

H.R. 181: Mr. LUETKEMEYER.

H.R. 198: Mr. FRANK of Massachusetts and Mr. BARTLETT.

H.R. 237: Mr. SCHIFF.

H.R. 303: Mr. BOREN and Mr. KILDEE.

H.R. 324: Mr. YOUNG of Alaska.

H.R. 329: Mr. CUELLAR.

H.R. 332: Mr. HONDA.

H.R. 346: Mr. WITTMAN.

H.R. 389: Mr. POE of Texas and Mrs. BIGGERT.

H.R. 402: Mr. SCHIFF.

H.R. 410: Mr. GARY G. MILLER of California.

H.R. 412: Mr. CRITZ.

H.R. 420: Mr. POSEY, Mr. WEST, Mr. WITTMAN, and Mr. DIAZ-BALART.

H.R. 422: Ms. NORTON.

H.R. 426: Mr. SENSENBRENNER and Mr. CHAFFETZ.

H.R. 431: Mr. GOODLATTE.

H.R. 436: Mr. SCOTT of South Carolina.

H.R. 440: Mr. GRIFFITH of Virginia, Mr. CLEAVER, Mr. ROGERS of Alabama, Mr. JACKSON of Illinois, Mr. SHERMAN, Mr. SIRES, Mr. TOWNS, Mr. MCCOTTER, Mrs. MALONEY, Mr. OLVER, and Mr. FILNER.

H.R. 451: Mr. BILIRAKIS.

H.R. 452: Mr. NEUGEBAUER, Mr. PEARCE, Mr. GRIFFITH of Virginia, Mr. AKIN, and Mr. MURPHY of Pennsylvania.

H.R. 458: Mrs. MALONEY and Mr. SCHIFF.

H.R. 471: Mr. MCHENRY.

H.R. 488: Mr. PAUL.

H.R. 497: Mr. SCHOCK.

H.R. 498: Mr. HANNA and Mr. TIBERI.

H.R. 499: Mr. MILLER of North Carolina.

H.R. 505: Ms. WILSON of Florida and Ms. ZOE LOFGREN of California.

H.R. 513: Mr. HECK.

H.R. 520: Mr. HINCHEY.

H.R. 521: Mr. HINCHEY.

H.R. 535: Ms. EDDIE BERNICE JOHNSON of Texas and Ms. SUTTON.

H.R. 542: Mr. KUCINICH.

H.R. 546: Mr. CRAWFORD, Mr. STARK, Ms. HIRONO, Mr. TOWNS, Mr. WEST, Mr. BARTLETT, Mr. GRIJALVA, and Mr. HURT.

H.R. 548: Mr. PITTS.

H.R. 572: Mr. COURTNEY.

H.R. 573: Ms. CASTOR of Florida.

H.R. 576: Ms. NORTON.

H.R. 601: Mr. KUCINICH, Mr. TIERNEY, and Mr. FRANK of Massachusetts.

H.R. 605: Mr. GRIFFITH of Virginia.

H.R. 606: Mr. GOSAR.

H.R. 607: Mr. BOSWELL.

H.R. 610: Mr. MCKINLEY, Mrs. ELLMERS, and Mr. HUNTER.

H.R. 614: Ms. SUTTON.

H.R. 617: Mr. DOYLE.

H.R. 651: Mr. HINCHEY and Mr. TOWNS.

H.R. 656: Mr. PAYNE, Ms. FUDGE, Ms. LEE of California, and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 667: Mr. TOWNS and Ms. ROYBAL-ALLARD.

H.R. 674: Mr. BRALEY of Iowa, and Mr. PAULSEN.

H.R. 676: Mr. MCGOVERN.

H.R. 679: Ms. PINGREE of Maine.

H.R. 681: Mr. NEUGEBAUER.

H.R. 692: Mr. ROE of Tennessee and Mr. GARY G. MILLER of California.

H.R. 694: Mr. SCHIFF.

H.R. 704: Mr. FLORES and Mr. SULLIVAN.

H.R. 718: Mr. PASCRELL, Ms. MOORE, Mr. TONKO, Mr. MICHAUD, Ms. BALDWIN, Mr. COHEN, Mr. DOGGETT, and Mr. KILDEE.

H.R. 719: Mr. YOUNG of Alaska.

H.R. 740: Mr. HELLER, Ms. SUTTON, and Mr. FORTENBERRY.

H.R. 745: Mr. PAUL, Mr. WESTMORELAND, Mr. ROSS of Florida, Mr. CONAWAY, Mr. RIBBLE, Mr. GINGREY of Georgia, Mr. DUNCAN of Tennessee, Mr. GARY G. MILLER of California, Mr. NEUGEBAUER, Mrs. BLACKBURN, and Mr. COLE.

H.R. 750: Mr. FARENTHOLD.

H.R. 763: Mr. PETERSON, Mr. ROSS of Arkansas, and Mr. WESTMORELAND.

H.R. 772: Mr. SERRANO.

H.R. 780: Ms. VELÁZQUEZ, Mr. NADLER, and Ms. HIRONO.

H.R. 793: Mr. MCKEON.

H.R. 799: Mr. STIVERS.

H.R. 801: Mr. GUTHRIE.

H.R. 812: Mr. JACKSON of Illinois.

H.R. 817: Mrs. LUMMIS and Mr. TIPTON.

H.R. 819: Mr. SHERMAN, Ms. NORTON, Mr. CARNAHAN, Mr. HIMES, and Mr. BARROW.

H.R. 820: Mrs. NAPOLITANO, Mr. COURTNEY, and Mr. BISHOP of Georgia.

H.R. 822: Mr. HEINRICH, Mr. BENISHEK, Mr. CHAFFETZ, Mr. HALL, Mr. HOLDEN, Mr. WEST, Mr. HERGER, Mr. MICA, Mr. JOHNSON of Illinois, Mr. POSEY, Ms. GRANGER, Mr. RAHALL, Mr. GARY G. MILLER of California, Mr. BISHOP of Georgia, Mr. PETERSON, Mr. KISSELL, and Mr. DAVIS of Kentucky.

H.R. 826: Mr. MCCAUL, Mr. FORTENBERRY, and Mr. CONAWAY.

H.R. 835: Mr. ACKERMAN, Ms. BERKLEY, Mr. CAMPBELL, Mr. CONNOLLY of Virginia, Mr. COURTNEY, Mr. DOGGETT, Mr. DOYLE, Mr. ELLISON, Mr. ENGEL, Ms. ESHOO, Mr. GRIMM, Mr. HIMES, Mr. HINCHEY, Ms. HIRONO, Mr. HONDA, Mr. LANGEVIN, Mr. LATOURETTE, Mr. LEWIS of Georgia, Mr. LOBIONDO, Ms. MCCOLLUM, Mr. MCDERMOTT, Mr. GEORGE MILLER of California, Ms. MOORE, Mr. MORAN, Mr. NADLER, Mr. PASCRELL, Ms. RICHARDSON, Mr. STARK, Ms. WOOLSEY, Mr. SHERMAN, Mr. DEUTCH, Mr. DEFAZIO, and Mr. MCGOVERN.

H.R. 840: Mr. DUNCAN of South Carolina.

H.R. 862: Mr. JACKSON of Illinois and Mr. TONKO.

H.R. 871: Mr. GIBBS.

H.R. 880: Mr. COURTNEY.

H.R. 885: Mr. COURTNEY and Ms. HIRONO.

H.J. Res. 2: Mr. KELLY.

H.J. Res. 13: Mrs. NOEM and Mr. CANSECO.

H.J. Res. 42: Mr. LUETKEMEYER, Mr. MCKEON, Mr. WALDEN, Mr. WESTMORELAND, and Mrs. HARTZLER.

H. Con. Res. 3: Mr. LOBIONDO.

H. Con. Res. 12: Mr. RUNYAN, Mr. ELLISON, Mr. PALLONE, Mr. BISHOP of New York, Mr. HECK, Ms. KAPTUR, Mrs. MCCARTHY of New York, Mr. MARKEY, Mr. HIMES, Mr. LANCE, Ms. DELAURO, Ms. HAYWORTH, Mr. JOHNSON of Illinois, and Mr. LOBIONDO.

H. Con. Res. 13: Mr. AKIN, Mr. BARTLETT, Mrs. BLACK, Mr. YOUNG of Indiana, and Mr. HARPER.

H. Con. Res. 21: Mr. MICHAUD, Ms. BERKLEY, Mr. BOUSTANY, Mr. BARROW, Mr. WHITFIELD, Mrs. HARTZLER, Mrs. BIGGERT, Mr. ROGERS of Alabama, Mr. HARPER, Mr. COSTELLO, Mr. DENT, Mr. GUTHRIE, Mr. DONNELLY of Indiana, Mr. BARTON of Texas, Mrs. SCHMIDT, Mr. GRAVES of Missouri, Mr. PITTS, Mr. CUELLAR, Mr. TURNER, Mr. HULTGREN, Mr. STIVERS, Mr. GOWDY, Mr. DUNCAN of Tennessee, Mr. FLORES, Mr. GARY G. MILLER of California, Mr. LARSEN of Washington, Mr. WALZ of Minnesota, Mr. STUTZMAN, Mr. MANZULLO, Mr. SCHILLING, and Mr. HELLER.

H. Res. 11: Ms. WILSON of Florida.

H. Res. 16: Mr. MARINO.

H. Res. 25: Mr. STIVERS, Mr. BARLETTA, Mr. TURNER, Mr. JOHNSON of Georgia, Mr. CARNAHAN, Mr. SIRES, Mr. LATOURETTE, Mr. GENE GREEN of Texas, Ms. WATERS, Mr. MCINTYRE, and Mr. GINGREY of Georgia.

H. Res. 41: Ms. WILSON of Florida and Ms. MOORE.

H. Res. 60: Mr. HEINRICH.

H. Res. 76: Mr. GIBBS, Mr. TIPTON, and Mr. DUNCAN of South Carolina.

H. Res. 83: Ms. DELAURO, Mr. LATOURETTE, and Mr. LOEBSACK.

H. Res. 85: Mr. ACKERMAN, Mr. FALEOMAVAEGA, and Mr. MCGOVERN.

H. Res. 89: Ms. JACKSON LEE of Texas, Mr. STARK, and Mr. DOLD.

H. Res. 106: Mr. GENE GREEN of Texas and Mr. SHULER.

H. Res. 111: Mrs. BACHMANN, Mr. ROE of Tennessee, Mr. HOLT, and Mr. ROTHMAN of New Jersey.

H. Res. 117: Mr. BERMAN.

H. Res. 133: Ms. NORTON and Mr. WALZ of Minnesota.

[Submitted March 4, 2011]

H.R. 440: Mr. CASSIDY and Mr. ROSKAM.

H.R. 459: Mr. MARINO and Mr. TERRY.

H.R. 642: Mr. COFFMAN of Colorado and Mr. RIGELL.

H.R. 681: Mr. GARY G. MILLER of California.

H.R. 733: Mr. CUMMINGS and Mrs. NAPOLITANO.

H.R. 816: Mr. FITZPATRICK.

H.R. 909: Mr. LEWIS of California and Mr. LATHAM.

H. Con. Res. 23: Mr. COURTNEY and Mrs. MILLER of Michigan.

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PROCEEDINGS AND DEBATES OF THE 112th CONGRESS, FIRST SESSION

Vol. 157 WASHINGTON, FRIDAY, MARCH 4, 2011 No. 32

Senate

The Senate met at 10 a.m. and was called to order by the Honorable MARK R. WARNER, a Senator from the Commonwealth of Virginia.

PRAYER

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

Let us pray.

God, You created us in Your image and gave us a conscience to enable us to realize our accountability to You. Help the Members of this body to be responsible stewards of their influence and opportunities. May they not miss opportunities to join You in Your liberation thrust in our world, persevering in the right as You give them the light to see it. Empower them to be true to You and true to themselves, even though they must travel on the road of pain and sacrifice. Strengthen them to work today with the confidence that You are with them.

We pray in Your merciful Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MARK R. WARNER led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 4, 2011.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK R. WARNER, a Senator from the Commonwealth of Virginia, to perform the duties of the Chair.

DANIEL K. INOUYE,
President pro tempore.

Mr. WARNER thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. REID. Mr. President, following any leader remarks, the Senate will proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

As a reminder, cloture was filed on S. 23, the America Invents Act. The filing deadline for first-degree amendments is 1 p.m. today, Friday, March 4.

There will be no rollcall votes today. We should expect at least three rollcall votes at 5:30 p.m., on Monday, March 7. The first two votes will be on the confirmation of judges and the third vote will be on the motion to invoke cloture on S. 23, the patent bill.

Would the Chair announce morning business.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business, with Senators permitted to speak for up to 10 minutes each.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

RECOGNITION OF THE MINORITY LEADER

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

CHANGING THE STATUS QUO

Mr. MCCONNELL. Mr. President, earlier this week, Republicans showed we can change the status quo in Washington.

The American people have made their position quite clear: Reverse the reckless spending and out-of-control expansion of government that Democrats have presided over during the past 2 years; stop growing government so Americans can grow the economy and the jobs that come along with that. Republicans made a small first step in that direction.

Democrats have taken a different approach to these concerns. They have sat on the sidelines hoping the public's concerns would pass or hoping that if they made enough of a stink over small cuts, they would seem bigger than they are. In other words, the Democrats' whole approach is to see what they can get away with rather than to actually do something about the debt and jobs crises Americans want us to address.

The White House proposal yesterday is equally unserious.

House Republicans have proposed a plan that would reduce spending by $61 billion in this year's budget. Earlier this week, we voted on a 2-week piece of that bill that reduces spending by $4 billion.

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

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The White House proposal, as outlined by the President's economic adviser yesterday, is to cut another $6 billion and call it a day. Even more outrageous, they say the proposal meets us halfway. I won't get into their tortured justification. Suffice it to say that Politico says it requires Americans to ''suspend disbelief.'' The Washington Post was equally unmoved by the White House logic. They said Democrats are disingenuous in suggesting they have worked hard to reduce spending, and they agree that calling the latest proposal an effort to meet us halfway is nonsense. That is the Washington Post. They agree that calling this latest proposal an effort to meet us halfway nonsense.

So amid all the fanfare yesterday, what the White House is proposing is little more than one more proposal to maintain the status quo—to give the appearance of action where there is none. The latest proposal is unacceptable and it is indefensible.

The American people are tired of hearing the same old talking points from our Democratic friends. They want action. In fact, they demand action. They want us to cut spending to help create a better environment for job creation. It is time for Washington Democrats to get serious.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

BUDGET PRIORITIES

Mr. DURBIN. Mr. President, the American economy is struggling. We are coming out of recession—unfortunately, too slowly for most of us—but we are emerging.

I can recall the ominous days when we first learned of the terrible economic crisis facing our country. Some of us who serve in the Senate Chamber were called into a meeting with the Chairman of the Federal Reserve, Mr. Bernanke, and then Secretary of the Treasury Mr. Paulson, and they told us the grim news that if we didn't act and act quickly, we could see the American economy sinking lower, and perhaps even experience a global depression. It was a frightening time. It was a time before this current President came to office, and we had to act together on a bipartisan basis.

Decisions were made by many of us, trusting those in the Bush administration who told us if we didn't act and act quickly, jobs would be lost and businesses would fail and people would lose their savings, and it would be catastrophic. So we went forward with a plan that initially I thought to be flawed but the only show in town, trying to help financial institutions survive the terrible economy and to turn this situation around. We can say now that most of the money—virtually all of the money—that was invested in these financial institutions has been repaid with interest to the Federal Government, which is the right thing. And we continue to pursue those such as AIG where the government has a substantial ownership in an effort to make certain that taxpayers recoup the investment that saved a major insurance company. That is a good thing.

Meanwhile, our economy moves forward at a slow pace, but at least it continues to move forward. New unemployment numbers for Illinois were released yesterday and new Federal numbers were released this morning. Those reports show that in Illinois, in the month of January, the unemployment rate was 9 percent, down from 9.3 percent. Also, 599,400 Illinoisans are looking for work, down from 620,600 last month. Nationally, in the month of February, the unemployment rate was 8.9 percent, down from 9.0 last month, and significantly down from where it was a few months ago. Also, 13.7 million Americans are looking for work, down from 13.9 million last month. The report also shows that the economy added 192,000 new jobs.

Unfortunately, the response of Congress has not taken into consideration how fragile this economy is and how important the recovery is. We hear from the other side—from Senator MCCONNELL this morning and others—that the biggest problem facing America today is our deficit. I would say to the Presiding Officer, who joins me in a bipartisan effort to try to deal with this deficit, we concede that point. The deficit is a major issue. But we want to take care that the way we solve the deficit issue is sensitive to the state of the economy and our need to work together to end this recession.

So that is why H.R. 1, the House Republican budget, is a bill which I can't support. It is not a good budget bill because it takes money out of key investments in our economy at a time when we need them the most. When we need to have better trained workers with skills for new jobs, the House budget on the Republican side devastates worker training programs.

Why would you do that in the midst of a recession with so many people out of work, at a time when we need more students graduating from college with diplomas and new skills and opportunities? The House Republican budget cuts the Pell grants—the amount of money given to those students from low-income families—by over $800 a year. Many young people will have to give up on education and delay it because of that. How does that help us in our recovery? It doesn't.

Equally troubling is the House Republican budget, which makes devastating cuts in areas of research and innovation. I am not saying the best jobs in America are going to be government jobs; they are not and they should not be. They are going to be private sector jobs. But time and again our private sector turns to our National Laboratories for the research on the products they need to compete in the world.

The rollout of the Chevy Volt was announced all across the Nation. General Motors was so proud. Here is an all-electric vehicle they are going to sell to America. I am glad they are doing it. It is not only environmentally responsible, but it reduces our dependence upon foreign energy.

How did General Motors—this great corporation—develop the Chevy Volt? The first stop was the Argonne National Laboratory outside of Chicago, where they worked with government scientists to build the battery to put in the Chevy Volt. That is important.

What is going to happen to the Argonne National Laboratory because of the House Republican budget? They will be forced to lay off one-third of their scientists, engineers, and support staff for the remainder of the year, and they will cancel up to 50 percent of their research activities, not just in new battery technology but in developing the next generation of computers. Where is the fastest computer in the world today? It is not in the U.S.A.; it is in China. We are trying to step ahead and make sure the next fastest computer that can be used to drive technology, invention, innovation, new companies, and new jobs is right here in America. Yet the House Republicans come up with devastating cuts on the national research labs such as Argonne. How can we justify it?

At the same time, they are cutting money to the National Institutes of Health. If there is one thing we all have in common, all of us—Republicans, Democrats, and Independents—it is our own vulnerability to illness and disease. That is a fact. When it happens, you want to make sure you or your loved ones are in the hands of the best doctor, the best hospital, with the best medicine and the best technology. We get that by investing in medical research.

What does the House Republican budget do? It cuts medical research. How could we possibly cut back on research for cancer, Alzheimer's, AIDS, and diabetes? How can we do that when so many Americans are afflicted and so many costs are associated with those diseases? It is so shortsighted, and it is an indication that when they came to write the budget, the House Republican leadership didn't focus thoughtfully on what we need to cut to reduce the deficit and what we need to invest in to build the economy. They put them all together and said it makes no difference. If you have government spending, it is not going to matter what it is.

Well, there are infrastructure projects—new roads, bridges, airports, and ports—that are essential for the growth of our economy.

The House Republicans stop many of those very important investments—including in Illinois, investments where we won in a national competition to modernize our rail system around Chicago, to make certain we have railroad service in parts of our State that currently don't, and to modernize and make safer the airports, highways, and that which is critically essential to our future.

I say to the Republican side, yes, the deficit is an issue. But first, understand we will never balance the budget with 15 million Americans out of work. We need to move this economy forward and tackle this budget in a responsible way, not just to cut one small part of it unmercifully but to put the entire budget on the table. That is what the deficit commission on which I served did. We need to do that in our Nation in a bipartisan fashion.

I am happy to continue to join my colleagues who will sit down and discuss this, including the Presiding Officer, Senator WARNER of Virginia. There are six of us—three Republicans and three Democrats. It is the most unlikely gathering of politicians that you can imagine in one room to try to come up with a solution. We are people of good will, and we know our historic responsibility. We are working through some of the hardest issues and questions any Member of Congress can face when it comes to this issue.

If we are successful—and I underline ''if''—I hope we can move this country forward in a responsible way, putting the recession behind us and starting to get our house in order. We can no longer sustain a budget where we owe 40 cents for every dollar we spend. Whether you are on the left side of the spectrum, where I live politically, and value such things as help for education, help for the most vulnerable in America, or whether you are on the other side of the spectrum, which probably values national security issues and more investment in the military, both of us are in this together. We have to both understand there will not be enough money left for anything if we don't focus on doing this dramatic, historic job of coming up with a way to reduce our debt and our deficit.

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. BLUMENTHAL). Without objection, it is so ordered.

SPENDING CUTS

Mr. REID. Mr. President, thank you. I have a longer statement that I will give after we finish this colloquy.

At 4 o'clock yesterday afternoon, we met in the Vice President's office. It was a very fine meeting. Vice President BIDEN was there. My friend, the Republican leader, me, the Speaker, and the minority leader of the House were there—MCCONNELL, REID, BOEHNER, and PELOSI. We spent about an hour there.

The arrangement was that we would have a vote on H.R. 1 sometime next week and also a vote on the bill that we have just laid down, which is our alternative as to what we think should be done with the economy. I know our bill—because it is the way we have to do things here—is a long bill, and I am sure the minority wants to spend some time looking at that. But one way or the other we will either do it with an agreement or through my filing different procedural motions. We will get to a point next week where we will vote on H.R. 1, which we Democrats want to do. We will vote on the bill. Anyway, it has been here for a while. Whatever the number it is, it is a Democratic alternative, which Senator INOUYE laid down.

We believe, and I am confident that the Speaker feels the same way, that we should vote on H.R. 1, which we have had calls for voting on for more than a week now. I have had statements from the press: Why doesn't REID set up a vote on H.R. 1? We will either do that with a unanimous consent agreement with my friend, the Republican leader, or we will do it through a procedural motion that I will file later today.

The amendment to that bill is No. 149, and that is Senator INOUYE's. It cuts some $51 billion from what the President's budget was.

To move the process forward, I think this is a place to start. We have some confidence that we will get votes on our bill, and we will move this matter forward. Regardless, if H.R. 1 does not pass—and it will not pass—and if ours does not pass, we at least know where we stand to move this ball down the road a little further.

The Speaker said that would allow the negotiations to start. I am paraphrasing, but that is about what he said. That is what all of us in the room decided to do yesterday.

Today I seek to set those two votes for Tuesday afternoon: one vote on passing H.R. 1, as it came over from the House, and after that we would have a vote on passing the alternative, which Chairman INOUYE has drafted and is amendment No. 149. Once we get that, it would seem a fair proposition to move forward.

As I said, I know my friend, the Republican leader, has a scheduling problem. I understand that. I would have liked to have come in earlier today, and so would he, but we were not able to do that. I will give a more full explanatory statement in a few minutes.

UNANIMOUS CONSENT REQUESTS—H.R. 1

But right now, I ask unanimous consent that upon disposition of S. 23, which is the patent bill, the Senate proceed to the consideration of Calendar No. 14, H.R. 1, the Defense appropriations long-term continuing resolution for fiscal year 2011; that Senator REID be recognized to offer a substitute amendment, the text of which is at the desk; that there be 4 hours of debate equally divided between the two leaders or their designees prior to a vote in relation to the substitute amendment; that upon disposition of the substitute amendment, the Senate proceed to vote on H.R. 1, as amended, if amended, with no intervening action or debate; that no motions or amendments be in order to the substitute amendment or to the bill prior to the votes; that the substitute amendment and the bill be subject to a 60-vote threshold; and that if H.R. 1, as amended, if amended, does not achieve 60 affirmative votes, it be returned to the calendar.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. Reserving the right to object, and for the short term I am going to object today, we received this 350-page amendment at 11:45. We need a chance over the weekend to take a look at what our friends have offered. It could well be by Monday we will conclude this proposal the majority leader has laid out as the best way to go forward. We will continue to talk about that over the weekend. But for today I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Mr. President, I ask unanimous consent that upon disposition of S. 23, the patent bill, the Senate proceed to H.R. 1, the Defense appropriations long-term continuing resolution for fiscal year 2011.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. For the same reason, I object.

The PRESIDING OFFICER. Objection is heard.

FULL-YEAR CONTINUING APPROPRIATIONS ACT, 2011—MOTION TO PROCEED

Mr. REID. Mr. President, I move to proceed to Calendar No. 14, H.R. 1.

The PRESIDING OFFICER. The clerk will report the motion.

The legislative clerk read as follows:

Motion to proceed to H.R. 1, an act making appropriations for the Department of Defense and the other departments and agencies for the fiscal year ending September 30, 2011, and for other purposes.

CLOTURE MOTION

Mr. REID. I have a cloture motion that is at the desk. I ask the clerk report the motion.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 14, H.R. 1, an act

making appropriations for the Department of Defense and other departments and agencies of the government for the fiscal year ending September 30, 2011.

Harry Reid, Daniel K. Inouye, Bill Nelson, Sheldon Whitehouse, Kent Conrad, Mark Begich, Tom Udall, Kay R. Hagan, Robert Menendez, Robert P. Casey, Jr., Jeanne Shaheen, Amy Klobuchar, Benjamin L. Cardin, Barbara Boxer, Al Franken, Dianne Feinstein, Jeff Bingaman.

Mr. REID. Mr. President, I ask unanimous consent that the mandatory quorum under rule XXII be waived.

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

Mr. REID. I now withdraw my motion to proceed.

The PRESIDING OFFICER. The Senator has that right.

Mr. REID. Mr. President, when an American family sits at their table in the kitchen and sorts through their finances, as they often do, partisan politics do not figure into that equation. When the families we represent calculate their own budgets, when they add up the cost of gas and groceries, tuition in some instances, and other necessities, they care more about the bottom lines than news headlines. When a family desperately counts the dwindling number of weeks before its unemployment insurance runs out, that family does not have the time to keep track of which side scored the most political points during any given week. That is because when you have to make the tough decisions that go into any budget, those decisions have to be practical, not political. They have to be realistic, not ideological.

We often tell ourselves and our colleagues that we should be as responsible as the American people. As their representatives, we absolutely must be sympathetic to the challenges outside this Chamber, and we need to come quickly to a resolution that benefits them before worrying about whether it benefits us. As careful as we must be not to waste the American people's money, we must be just as mindful not to waste their time.

Regrettably, though, the budget debate has turned into a political exercise, and I am sorry to say not much more. That is counterproductive. We need to be as serious as the challenge before us. I am much more concerned with actually keeping our country running and investing smartly in our future than I am in this political game we see.

When they wake up in the morning, the American people want to send their children to a good school and then go to a good job. And now they are saying ''a job.'' They want their families to come home to a safe neighborhood at night, and they want to go to sleep knowing our country is safe from those who want to do us harm. They do not care about who gets credit. They do not care about who thought of how best to do it. They just want us to do it.

The time for politics should be over. We have set up a procedure—it was agreed to in the Vice President's office—to get this H.R. 1 out of the way. Everyone knows it is not going to pass. It is a very difficult, bad piece of legislation. Get rid of that. We will do what we think is responsible and cut spending by $51 billion and not have all the mean-spirited riders that are attached to H.R. 1 that on their own could not pass over here. It was a mad rush to see who could do the most sensational amendment. Bring it over here in the light of day, refer it to a committee, have a hearing on it. Once that is done, none would come to the floor, with rare exception. But they were not willing to do that.

The time for pragmatism is overdue also. This is what the Senate is going to do. We are going to vote early next week on the Democrats' plan, and we are going to vote on the Republicans' plan. It seems fair. Let the American people decide which is the better of the two. Everyone will have the chance to be on record supporting whichever plan.

Let me talk briefly about the merits of each of these plans and what they will do.

First of all, H.R. 1, which will go down as probably one of the worst pieces of legislation ever drafted in the history of this Congress. First, this reckless Republican plan the tea party has pushed through the House—that irresponsible proposal—slashes investments, cuts jobs, and sacrifices security and education. Yes, it cuts a lot of money today, but America would lose so much tomorrow because these cuts are made arbitrarily without regard for the consequences. That is why leading independent economists agree it would hurt our economy, slow growth, and cost jobs. We cannot afford that. The day before yesterday on National Public Radio, they had more than 300 economists who were saying with one voice: Do not do this. We can't be blinded by the big numbers in the House Republican plan. We have to scrutinize how they cut $63 billion. The truth is, it adds up to $61 billion through significant subtraction of programs the American people don't want to lose. It slashes more than $1 billion from Social Security—$1 billion—which means ½ million seniors who paid into Social Security their entire lives and now are eligible for it would not be able to get the benefits promised to them because there is nobody to process the claims.

It cuts $700 million from education, which means 1 million disadvantaged students could lose funding and more than 10,000 teachers, aides, and school staff would lose their jobs. It would even take 200,000 children out of the Head Start Program.

What is the Head Start Program? These are not just words, they are programs to educate the poorest of the poor children. It has worked out well. Try to find someone who criticizes the Head Start Program. These little boys and girls have no alternative, and it has worked out well because the parents are involved. They are going to eliminate 200,000 children from this wonderful program of Head Start.

The Republican H.R. 1 closes poison control centers and cuts $100 million from food safety inspections. That means the food we eat could be both less safe and more expensive. That is a lose-lose proposition.

It also cuts $¾ billion—$750 million—from renewable energy investments.

The reason that is so important is these investments are incentives for people to do these kinds of jobs. You can drive 36 miles from my home in Searchlight, NV, and get to the 31-mile mark, where you look off to the left and there are 1 million solar panels being installed—1 million solar panels—producing huge amounts of electricity in the summer and winter in what we call the great dry lake. That was done because of these programs so that we don't have to be beholden to the Middle East tyrants who are shipping us oil.

So it cuts $¾ billion from renewable energy investments, which will cost us jobs, threaten our energy independence, and delay the day America lives and works in a clean energy economy.

It also cuts hundreds of millions of dollars from border security and port security and the Federal Emergency Management Agency. When an emergency comes, we need to be able to respond to that. Even Republican Congressmen have said, and are now admitting, it is not so smart to pinch pennies on the backs of the Nation's emergency management and first responders.

In my conference room right across the hall, one of the Shriver boys came in to see me. The Shriver family has done so much for our country. The eldest Shriver, who just died, was head of the Peace Corps. Probably their No. 1 mark has been how they have worked with children, young men and women with physical and emotional challenges. They brought a number of those young men and women—some are not so young anymore—in to see me. Some of the great programs being cut in H.R. 1 help Special Olympics. The Best Buddy Program is another one. And Shriver told me he had talked to a Member of the House of Representatives, an elected Member of the House of Representatives who voted for H.R. 1, and he asked: How could you do that? How could you do that, when you have a child with Downs Syndrome? Her response was: Oh, I didn't know it was in the bill. I didn't know it was in the bill.

I have been talking, Mr. President, about H.R. 1. I ask, how many pages are in H.R. 1?

Mr. President, can you tell me how many pages are in H.R. 1?

The PRESIDING OFFICER. Three hundred and eighty-two pages.

Mr. REID. Three hundred and eighty-two pages. Well, Mr. President, I have only talked about enough to take up

two or three pages, but it is full of the same kind of stuff I have talked about today—stuff that is not fair and is mean-spirited.

We all want to cut. I represent the State of Nevada. We are in a deep economic problem. We know, though, we have to cut things. The Presiding Officer is from the State of Connecticut. We are both members of the Democratic Party. We have supported these programs because it was the right thing to do. We recognize there is going to have to be cuts made, but we have to do it with a scalpel, not a meat cleaver. Then to hear that a Member of the House said: Well, I didn't know it was in the bill—eliminating and cutting drastically a program for people with emotional, mental, and physical challenges—I didn't know it was in the bill. Well, there is a lot of that same type of stuff in this bill, H.R. 1. That is why it is going to be defeated here.

I would say to my friends, the Republicans, I can't imagine you will all vote for this bill. We have to move beyond partisan politics and do what is right. I don't know how many, but not all Republicans will vote for that.

I have been castigated in the press: Why doesn't REID allow a vote? Let's have a vote. Well, I am willing to move on that, but I couldn't do it. I had to file cloture to move to proceed to it. They wouldn't even let me do that. But we are going to get to it because I know the procedures around here. I can get to this bill, and I can do it next week.

I have just talked about the tip of the iceberg with this mean-spirited H.R. 1. Federal Reserve Chairman Bernanke said these cuts—and there are many more like them than I have already said there are—will cost a significant number of jobs. Mark Zandi, the chief economist at Moody's and formerly the chief economic adviser for JOHN MCCAIN, has said that H.R. 1 will cost our country 700,000 jobs.

These cuts place far too heavy a burden on working families, low-income children and seniors, and it asks little, if any, sacrifice from those who rake in unnecessary taxpayer-funded subsidies they do not need. That is no way to recover.

Look at oil and gas subsidies. The former head of Chevron Oil said: We don't need them; we are doing fine.

Mr. President, I have been very helpful to my farm State Senators. I have helped them work their way through droughts and floods and all kinds of things. I understand how important agriculture is. But very few times in the history of our country have commodity prices been so high—so high. Don't you think they could take a little nick—a little nick—rather than take it away from Head Start Programs and programs such as that?

Our plan was filed today by Senator INOUYE, who is a very sensitive, good man. I don't need to recount who he is, but he is one of the most famous men in the history of our country. He has been in Congress a long time, but we always remember this man was a hero on the battlefields of Italy where he lost his arm and was badly injured. As a result of his heroic actions there, he received a Congressional Medal of Honor. But he is also a hero in these legislative Halls. He was one of the leaders in the Watergate hearings, and there are many other things he has done over the years to become a hero in addition to being a hero on the battlefield. The amendment we have filed is his amendment.

So Democrats have a different plan—the Inouye plan—which represents our different priorities, and it is supported by the President. We know we have to make cuts. I have said that this morning several times. We also know when we cut, we have to cut in a way that strengthens our economy not in a way that weakens it. We have to look carefully at the quality of these cuts and not get blinded by the quantity of the cuts.

I have said before that a person could lose a lot of weight—you, I, anybody in this room. We could cut off our arms and legs, and we would have accomplished the purpose of losing a lot of weight. But no doctor would recommend it. That is what they have done with H.R. 1. No well-reasoning economist would recommend it.

Our plan cuts $51 billion from President Obama's budget but in a much more responsible way. We are eliminating redundancies, ending unnecessary bureaucratic programs, and cutting funds for earmarks. We have agreed to cut funding for earmarks. I don't like that. I have told the President I don't like it. I believe we are giving up too much power to the President in getting rid of those earmarks. We have obligations to do congressionally directed funding. But I have agreed, as all of us over here have, to accept that.

Remember, Mr. President, when we have a budget of $10 and we have 2/10 of 1 percent that goes to congressionally directed funding, it is still the same amount of money. It is just that the President didn't determine where that money is spent; Congress had a say in it. But we have agreed. We have agreed. We have earmarks in here, billions of dollars of them, that are going to go toward cutting the deficit. I have agreed to accept that.

So ending unnecessary bureaucratic programs and cutting funding, as I have indicated, for other things. I commend my friend, Dr. COBURN, the Senator from Oklahoma. He got a GAO report that shows all kinds of redundancies and overlapping. Those are places we can cut money. Let's do it.

Our plan recognizes we are not in competition to determine who can cut the most without regard for the consequences. Rather, we need to cooperate to figure out where we can cut the smartest. While the House-passed plan is based on ideology, we believe ours is based on reality. Not ideology, but reality. These are decisions about real money to solve real problems that affect real lives. Our budget affirms our determination that we have to also reflect our values.

We see our modestly recovering economy, including today's news about employers hiring at the fastest rate in a year, and the national unemployment rate fell to a nearly 2-year low. We can't squander this cautiously optimistic news with counterproductive cuts—eliminating 700,000 jobs.

I hope when we have these votes next week on H.R. 1 people will run from that. For the people who vote for that, it will take all their legislative lives and afterwards trying to live down having voted for that bill. But this is what each Senator will vote for or against next week. These votes, like all our votes, are about choices, and what I have just outlined is what these choices represent.

Not to spoil the surprise, but we all know how this vote will turn out. We know neither will reach the President's desk as written. Republicans likely will not vote for ours. I hope they do. If it were a simple majority vote, we would win that. But Republicans have established a different standard—60 votes. We accept that. So we will end up back at square 1, without consensus, without a budget for the rest of this fiscal year, and without assurance that we can keep the country running.

So once these votes are behind us and everyone's voice is heard, I hope each Senator and Member of Congress will find renewed motivation to do what we have needed to do since the beginning: come together, negotiate in good faith, working on consensus and compromise. Legislation is the art of compromise. Legislation is not who can flex their muscles the biggest, the longest, and the hardest. Legislation is the art of compromise, working out things for the American people.

We have to acknowledge that the answer that will allow us to move forward lies somewhere between our two positions perhaps. We have to recognize that digging in one's heels threatens our fiscal footing. If one side stubbornly demands victory, everyone loses. That goes for both parties and both Chambers. This negotiation will not happen in the media, and a solution cannot be found in extreme rhetoric or unrealistic idealism. It will happen when we sit down and have an adult conversation about what our country and our constituents need. That is the only worthy exercise.

How we invest taxpayer money, how we create a foundation for our future, how we articulate our priorities to our citizens and States across the country and allies around the world is not political. It is among the most practical things we do.

There is no dispute among the 53 Democrats. We are willing to cut. We have cut $51 billion from our President's budget. As we talked about, we

are willing to do more. But we are not willing to do this with a meat axe. We want to do it the right way. We want to take a scalpel and be very careful how we affect people's lives. And when it is over with, we don't want people saying I didn't know it was in the bill, even though it affects that person as personally as anything could.

When we talk about where to invest and what to cut, everyone is concerned about the budget's bottom line. When we talk about how we can get there, here is the bottom line of the negotiation process: Yes, we have to make tough choices, but that is what leadership is all about. It is true that no one here will get everything he or she wants. My friend, the Presiding Officer, was a long-time attorney general of one of our—I was going to say most famous States—but one of the original States, who is noted for his fairness. If an attorney general or a lawyer is noted for fairness, that person is known to be willing to compromise. That is what it is all about. It is the same in the law as it is here in the Senate.

When we talk about how we can get there, the bottom line is negotiation. We have to make tough choices. But I repeat, that is what leadership is all about.

Today marks 150 years since Abraham Lincoln took his first oath of office as the President of our country—whose very existence at the time was in question. Like the incomplete Nation he had just sworn to lead, this great Capitol building was unfinished. As he addressed the Nation for the first time as President, President Lincoln stood on the east front of the Capitol building under cranes and scaffolding that represented growth and uncertainty at the same time. Now, 150 years, later the threats we face are nowhere near as dire as the Civil War Lincoln's America was about to endure but his words that afternoon are useful to us to hear this afternoon, for we are again at a moment of peril in our country. Again, we will sink or swim together.

As Lincoln closed that Inaugural Address 150 years ago today, he reminded a divided nation that, ''we are not enemies but friends. . . . Though passion may have strained it, it must not break our bonds of affection.''

Lincoln then famously called on us to recall the ''better angels of our nature.'' Those are his words. If we listen to his critical lesson in leadership at this critical moment in history, we will secure in our time a stronger future for this great Nation we call America.

THE CONTINUING RESOLUTION

Mr. INOUYE. Mr. President, the continuing resolution we introduce today, which is $51 billion below the President's budget request, imposes responsible cuts and terminations across a wide variety of programs. In contrast to the House bill, the Senate proposal will allow the government to continue operating at reduced levels without major disruptions that would set back our economic recovery and eliminate countless American jobs.

The House-passed CR would cut $51 billion more than the Senate measure, with the vast majority of cuts coming from nondefense spending. The House bill would jeopardize our economic recovery at a critical time, and severely disrupt the ability of Federal agencies to carry out even their most basic functions. If enacted in its current form, the House bill would lead to furloughs and to premature termination or postponement of contracts that will end up costing taxpayers additional dollars in the future. The House bill would cause backlogs in Social Security claims, undermine nuclear weapons safety, remove more than 200,000 children from of Head Start, and close poison control centers across America. These are just a few specific examples of the irresponsible nature of the House Republican bill as a whole.

The Senate has put forward a reasonable, fiscally responsible bill that will reduce funding at a rate that is $51 billion below the President's budget request. This bill is a good faith effort to meet in the middle. It is now time to end political gamesmanship and stop gambling with people's lives and livelihoods. I urge our counterparts in the House to engage in a constructive dialogue with us that will end the current budget stalemate.

SELECT COMMITTEE ON ETHICS RULES OF PROCEDURE

Mrs. BOXER. Mr. President, in accordance with rule XXVI(2) of the Standing Rules of the Senate, Senator ISAKSON and I ask unanimous consent that the Rules of Procedure of the Select Committee on Ethics, which were adopted February 23, 1978, and revised November 1999, be printed in the RECORD for the 112th Congress. The committee procedural rules for the 112th Congress are identical to the procedural rules adopted by the committee for the 111th Congress.

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

RULES OF THE SELECT COMMITTEE ON ETHICS

PART I: ORGANIC AUTHORITY

SUBPART A—S. RES. 338 AS AMENDED

S. Res. 338, 88th Cong., 2d Sess. (1964)

Resolved, That (a) there is hereby established a permanent select committee of the Senate to be known as the Select Committee on Ethics (referred to hereinafter as the ''Select Committee'') consisting of six Members of the Senate, of whom three shall be selected from members of the majority party and three shall be selected from members of the minority party. Members thereof shall be appointed by the Senate in accordance with the provisions of Paragraph 1 of Rule XXIV of the Standing Rules of the Senate at the beginning of each Congress. For purposes of paragraph 4 of Rule XXV of the Standing Rules of the Senate, service of a Senator as a member or chairman of the Select Committee shall not be taken into account.

(b) Vacancies in the membership of the Select Committee shall not affect the authority of the remaining members to execute the functions of the committee, and shall be filled in the same manner as original appointments thereto are made.

(c) (1) A majority of the members of the Select Committee shall constitute a quorum for the transaction of business involving complaints or allegations of, or information about, misconduct, including resulting preliminary inquiries, adjudicatory reviews, recommendations or reports, and matters relating to Senate Resolution 400, agreed to May 19, 1976.

(2) Three members shall constitute a quorum for the transaction of routine business of the Select Committee not covered by the first paragraph of this subparagraph, including requests for opinions and interpretations concerning the Code of Official Conduct or any other statute or regulation under the jurisdiction of the Select Committee, if one member of the quorum is a member of the majority Party and one member of the quorum is a member of the minority Party. During the transaction of routine business any member of the Select Committee constituting the quorum shall have the right to postpone further discussion of a pending matter until such time as a majority of the members of the Select Committee are present.

(3) The Select Committee may fix a lesser number as a quorum for the purpose of taking sworn testimony.

(d) (1) A member of the Select Committee shall be ineligible to participate in—

(A) any preliminary inquiry or adjudicatory review relating to—

(i) the conduct of—

(I) such member;

(II) any officer or employee the member supervises; or

(III) any employee of any officer the member supervises; or

(ii) any complaint filed by the member; and

(B) the determinations and recommendations of the Select Committee with respect to any preliminary inquiry or adjudicatory review described in subparagraph (A).

For purposes of this paragraph, a member of the Select Committee and an officer of the Senate shall be deemed to supervise any officer or employee consistent with the provision of paragraph 12 of Rule XXXVII of the Standing Rules of the Senate.

(2) A member of the Select Committee may, at the discretion of the member, disqualify himself or herself from participating in any preliminary inquiry or adjudicatory review pending before the Select Committee and the determinations and recommendations of the Select Committee with respect to any such preliminary inquiry or adjudicatory review. Notice of such disqualification shall be given in writing to the President of the Senate.

(3) Whenever any member of the Select Committee is ineligible under paragraph (1) to participate in any preliminary inquiry or adjudicatory review or disqualifies himself or herself under paragraph (2) from participating in any preliminary inquiry or adjudicatory review, another Senator shall, subject to the provisions of subsection (d), be appointed to serve as a member of the Select Committee solely for purposes of such preliminary inquiry or adjudicatory review and the determinations and recommendations of the Select Committee with respect to such preliminary inquiry or adjudicatory review. Any Member of the Senate appointed for such purposes shall be of the same party as the Member who is ineligible or disqualifies himself or herself.

Sec. 2. (a) It shall be the duty of the Select Committee to—

(1) receive complaints and investigate allegations of improper conduct which may reflect upon the Senate, violations of law, violations of the Senate Code of Official Conduct and violations of rules and regulations of the Senate, relating to the conduct of individuals in the performance of their duties as Members of the Senate, or as officers or employees of the Senate, and to make appropriate findings of fact and conclusions with respect thereto;

(2) (A) recommend to the Senate by report or resolution by a majority vote of the full committee disciplinary action to be taken with respect to such violations which the Select Committee shall determine, after according to the individual concerned due notice and opportunity for a hearing, to have occurred;

(B) pursuant to subparagraph (A) recommend discipline, including—

(i) in the case of a Member, a recommendation to the Senate for expulsion, censure, payment of restitution, recommendation to a Member's party conference regarding the Member's seniority or positions of responsibility, or a combination of these; and

(ii) in the case of an officer or employee, dismissal, suspension, payment of restitution, or a combination of these;

(3) subject to the provisions of subsection (e), by a unanimous vote of 6 members, order that a Member, officer, or employee be reprimanded or pay restitution, or both, if the Select Committee determines, after according to the Member, officer, or employee due notice and opportunity for a hearing, that misconduct occurred warranting discipline less serious than discipline by the full Senate;

(4) in the circumstances described in subsection (d)(3), issue a public or private letter of admonition to a Member, officer, or employee, which shall not be subject to appeal to the Senate;

(5) recommend to the Senate, by report or resolution, such additional rules or regulations as the Select Committee shall determine to be necessary or desirable to insure proper standards of conduct by Members of the Senate, and by officers or employees of the Senate, in the performance of their duties and the discharge of their responsibilities;

(6) by a majority vote of the full committee, report violations of any law, including the provision of false information to the Select Committee, to the proper Federal and State authorities; and

(7) develop and implement programs and materials designed to educate Members, officers, and employees about the laws, rules, regulations, and standards of conduct applicable to such individuals in the performance of their duties.

(b) For the purposes of this resolution—

(1) the term ''sworn complaint'' means a written statement of facts, submitted under penalty of perjury, within the personal knowledge of the complainant alleging a violation of law, the Senate Code of Official Conduct, or any other rule or regulation of the Senate relating to the conduct of individuals in the performance of their duties as Members, officers, or employees of the Senate;

(2) the term ''preliminary inquiry'' means a proceeding undertaken by the Select Committee following the receipt of a complaint or allegation of, or information about, misconduct by a Member, officer, or employee of the Senate to determine whether there is substantial credible evidence which provides substantial cause for the Select Committee to conclude that a violation within the jurisdiction of the Select Committee has occurred; and

(3) the term ''adjudicatory review'' means a proceeding undertaken by the Select Committee after a finding, on the basis of a preliminary inquiry, that there is substantial credible evidence which provides substantial cause for the Select Committee to conclude that a violation within the jurisdiction of the Select Committee has occurred.

(c) (1) No—

(A) adjudicatory review of conduct of a Member or officer of the Senate may be conducted;

(B) report, resolution, or recommendation relating to such an adjudicatory review of conduct may be made; and

(C) letter of admonition pursuant to subsection (d)(3) may be issued, unless approved by the affirmative recorded vote of no fewer than 4 members of the Select Committee.

(2) No other resolution, report, recommendation, interpretative ruling, or advisory opinion may be made without an affirmative vote of a majority of the Members of the Select Committee voting.

(d) (1) When the Select Committee receives a sworn complaint or other allegation or information about a Member, officer, or employee of the Senate, it shall promptly conduct a preliminary inquiry into matters raised by that complaint, allegation, or information. The preliminary inquiry shall be of duration and scope necessary to determine whether there is substantial credible evidence which provides substantial cause for the Select Committee to conclude that a violation within the jurisdiction of the Select Committee has occurred. The Select Committee may delegate to the chairman and vice chairman the discretion to determine the appropriate duration, scope, and conduct of a preliminary inquiry.

(2) If, as a result of a preliminary inquiry under paragraph (1), the Select Committee determines by a recorded vote that there is not such substantial credible evidence, the Select Committee shall dismiss the matter. The Select Committee may delegate to the chairman and vice chairman the authority, on behalf of the Select Committee, to dismiss any matter that they determine, after a preliminary inquiry, lacks substantial merit. The Select Committee shall inform the individual who provided to the Select Committee the complaint, allegation, or information, and the individual who is the subject of the complaint, allegation, or information, of the dismissal, together with an explanation of the basis for the dismissal.

(3) If, as a result of a preliminary inquiry under paragraph (1), the Select Committee determines that a violation is inadvertent, technical, or otherwise of a de minimis nature, the Select Committee may dispose of the matter by issuing a public or private letter of admonition, which shall not be considered discipline. The Select Committee may issue a public letter of admonition upon a similar determination at the conclusion of an adjudicatory review.

(4) If, as a result of a preliminary inquiry under paragraph (1), the Select Committee determines that there is such substantial credible evidence and the matter cannot be appropriately disposed of under paragraph (3), the Select Committee shall promptly initiate an adjudicatory review. Upon the conclusion of such adjudicatory review, the Select Committee shall report to the Senate, as soon as practicable, the results of such adjudicatory review, together with its recommendations (if any) pursuant to subsection (a)(2).

(e) (1) Any individual who is the subject of a reprimand or order of restitution, or both, pursuant to subsection (a)(3) may, within 30 days of the Select Committee's report to the Senate of its action imposing a reprimand or order of restitution, or both, appeal to the Senate by providing written notice of the basis for the appeal to the Select Committee and the presiding officer of the Senate. The presiding officer of the Senate shall cause the notice of the appeal to be printed in the Congressional Record and the Senate Journal.

(2) A motion to proceed to consideration of an appeal pursuant to paragraph (1) shall be highly privileged and not debatable. If the motion to proceed to consideration of the appeal is agreed to, the appeal shall be decided on the basis of the Select Committee's report to the Senate. Debate on the appeal shall be limited to 10 hours, which shall be divided equally between, and controlled by, those favoring and those opposing the appeal.

(f) The Select Committee may, in its discretion, employ hearing examiners to hear testimony and make findings of fact and/or recommendations to the Select Committee concerning the disposition of complaints.

(g) Notwithstanding any other provision of this section, no adjudicatory review shall be initiated of any alleged violation of any law, the Senate Code of Official Conduct, rule, or regulation which was not in effect at the time the alleged violation occurred. No provisions of the Senate Code of Official Conduct shall apply to or require disclosure of any act, relationship, or transaction which occurred prior to the effective date of the applicable provision of the Code. The Select Committee may initiate an adjudicatory review of any alleged violation of a rule or law which was in effect prior to the enactment of the Senate Code of Official Conduct if the alleged violation occurred while such rule or law was in effect and the violation was not a matter resolved on the merits by the predecessor Select Committee.

(h) The Select Committee shall adopt written rules setting forth procedures to be used in conducting preliminary inquiries and adjudicatory reviews.

(i) The Select Committee from time to time shall transmit to the Senate its recommendation as to any legislative measures which it may consider to be necessary for the effective discharge of its duties.

Sec. 3. (a) The Select Committee is authorized to (1) make such expenditures; (2) hold such hearings; (3) sit and act at such times and places during the sessions, recesses, and adjournment periods of the Senate; (4) require by subpoena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents; (5) administer such oaths; (6) take such testimony orally or by deposition; (7) employ and fix the compensation of a staff director, a counsel, an assistant counsel, one or more investigators, one or more hearing examiners, and such technical, clerical, and other assistants and consultants as it deems advisable; and (8) to procure the temporary services (not in excess of one year) or intermittent services of individual consultants, or organizations thereof, by contract as independent contractors or, in the case of individuals, by employment at daily rates of compensation not in excess of the per diem equivalent of the highest rate of compensation which may be paid to a regular employee of the Select Committee.

(b) (1) The Select Committee is authorized to retain and compensate counsel not employed by the Senate (or by any department or agency of the executive branch of the Government) whenever the Select Committee determines that the retention of outside counsel is necessary or appropriate for any action regarding any complaint or allegation, which, in the determination of the Select Committee is more appropriately conducted by counsel not employed by the Government of the United States as a regular employee.

(2) Any adjudicatory review as defined in section 2(b)(3) shall be conducted by outside counsel as authorized in paragraph (1), unless the Select Committee determines not to use outside counsel.

(c) With the prior consent of the department or agency concerned, the Select Committee may (1) utilize the services, information and facilities of any such department or agency of the Government, and (2) employ on a reimbursable basis or otherwise the services of such personnel of any such department or agency as it deems advisable. With the consent of any other committee of the Senate, or any subcommittee thereof, the Select Committee may utilize the facilities and the services of the staff of such other committee or subcommittee whenever the chairman of the Select Committee determines that such action is necessary and appropriate.

(d) (1) Subpoenas may be authorized by—

(A) the Select Committee; or

(B) the chairman and vice chairman, acting jointly.

(2) Any such subpoena shall be issued and signed by the chairman and the vice chairman and may be served by any person designated by the chairman and vice chairman.

(3) The chairman or any member of the Select Committee may administer oaths to witnesses.

(e) (1) The Select Committee shall prescribe and publish such regulations as it feels are necessary to implement the Senate Code of Official Conduct.

(2) The Select Committee is authorized to issue interpretative rulings explaining and clarifying the application of any law, the Code of Official Conduct, or any rule or regulation of the Senate within its jurisdiction.

(3) The Select Committee shall render an advisory opinion, in writing within a reasonable time, in response to a written request by a Member or officer of the Senate or a candidate for nomination for election, or election to the Senate, concerning the application of any law, the Senate Code of Official Conduct, or any rule or regulation of the Senate within its jurisdiction to a specific factual situation pertinent to the conduct or proposed conduct of the person seeking the advisory opinion.

(4) The Select Committee may in its discretion render an advisory opinion in writing within a reasonable time in response to a written request by any employee of the Senate concerning the application of any law, the Senate Code of Official Conduct, or any rule or regulation of the Senate within its jurisdiction to a specific factual situation pertinent to the conduct or proposed conduct of the person seeking the advisory opinion.

(5) Notwithstanding any provision of the Senate Code of Official Conduct or any rule or regulation of the Senate, any person who relies upon any provision or finding of an advisory opinion in accordance with the provisions of paragraphs (3) and (4) and who acts in good faith in accordance with the provisions and findings of such advisory opinion shall not, as a result of any such act, be subject to any sanction by the Senate.

(6) Any advisory opinion rendered by the Select Committee under paragraphs (3) and (4) may be relied upon by (A) any person involved in the specific transaction or activity with respect to which such advisory opinion is rendered: Provided, however, that the request for such advisory opinion included a complete and accurate statement of the specific factual situation; and, (B) any person involved in any specific transaction or activity which is indistinguishable in all its material aspects from the transaction or activity with respect to which such advisory opinion is rendered.

(7) Any advisory opinion issued in response to a request under paragraph (3) or (4) shall be printed in the Congressional Record with appropriate deletions to assure the privacy of the individual concerned. The Select Committee shall, to the extent practicable, before rendering an advisory opinion, provide any interested party with an opportunity to transmit written comments to the Select Committee with respect to the request for such advisory opinion. The advisory opinions issued by the Select Committee shall be compiled, indexed, reproduced, and made available on a periodic basis.

(8) A brief description of a waiver granted under paragraph 2(c) [NOTE: Now Paragraph 1] of Rule XXXIV or paragraph 1 of Rule XXXV of the Standing Rules of the Senate shall be made available upon request in the Select Committee office with appropriate deletions to assure the privacy of the individual concerned.

Sec. 4. The expenses of the Select Committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the Select Committee.

Sec. 5. As used in this resolution, the term ''officer or employee of the Senate'' means—

(1) an elected officer of the Senate who is not a Member of the Senate;

(2) an employee of the Senate, any committee or subcommittee of the Senate, or any Member of the Senate;

(3) the Legislative Counsel of the Senate or any employee of his office;

(4) an Official Reporter of Debates of the Senate and any person employed by the Official Reporters of Debates of the Senate in connection with the performance of their official duties;

(5) a Member of the Capitol Police force whose compensation is disbursed by the Secretary of the Senate;

(6) an employee of the Vice President if such employee's compensation is disbursed by the Secretary of the Senate; and

(7) an employee of a joint committee of the Congress whose compensation is disbursed by the Secretary of the Senate.

SUBPART B—PUBLIC LAW 93–191—FRANKED MAIL, PROVISIONS RELATING TO THE SELECT COMMITTEE

Sec. 6. (a) The Select Committee on Standards and Conduct of the Senate [NOTE: Now the Select Committee on Ethics] shall provide guidance, assistance, advice and counsel, through advisory opinions or consultations, in connection with the mailing or contemplated mailing of franked mail under section 3210, 3211, 3212, 3218(2) or 3218, and in connection with the operation of section 3215, of title 39, United States Code, upon the request of any Member of the Senate or Member-elect, surviving spouse of any of the foregoing, or other Senate official, entitled to send mail as franked mail under any of those sections. The select committee shall prescribe regulations governing the proper use of the franking privilege under those sections by such persons.

(b) Any complaint filed by any person with the select committee that a violation of any section of title 39, United States Code, referred to in subsection (a) of this section is about to occur or has occurred within the immediately preceding period of 1 year, by any person referred to in such subsection (a), shall contain pertinent factual material and shall conform to regulations prescribed by the select committee. The select committee, if it determines there is reasonable justification for the complaint, shall conduct an investigation of the matter, including an investigation of reports and statements filed by that complainant with respect to the matter which is the subject of the complaint. The committee shall afford to the person who is the subject of the complaint due notice and, if it determines that there is substantial reason to believe that such violation has occurred or is about to occur, opportunity for all parties to participate in a hearing before the select committee. The select committee shall issue a written decision on each complaint under this subsection not later than thirty days after such a complaint has been filed or, if a hearing is held, not later than thirty days after the conclusion of such hearing. Such decision shall be based on written findings of fact in the case by the select committee. If the select committee finds, in its written decision, that a violation has occurred or is about to occur, the committee may take such action and enforcement as it considers appropriate in accordance with applicable rules, precedents, and standing orders of the Senate, and such other standards as may be prescribed by such committee.

(c) Notwithstanding any other provision of law, no court or administrative body in the United States or in any territory thereof shall have jurisdiction to entertain any civil action of any character concerning or related to a violation of the franking laws or an abuse of the franking privilege by any person listed under subsection (a) of this section as entitled to send mail as franked mail, until a complaint has been filed with the select committee and the committee has rendered a decision under subsection (b) of this section.

(d) The select committee shall prescribe regulations for the holding of investigations and hearings, the conduct of proceedings, and the rendering of decisions under this subsection providing for equitable procedures and the protection of individual, public, and Government interests. The regulations shall, insofar as practicable, contain the substance of the administrative procedure provisions of sections 551–559 and 701–706, of title 5, United States Code. These regulations shall govern matters under this subsection subject to judicial review thereof.

(e) The select committee shall keep a complete record of all its actions, including a record of the votes on any question on which a record vote is demanded. All records, data, and files of the select committee shall be the property of the Senate and shall be kept in the offices of the select committee or such other places as the committee may direct.

SUBPART C—STANDING ORDERS OF THE SENATE REGARDING UNAUTHORIZED DISCLOSURE OF INTELLIGENCE INFORMATION, S. RES. 400, 94TH CONGRESS, PROVISIONS RELATING TO THE SELECT COMMITTEE

SEC. 8. * * *

(c) (1) No information in the possession of the select committee relating to the lawful intelligence activities of any department or agency of the United States which has been classified under established security procedures and which the select committee, pursuant to subsection (a) or (b) of this section, has determined should not be disclosed, shall be made available to any person by a Member, officer, or employee of the Senate except in a closed session of the Senate or as provided in paragraph (2).

(2) The select committee may, under such regulations as the committee shall prescribe to protect the confidentiality of such information, make any information described in paragraph (1) available to any other committee or any other Member of the Senate. Whenever the select committee makes such information available, the committee shall keep a written record showing, in the case of any particular information, which committee or which Members of the Senate received such information. No Member of the Senate who, and no committee which, receives any information under this subsection, shall disclose such information except in a closed session of the Senate.

(d) It shall be the duty of the Select Committee on Standards and Conduct to investigate any unauthorized disclosure of intelligence information by a Member, officer or employee of the Senate in violation of subsection (c) and to report to the Senate concerning any allegation which it finds to be substantiated.

(e) Upon the request of any person who is subject to any such investigation, the Select Committee on Standards and Conduct shall release to such individual at the conclusion of its investigation a summary of its investigation together with its findings. If, at the conclusion of its investigation, the Select Committee on Standards and Conduct determines that there has been a significant breach of confidentiality or unauthorized disclosure by a Member, officer, or employee of the Senate, it shall report its findings to the Senate and recommend appropriate action such as censure, removal from committee membership, or expulsion from the Senate, in the case of a Member, or removal from office or employment or punishment for contempt, in the case of an officer or employee.

SUBPART D—RELATING TO RECEIPT AND DISPOSITION OF FOREIGN GIFTS AND DECORATIONS RECEIVED BY MEMBERS, OFFICERS AND EMPLOYEES OF THE SENATE OR THEIR SPOUSES OR DEPENDENTS, PROVISIONS RELATING TO THE SELECT COMMITTEE ON ETHICS

Section 7342 of title 5, United States Code, states as follows:

Sec. 7342. Receipt and disposition of foreign gifts and decorations.

''(a) For the purpose of this section—

''(1) 'employee' means—

''(A) an employee as defined by section 2105 of this title and an officer or employee of the United States Postal Service or of the Postal Rate Commission;

''(B) an expert or consultant who is under contract under section 3109 of this title with the United States or any agency, department, or establishment thereof, including, in the case of an organization performing services under such section, any individual involved in the performance of such services;

''(C) an individual employed by, or occupying an office or position in, the government of a territory or possession of the United States or the government of the District of Columbia;

''(D) a member of a uniformed service;

''(E) the President and the Vice President;

''(F) a Member of Congress as defined by section 2106 of this title (except the Vice President) and any Delegate to the Congress; and

''(G) the spouse of an individual described in subparagraphs (A) through (F) (unless such individual and his or her spouse are separated) or a dependent (within the meaning of section 152 of the Internal Revenue Code of 1986) of such an individual, other than a spouse or dependent who is an employee under subparagraphs (A) through (F);

''(2) 'foreign government' means—

''(A) any unit of foreign governmental authority, including any foreign national, State, local, and municipal government;

''(B) any international or multinational organization whose membership is composed of any unit of foreign government described in subparagraph (A); and

''(C) any agent or representative of any such unit or such organization, while acting as such;

''(3) 'gift' means a tangible or intangible present (other than a decoration) tendered by, or received from, a foreign government;

''(4) 'decoration' means an order, device, medal, badge, insignia, emblem, or award tendered by, or received from, a foreign government;

''(5) 'minimal value' means a retail value in the United States at the time of acceptance of $100 or less, except that—

''(A) on January 1, 1981, and at 3 year intervals thereafter, 'minimal value' shall be redefined in regulations prescribed by the Administrator of General Services, in consultation with the Secretary of State, to reflect changes in the consumer price index for the immediately preceding 3-year period; and

''(B) regulations of an employing agency may define 'minimal value' for its employees to be less than the value established under this paragraph; and

''(6) 'employing agency' means—

''(A) the Committee on Standards of Official Conduct of the House of Representatives, for Members and employees of the House of Representatives, except that those responsibilities specified in subsections (c)(2)(A), (e)(1), and (g)(2)(B) shall be carried out by the Clerk of the House;

''(B) the Select Committee on Ethics of the Senate, for Senators and employees of the Senate, except that those responsibilities (other than responsibilities involving approval of the employing agency) specified in subsections (c)(2), (d), and (g)(2)(B) shall be carried out by the Secretary of the Senate;

''(C) the Administrative Office of the United States Courts, for judges and judicial branch employees; and

''(D) the department, agency, office, or other entity in which an employee is employed, for other legislative branch employees and for all executive branch employees.

''(b) An employee may not—

''(1) request or otherwise encourage the tender of a gift or decoration; or

''(2) accept a gift or decoration, other than in accordance with, the provisions of subsections (c) and (d).

''(c)(1) The Congress consents to—

''(A) the accepting and retaining by an employee of a gift of minimal value tendered and received as a souvenir or mark of courtesy; and

''(B) the accepting by an employee of a gift of more than minimal value when such gift is in the nature of an educational scholarship or medical treatment or when it appears that to refuse the gift would likely cause offense or embarrassment or otherwise adversely affect the foreign relations of the United States, except that—

''(i) a tangible gift of more than minimal value is deemed to have been accepted on behalf of the United States and, upon acceptance, shall become the property of the United States; and

''(ii) an employee may accept gifts of travel or expenses for travel taking place entirely outside the United States (such as transportation, food, and lodging) of more than minimal value if such acceptance is appropriate, consistent with the interests of the United States, and permitted by the employing agency and any regulations which may be prescribed by the employing agency.

''(2) Within 60 days after accepting a tangible gift of more than minimal value (other than a gift described in paragraph (1)(B)(ii)), an employee shall—

''(A) deposit the gift for disposal with his or her employing agency; or

''(B) subject to the approval of the employing agency, deposit the gift with that agency for official use. Within 30 days after terminating the official use of a gift under subparagraph (B), the employing agency shall forward the gift to the Administrator of General Services in accordance with subsection (e)(1) or provide for its disposal in accordance with subsection (e)(2).

''(3) When an employee deposits a gift of more than minimal value for disposal or for official use pursuant to paragraph (2), or within 30 days after accepting travel or travel expenses as provided in paragraph (1)(B)(ii) unless such travel or travel expenses are accepted in accordance with specific instructions of his or her employing agency, the employee shall file a statement with his or her employing agency or its delegate containing the information prescribed in subsection (f) for that gift.

''(d) The Congress consents to the accepting, retaining, and wearing by an employee of a decoration tendered in recognition of active field service in time of combat operations or awarded for other outstanding or unusually meritorious performance, subject to the approval of the employing agency of such employee. Without this approval, the decoration is deemed to have been accepted on behalf of the United States, shall become the property of the United States, and shall be deposited by the employee, within sixty days of acceptance, with the employing agency for official use, for forwarding to the Administrator of General Services for disposal in accordance with subsection (e)(1), or for disposal in accordance with subsection (e)(2).

''(e)(1) Except as provided in paragraph (2), gifts and decorations that have been deposited with an employing agency for disposal shall be (A) returned to the donor, or (B) forwarded to the Administrator of General Services for transfer, donation, or other disposal in accordance with the provisions of the Federal Property and Administrative Services Act of 1949. However, no gift or decoration that has been deposited for disposal may be sold without the approval of the Secretary of State, upon a determination that the sale will not adversely affect the foreign relations of the United States. Gifts and decorations may be sold by negotiated sale.

''(2) Gifts and decorations received by a Senator or an employee of the Senate that are deposited with the Secretary of the Senate for disposal, or are deposited for an official use which has terminated, shall be disposed of by the Commission on Arts and Antiquities of the United States Senate. Any such gift or decoration may be returned by the Commission to the donor or may be transferred or donated by the Commission, subject to such terms and conditions as it may prescribe, (A) to an agency or instrumentality of (i) the United States, (ii) a State, territory, or possession of the United States, or a political subdivision of the foregoing, or (iii) the District of Columbia, or (B) to an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 which is exempt from taxation under section 501(a) of such Code. Any such gift or decoration not disposed of as provided in the preceding sentence shall be forwarded to the Administrator of General Services for disposal in accordance with paragraph (1). If the Administrator does not dispose of such gift or decoration within one year, he shall, at the request of the Commission, return it to the Commission and the Commission may dispose of such gift or decoration in such manner as it considers proper, except that such gift or decoration may be sold only with the approval of the Secretary of State upon a determination that the sale will not adversely affect the foreign relations of the United States.

''(f)(1) Not later than January 31 of each year, each employing agency or its delegate shall compile a listing of all statements filed during the preceding year by the employees of that agency pursuant to subsection (c)(3) and shall transmit such listing to the Secretary of State who shall publish a comprehensive listing of all such statements in the Federal Register.

''(2) Such listings shall include for each tangible gift reported—

''(A) the name and position of the employee;

''(B) a brief description of the gift and the circumstances justifying acceptance;

''(C) the identity, if known, of the foreign government and the name and position of the individual who presented the gift;

''(D) the date of acceptance of the gift;

''(E) the estimated value in the United States of the gift at the time of acceptance; and

''(F) disposition or current location of the gift.

''(3) Such listings shall include for each gift of travel or travel expenses—

''(A) the name and position of the employee;

''(B) a brief description of the gift and the circumstances justifying acceptance; and

''(C) the identity, if known, of the foreign government and the name and position of the individual who presented the gift.

''(4) In transmitting such listings for the Central Intelligence Agency, the Director of Central Intelligence may delete the information described in subparagraphs (A) and (C) of paragraphs (2) and (3) if the Director certifies in writing to the Secretary of State that the publication of such information could adversely affect United States intelligence sources.

''(g)(1) Each employing agency shall prescribe such regulations as may be necessary to carry out the purpose of this section. For all employing agencies in the executive branch, such regulations shall be prescribed pursuant to guidance provided by the Secretary of State. These regulations shall be implemented by each employing agency for its employees.

''(2) Each employing agency shall—

''(A) report to the Attorney General cases in which there is reason to believe that an employee has violated this section;

''(B) establish a procedure for obtaining an appraisal, when necessary, of the value of gifts; and

''(C) take any other actions necessary to carry out the purpose of this section.

''(h) The Attorney General may bring a civil action in any district court of the United States against any employee who knowingly solicits or accepts a gift from a foreign government not consented to by this section or who fails to deposit or report such gift as required by this section. The court in which such action is brought may assess a penalty against such employee in any amount not to exceed the retail value of the gift improperly solicited or received plus $5,000.

''(i) The President shall direct all Chiefs of a United States Diplomatic Mission to inform their host governments that it is a general policy of the United States Government to prohibit United States Government employees from receiving gifts or decorations of more than minimal value.

''(j) Nothing in this section shall be construed to derogate any regulation prescribed by any employing agency which provides for more stringent limitations on the receipt of gifts and decorations by its employees.

''(k) The provisions of this section do not apply to grants and other forms of assistance to which section 108A of the Mutual Educational and Cultural Exchange Act of 1961 applies.''

PART II: SUPPLEMENTARY PROCEDURAL RULES

145 Cong. Rec. S1832 (daily ed. Feb. 23, 1999)

RULE 1: GENERAL PROCEDURES

(a) OFFICERS: In the absence of the Chairman, the duties of the Chair shall be filled by the Vice Chairman or, in the Vice Chairman's absence, a Committee member designated by the Chairman.

(b) PROCEDURAL RULES: The basic procedural rules of the Committee are stated as a part of the Standing Orders of the Senate in Senate Resolution 338, 88th Congress, as amended, as well as other resolutions and laws. Supplementary Procedural Rules are stated herein and are hereinafter referred to as the Rules. The Rules shall be published in the Congressional Record not later than thirty days after adoption, and copies shall be made available by the Committee office upon request.

(c) MEETINGS:

(1) The regular meeting of the Committee shall be the first Thursday of each month while the Congress is in session.

(2) Special meetings may be held at the call of the Chairman or Vice Chairman if at least forty-eight hours notice is furnished to all members. If all members agree, a special meeting may be held on less than forty-eight hours notice.

(3) (A) If any member of the Committee desires that a special meeting of the Committee be called, the member may file in the office of the Committee a written request to the Chairman or Vice Chairman for that special meeting.

(B) Immediately upon the filing of the request the Clerk of the Committee shall notify the Chairman and Vice Chairman of the filing of the request. If, within three calendar days after the filing of the request, the Chairman or the Vice Chairman does not call the requested special meeting, to be held within seven calendar days after the filing of the request, any three of the members of the Committee may file their written notice in the office of the Committee that a special meeting of the Committee will be held at a specified date and hour; such special meeting may not occur until forty-eight hours after the notice is filed. The Clerk shall immediately notify all members of the Committee of the date and hour of the special meeting. The Committee shall meet at the specified date and hour.

(d) QUORUM:

(1) A majority of the members of the Select Committee shall constitute a quorum for the transaction of business involving complaints or allegations of, or information about, misconduct, including resulting preliminary inquiries, adjudicatory reviews, recommendations or reports, and matters relating to Senate Resolution 400, agreed to May 19, 1976.

(2) Three members shall constitute a quorum for the transaction of the routine business of the Select Committee not covered by the first subparagraph of this paragraph, including requests for opinions and interpretations concerning the Code of Official Conduct or any other statute or regulation under the jurisdiction of the Select Committee, if one member of the quorum is a Member of the Majority Party and one member of the quorum is a Member of the Minority Party. During the transaction of routine business any member of the Select Committee constituting the quorum shall have the right to postpone further discussion of a pending matter until such time as a majority of the members of the Select Committee are present.

(3) Except for an adjudicatory hearing under Rule 5 and any deposition taken outside the presence of a Member under Rule 6, one Member shall constitute a quorum for hearing testimony, provided that all Members have been given notice of the hearing and the Chairman has designated a Member of the Majority Party and the Vice Chairman has designated a Member of the Minority Party to be in attendance, either of whom in the absence of the other may constitute the quorum.

(e) ORDER OF BUSINESS: Questions as to the order of business and the procedure of the Committee shall in the first instance be decided by the Chairman and Vice Chairman, subject to reversal by a vote by a majority of the Committee.

(f) HEARINGS ANNOUNCEMENTS: The Committee shall make public announcement of the date, place and subject matter of any hearing to be conducted by it at least one week before the commencement of that hearing, and shall publish such announcement in the Congressional Record. If the Committee determines that there is good cause to commence a hearing at an earlier date, such notice will be given at the earliest possible time.

(g) OPEN AND CLOSED COMMITTEE MEETINGS: Meetings of the Committee shall be open to the public or closed to the public (executive session), as determined under the provisions of paragraphs 5 (b) to (d) of Rule XXVI of the Standing Rules of the Senate. Executive session meetings of the Committee shall be closed except to the members and the staff of the Committee. On the motion of any member, and with the approval of a majority of the Committee members present, other individuals may be admitted to an executive session meeting for a specific period or purpose.

(h) RECORD OF TESTIMONY AND COMMITTEE ACTION: An accurate stenographic or transcribed electronic record shall be kept of all Committee proceedings, whether in executive or public session. Such record shall include Senators' votes on any question on which a recorded vote is held. The record of a witness's testimony, whether in public or executive session, shall be made available for inspection to the witness or his counsel under Committee supervision; a copy of any testimony given by that witness in public session, or that part of the testimony given by the witness in executive session and subsequently quoted or made part of the record in a public session shall be made available to any witness if he so requests. (See Rule 5 on Procedures for Conducting Hearings.)

(i) SECRECY OF EXECUTIVE TESTIMONY AND ACTION AND OF COMPLAINT PROCEEDINGS:

(1) All testimony and action taken in executive session shall be kept secret and shall not be released outside the Committee to any individual or group, whether governmental or private, without the approval of a majority of the Committee.

(2) All testimony and action relating to a complaint or allegation shall be kept secret and shall not be released by the Committee to any individual or group, whether governmental or private, except the respondent, without the approval of a majority of the Committee, until such time as a report to the Senate is required under Senate Resolution 338, 88th Congress, as amended, or unless otherwise permitted under these Rules. (See Rule 8 on Procedures for Handling Committee Sensitive and Classified Materials.)

(j) RELEASE OF REPORTS TO PUBLIC: No information pertaining to, or copies of any Committee report, study, or other document which purports to express the view, findings, conclusions or recommendations of the Committee in connection with any of its activities or proceedings may be released to any individual or group whether governmental or private, without the authorization of the Committee. Whenever the Chairman or Vice Chairman is authorized to make any determination, then the determination may be released at his or her discretion. Each member of the Committee shall be given a reasonable opportunity to have separate views included as part of any Committee report. (See Rule 8 on Procedures for Handling Committee Sensitive and Classified Materials.)

(k) INELIGIBILITY OR DISQUALIFICATION OF MEMBERS AND STAFF:

(1) A member of the Committee shall be ineligible to participate in any Committee proceeding that relates specifically to any of the following:

(A) a preliminary inquiry or adjudicatory review relating to (i) the conduct of (I) such member; (II) any officer or employee the member supervises; or (ii) any complaint filed by the member; and

(B) the determinations and recommendations of the Committee with respect to any preliminary inquiry or adjudicatory review described in subparagraph (A).

For purposes of this paragraph, a member of the committee and an officer of the Senate shall be deemed to supervise any officer or employee consistent with the provision of paragraph 12 of Rule XXXVII of the Standing Rules of the Senate.

(2) If any Committee proceeding appears to relate to a member of the Committee in a manner described in subparagraph (1) of this paragraph, the staff shall prepare a report to the Chairman and Vice Chairman. If either the Chairman or the Vice Chairman concludes from the report that it appears that the member may be ineligible, the member shall be notified in writing of the nature of the particular proceeding and the reason that it appears that the member may be ineligible to participate in it. If the member agrees that he or she is ineligible, the member shall so notify the Chairman or Vice Chairman. If the member believes that he or she is not ineligible, he or she may explain the reasons to the Chairman and Vice Chairman, and if they both agree that the member is not ineligible, the member shall continue to serve. But if either the Chairman or Vice Chairman continues to believe that the member is ineligible, while the member believes that he or she is not ineligible, the matter shall be promptly referred to the Committee. The member shall present his or her arguments to the Committee in executive session. Any contested questions concerning a member's eligibility shall be decided by a majority vote of the Committee, meeting in executive session, with the member in question not participating.

(3) A member of the Committee may, at the discretion of the member, disqualify himself or herself from participating in any preliminary inquiry or adjudicatory review pending before the Committee and the determinations and recommendations of the Committee with respect to any such preliminary inquiry or adjudicatory review.

(4) Whenever any member of the Committee is ineligible under paragraph (1) to participate in any preliminary inquiry or adjudicatory review, or disqualifies himself or herself under paragraph (3) from participating in any preliminary inquiry or adjudicatory review, another Senator shall be appointed by the Senate to serve as a member of the Committee solely for purposes of such preliminary inquiry or adjudicatory review and the determinations and recommendations of the Committee with respect to such preliminary inquiry or adjudicatory review. Any member of the Senate appointed for such purposes shall be of the same party as the member who is ineligible or disqualifies himself or herself.

(5) The President of the Senate shall be given written notice of the ineligibility or disqualification of any member from any preliminary inquiry, adjudicatory review, or other proceeding requiring the appointment of another member in accordance with subparagraph (k)(4).

(6) A member of the Committee staff shall be ineligible to participate in any Committee proceeding that the staff director or outside counsel determines relates specifically to any of the following:

(A) the staff member's own conduct;

(B) the conduct of any employee that the staff member supervises;

(C) the conduct of any member, officer or employee for whom the staff member has worked for any substantial period; or

(D) a complaint, sworn or unsworn, that was filed by the staff member. At the direction or with the consent of the staff director or outside counsel, a staff member may also be disqualified from participating in a Committee proceeding in other circumstances not listed above.

(l) RECORDED VOTES: Any member may require a recorded vote on any matter.

(m) PROXIES; RECORDING VOTES OF ABSENT MEMBERS:

(1) Proxy voting shall not be allowed when the question before the Committee is the initiation or continuation of a preliminary inquiry or an adjudicatory review, or the issuance of a report or recommendation related thereto concerning a Member or officer of the Senate. In any such case an absent member's vote may be announced solely for the purpose of recording the member's position and such announced votes shall not be counted for or against the motion.

(2) On matters other than matters listed in paragraph (m)(1) above, the Committee may order that the record be held open for the vote of absentees or recorded proxy votes if the absent Committee member has been informed of the matter on which the vote occurs and has affirmatively requested of the Chairman or Vice Chairman in writing that he be so recorded.

(3) All proxies shall be in writing, and shall be delivered to the Chairman or Vice Chairman to be recorded.

(4) Proxies shall not be considered for the purpose of establishing a quorum.

(n) APPROVAL OF BLIND TRUSTS AND FOREIGN TRAVEL REQUESTS BETWEEN SESSIONS AND DURING EXTENDED RECESSES: During any period in which the Senate stands in adjournment between sessions of the Congress or stands in a recess scheduled to extend beyond fourteen days, the Chairman and Vice Chairman, or their designees, acting jointly, are authorized to approve or disapprove blind trusts under the provision of Rule XXXIV.

(o) COMMITTEE USE OF SERVICES OR EMPLOYEES OF OTHER AGENCIES AND DEPARTMENTS: With the prior consent of the department or agency involved, the Committee may (1) utilize the services, information, or facilities of any such department or agency of the Government, and (2) employ on a reimbursable basis or otherwise the services of such personnel of any such department or agency as it deems advisable. With the consent of any other committee of the Senate, or any subcommittee, the Committee may utilize the facilities and the services of the staff of such other committee or subcommittee whenever the Chairman and Vice Chairman of the Committee, acting jointly, determine that such action is necessary and appropriate.

RULE 2: PROCEDURES FOR COMPLAINTS, ALLEGATIONS, OR INFORMATION

(a) COMPLAINT, ALLEGATION, OR INFORMATION: Any member or staff member of the Committee shall report to the Committee, and any other person may report to the Committee, a sworn complaint or other allegation or information, alleging that any Senator, or officer, or employee of the Senate has violated a law, the Senate Code of Official Conduct, or any rule or regulation of the Senate relating to the conduct of any individual in the performance of his or her duty as a Member, officer, or employee of the Senate, or has engaged in improper conduct which may reflect upon the Senate. Such complaints or allegations or information may be reported to the Chairman, the Vice Chairman, a Committee member, or a Committee staff member.

(b) SOURCE OF COMPLAINT, ALLEGATION, OR INFORMATION: Complaints, allegations, and information to be reported to the Committee may be obtained from a variety of sources, including but not limited to the following:

(1) sworn complaints, defined as a written statement of facts, submitted under penalty of perjury, within the personal knowledge of the complainant alleging a violation of law, the Senate Code of Official Conduct, or any other rule or regulation of the Senate relating to the conduct of individuals in the performance of their duties as members, officers, or employees of the Senate;

(2) anonymous or informal complaints;

(3) information developed during a study or inquiry by the Committee or other committees or subcommittees of the Senate, including information obtained in connection with legislative or general oversight hearings;

(4) information reported by the news media; or

(5) information obtained from any individual, agency or department of the executive branch of the Federal Government.

(c) FORM AND CONTENT OF COMPLAINTS: A complaint need not be sworn nor must it be in any particular form to receive Committee consideration, but the preferred complaint will:

(1) state, whenever possible, the name, address, and telephone number of the party filing the complaint;

(2) provide the name of each member, officer or employee of the Senate who is specifically alleged to have engaged in improper conduct or committed a violation;

(3) state the nature of the alleged improper conduct or violation;

(4) supply all documents in the possession of the party filing the complaint relevant to or in support of his or her allegations as an attachment to the complaint.

RULE 3: PROCEDURES FOR CONDUCTING A PRELIMINARY INQUIRY

(a) DEFINITION OF PRELIMINARY INQUIRY: A "preliminary inquiry" is a proceeding undertaken by the Committee following the receipt of a complaint or allegation of, or information about, misconduct by a Member, officer, or employee of the Senate to determine whether there is substantial credible evidence which provides substantial cause for the Committee to conclude that a violation within the jurisdiction of the Committee has occurred.

(b) BASIS FOR PRELIMINARY INQUIRY: The Committee shall promptly commence a preliminary inquiry whenever it has received a sworn complaint, or other allegation of, or information about, alleged misconduct or violations pursuant to Rule 2.

(c) SCOPE OF PRELIMINARY INQUIRY:

(1) The preliminary inquiry shall be of such duration and scope as is necessary to determine whether there is substantial credible evidence which provides substantial cause for the Committee to conclude that a violation within the jurisdiction of the Committee has occurred. The Chairman and Vice Chairman, acting jointly, on behalf of the Committee may supervise and determine the appropriate duration, scope, and conduct of a preliminary inquiry. Whether a preliminary inquiry is conducted jointly by the Chairman and Vice Chairman or by the Committee as a whole, the day to day supervision of a preliminary inquiry rests with the Chairman and Vice Chairman, acting jointly.

(2) A preliminary inquiry may include any inquiries, interviews, sworn statements, depositions, or subpoenas deemed appropriate to obtain information upon which to

make any determination provided for by this Rule.

(d) OPPORTUNITY FOR RESPONSE: A preliminary inquiry may include an opportunity for any known respondent or his or her designated representative to present either a written or oral statement, or to respond orally to questions from the Committee. Such an oral statement or answers shall be transcribed and signed by the person providing the statement or answers.

(e) STATUS REPORTS: The Committee staff or outside counsel shall periodically report to the Committee in the form and according to the schedule prescribed by the Committee. The reports shall be confidential.

(f) FINAL REPORT: When the preliminary inquiry is completed, the staff or outside counsel shall make a confidential report, oral or written, to the Committee on findings and recommendations, as appropriate.

(g) COMMITTEE ACTION: As soon as practicable following submission of the report on the preliminary inquiry, the Committee shall determine by a recorded vote whether there is substantial credible evidence which provides substantial cause for the Committee to conclude that a violation within the jurisdiction of the Committee has occurred. The Committee may make any of the following determinations:

(1) The Committee may determine that there is not such substantial credible evidence and, in such case, the Committee shall dismiss the matter. The Committee, or Chairman and Vice Chairman acting jointly on behalf of the Committee, may dismiss any matter which, after a preliminary inquiry, is determined to lack substantial merit. The Committee shall inform the complainant of the dismissal.

(2) The Committee may determine that there is such substantial credible evidence, but that the alleged violation is inadvertent, technical, or otherwise of a de minimis nature. In such case, the Committee may dispose of the matter by issuing a public or private letter of admonition, which shall not be considered discipline and which shall not be subject to appeal to the Senate. The issuance of a letter of admonition must be approved by the affirmative recorded vote of no fewer than four members of the Committee voting.

(3) The Committee may determine that there is such substantial credible evidence and that the matter cannot be appropriately disposed of under paragraph (2). In such case, the Committee shall promptly initiate an adjudicatory review in accordance with Rule 4. No adjudicatory review of conduct of a Member, officer, or employee of the Senate may be initiated except by the affirmative recorded vote of not less than four members of the Committee.

RULE 4: PROCEDURES FOR CONDUCTING AN ADJUDICATORY REVIEW

(a) DEFINITION OF ADJUDICATORY REVIEW: An ''adjudicatory review'' is a proceeding undertaken by the Committee after a finding, on the basis of a preliminary inquiry, that there is substantial cause for the Committee to conclude that a violation within the jurisdiction of the Committee has occurred.

(b) SCOPE OF ADJUDICATORY REVIEW: When the Committee decides to conduct an adjudicatory review, it shall be of such duration and scope as is necessary for the Committee to determine whether a violation within its jurisdiction has occurred. An adjudicatory review shall be conducted by outside counsel as authorized by section 3(b)(1) of Senate Resolution 338 unless the Committee determines not to use outside counsel. In the course of the adjudicatory review, designated outside counsel, or if the Committee determines not to use outside counsel, the Committee or its staff, may conduct any inquiries or interviews, take sworn statements, use compulsory process as described in Rule 6, or take any other actions that the Committee deems appropriate to secure the evidence necessary to make a determination.

(c) NOTICE TO RESPONDENT: The Committee shall give written notice to any known respondent who is the subject of an adjudicatory review. The notice shall be sent to the respondent no later than five working days after the Committee has voted to conduct an adjudicatory review. The notice shall include a statement of the nature of the possible violation, and description of the evidence indicating that a possible violation occurred. The Committee may offer the respondent an opportunity to present a statement, orally or in writing, or to respond to questions from members of the Committee, the Committee staff, or outside counsel.

(d) RIGHT TO A HEARING: The Committee shall accord a respondent an opportunity for a hearing before it recommends disciplinary action against that respondent to the Senate or before it imposes an order of restitution or reprimand (not requiring discipline by the full Senate).

(e) PROGRESS REPORTS TO COMMITTEE: The Committee staff or outside counsel shall periodically report to the Committee concerning the progress of the adjudicatory review. Such reports shall be delivered to the Committee in the form and according to the schedule prescribed by the Committee, and shall be confidential.

(f) FINAL REPORT OF ADJUDICATORY REVIEW TO COMMITTEE: Upon completion of an adjudicatory review, including any hearings held pursuant to Rule 5, the outside counsel or the staff shall submit a confidential written report to the Committee, which shall detail the factual findings of the adjudicatory review and which may recommend disciplinary action, if appropriate. Findings of fact of the adjudicatory review shall be detailed in this report whether or not disciplinary action is recommended.

(g) COMMITTEE ACTION:

(1) As soon as practicable following submission of the report of the staff or outside counsel on the adjudicatory review, the Committee shall prepare and submit a report to the Senate, including a recommendation or proposed resolution to the Senate concerning disciplinary action, if appropriate. A report shall be issued, stating in detail the Committee's findings of fact, whether or not disciplinary action is recommended. The report shall also explain fully the reasons underlying the Committee's recommendation concerning disciplinary action, if any. No adjudicatory review of conduct of a Member, officer or employee of the Senate may be conducted, or report or resolution or recommendation relating to such an adjudicatory review of conduct may be made, except by the affirmative recorded vote of not less than four members of the Committee.

(2) Pursuant to S. Res. 338, as amended, section 2 (a), subsections (2), (3), and (4), after receipt of the report prescribed by paragraph (f) of this rule, the Committee may make any of the following recommendations for disciplinary action or issue an order for reprimand or restitution, as follows:

(i) In the case of a Member, a recommendation to the Senate for expulsion, censure, payment of restitution, recommendation to a Member's party conference regarding the Member's seniority or positions of responsibility, or a combination of these;

(ii) In the case of an officer or employee, a recommendation to the Senate of dismissal, suspension, payment of restitution, or a combination of these;

(iii) In the case where the Committee determines, after according to the Member, officer, or employee due notice and opportunity for a hearing, that misconduct occurred warranting discipline less serious than discipline by the full Senate, and subject to the provisions of paragraph (h) of this rule relating to appeal, by a unanimous vote of six members order that a Member, officer or employee be reprimanded or pay restitution or both;

(iv) In the case where the Committee determines that misconduct is inadvertent, technical, or otherwise of a de minimis nature, issue a public or private letter of admonition to a Member, officer or employee, which shall not be subject to appeal to the Senate.

(3) In the case where the Committee determines, upon consideration of all the evidence, that the facts do not warrant a finding that there is substantial credible evidence which provides substantial cause for the Committee to conclude that a violation within the jurisdiction of the Committee has occurred, the Committee may dismiss the matter.

(4) Promptly, after the conclusion of the adjudicatory review, the Committee's report and recommendation, if any, shall be forwarded to the Secretary of the Senate, and a copy shall be provided to the complainant and the respondent. The full report and recommendation, if any, shall be printed and made public, unless the Committee determines by the recorded vote of not less than four members of the Committee that it should remain confidential.

(h) RIGHT OF APPEAL:

(1) Any individual who is the subject of a reprimand or order of restitution, or both, pursuant to subsection (g)(2)(iii), may, within 30 days of the Committee's report to the Senate of its action imposing a reprimand or order of restitution, or both, appeal to the Senate by providing written notice of the appeal to the Committee and the presiding officer of the Senate. The presiding officer shall cause the notice of the appeal to be printed in the Congressional Record and the Senate Journal.

(2) S. Res. 338 provides that a motion to proceed to consideration of an appeal pursuant to paragraph (1) shall be highly privileged and not debatable. If the motion to proceed to consideration of the appeal is agreed to, the appeal shall be decided on the basis of the Committee's report to the Senate. Debate on the appeal shall be limited to 10 hours, which shall be divided equally between, and controlled by, those favoring and those opposing the appeal.

RULE 5: PROCEDURES FOR HEARINGS

(a) RIGHT TO HEARING: The Committee may hold a public or executive hearing in any preliminary inquiry, adjudicatory review, or other proceeding. The Committee shall accord a respondent an opportunity for a hearing before it recommends disciplinary action against that respondent to the Senate or before it imposes an order of restitution or reprimand. (See Rule 4(d).)

(b) NON-PUBLIC HEARINGS: The Committee may at any time during a hearing determine in accordance with paragraph 5(b) of Rule XXVI of the Standing Rules of the Senate whether to receive the testimony of specific witnesses in executive session. If a witness desires to express a preference for testifying in public or in executive session, he or she shall so notify the Committee at least five days before he or she is scheduled to testify.

(c) ADJUDICATORY HEARINGS: The Committee may, by the recorded vote of not less than four members of the Committee, designate any public or executive hearing as

an adjudicatory hearing; and any hearing which is concerned with possible disciplinary action against a respondent or respondents designated by the Committee shall be an adjudicatory hearing. In any adjudicatory hearing, the procedures described in paragraph (j) shall apply.

(d) SUBPOENA POWER: The Committee may require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such correspondence, books, papers, documents or other articles as it deems advisable. (See Rule 6.)

(e) NOTICE OF HEARINGS: The Committee shall make public an announcement of the date, place, and subject matter of any hearing to be conducted by it, in accordance with Rule 1(f).

(f) PRESIDING OFFICER: The Chairman shall preside over the hearings, or in his absence the Vice Chairman. If the Vice Chairman is also absent, a Committee member designated by the Chairman shall preside. If an oath or affirmation is required, it shall be administered to a witness by the Presiding Officer, or in his absence, by any Committee member.

(g) WITNESSES:

(1) A subpoena or other request to testify shall be served on a witness sufficiently in advance of his or her scheduled appearance to allow the witness a reasonable period of time, as determined by the Committee, to prepare for the hearing and to employ counsel if desired.

(2) The Committee may, by recorded vote of not less than four members of the Committee, rule that no member of the Committee or staff or outside counsel shall make public the name of any witness subpoenaed by the Committee before the date of that witness's scheduled appearance, except as specifically authorized by the Chairman and Vice Chairman, acting jointly.

(3) Any witness desiring to read a prepared or written statement in executive or public hearings shall file a copy of such statement with the Committee at least two working days in advance of the hearing at which the statement is to be presented. The Chairman and Vice Chairman shall determine whether such statements may be read or placed in the record of the hearing.

(4) Insofar as practicable, each witness shall be permitted to present a brief oral opening statement, if he or she desires to do so.

(h) RIGHT TO TESTIFY: Any person whose name is mentioned or who is specifically identified or otherwise referred to in testimony or in statements made by a Committee member, staff member or outside counsel, or any witness, and who reasonably believes that the statement tends to adversely affect his or her reputation may—

(1) Request to appear personally before the Committee to testify in his or her own behalf; or

(2) File a sworn statement of facts relevant to the testimony or other evidence or statement of which he or she complained. Such request and such statement shall be submitted to the Committee for its consideration and action.

(i) CONDUCT OF WITNESSES AND OTHER ATTENDEES: The Presiding Officer may punish any breaches of order and decorum by censure and exclusion from the hearings. The Committee, by majority vote, may recommend to the Senate that the offender be cited for contempt of Congress.

(j) ADJUDICATORY HEARING PROCEDURES:

(1) NOTICE OF HEARINGS: A copy of the public announcement of an adjudicatory hearing, required by paragraph (e), shall be furnished together with a copy of these Rules to all witnesses at the time that they are subpoenaed or otherwise summoned to testify.

(2) PREPARATION FOR ADJUDICATORY HEARINGS:

(A) At least five working days prior to the commencement of an adjudicatory hearing, the Committee shall provide the following information and documents to the respondent, if any:

(i) a list of proposed witnesses to be called at the hearing;

(ii) copies of all documents expected to be introduced as exhibits at the hearing; and

(iii) a brief statement as to the nature of the testimony expected to be given by each witness to be called at the hearing.

(B) At least two working days prior to the commencement of an adjudicatory hearing, the respondent, if any, shall provide the information and documents described in divisions (i), (ii) and (iii) of subparagraph (A) to the Committee.

(C) At the discretion of the Committee, the information and documents to be exchanged under this paragraph shall be subject to an appropriate agreement limiting access and disclosure.

(D) If a respondent refuses to provide the information and documents to the Committee (see (A) and (B) of this subparagraph), or if a respondent or other individual violates an agreement limiting access and disclosure, the Committee, by majority vote, may recommend to the Senate that the offender be cited for contempt of Congress.

(3) SWEARING OF WITNESSES: All witnesses who testify at adjudicatory hearings shall be sworn unless the Presiding Officer, for good cause, decides that a witness does not have to be sworn.

(4) RIGHT TO COUNSEL: Any witness at an adjudicatory hearing may be accompanied by counsel of his or her own choosing, who shall be permitted to advise the witness of his or her legal rights during the testimony.

(5) RIGHT TO CROSS-EXAMINE AND CALL WITNESSES:

(A) In adjudicatory hearings, any respondent and any other person who obtains the permission of the Committee, may personally or through counsel cross-examine witnesses called by the Committee and may call witnesses in his or her own behalf.

(B) A respondent may apply to the Committee for the issuance of subpoenas for the appearance of witnesses or the production of documents on his or her behalf. An application shall be approved upon a concise showing by the respondent that the proposed testimony or evidence is relevant and appropriate, as determined by the Chairman and Vice Chairman.

(C) With respect to witnesses called by a respondent, or other individual given permission by the Committee, each such witness shall first be examined by the party who called the witness or by that party's counsel.

(D) At least one working day before a witness's scheduled appearance, a witness or a witness's counsel may submit to the Committee written questions proposed to be asked of that witness. If the Committee determines that it is necessary, such questions may be asked by any member of the Committee, or by any Committee staff member if directed by a Committee member. The witness or witness's counsel may also submit additional sworn testimony for the record within twenty-four hours after the last day that the witness has testified. The insertion of such testimony in that day's record is subject to the approval of the Chairman and Vice Chairman acting jointly within five days after the testimony is received.

(6) ADMISSIBILITY OF EVIDENCE:

(A) The object of the hearing shall be to ascertain the truth. Any evidence that may be relevant and probative shall be admissible unless privileged under the Federal Rules of Evidence. Rules of evidence shall not be applied strictly, but the Presiding Officer shall exclude irrelevant or unduly repetitious testimony. Objections going only to the weight that should be given evidence will not justify its exclusion.

(B) The Presiding Officer shall rule upon any question of the admissibility of testimony or other evidence presented to the Committee. Such rulings shall be final unless reversed or modified by a recorded vote of not less than four members of the Committee before the recess of that day's hearings.

(C) Notwithstanding paragraphs (A) and (B), in any matter before the Committee involving allegations of sexual discrimination, including sexual harassment, or sexual misconduct, by a Member, officer, or employee within the jurisdiction of the Committee, the Committee shall be guided by the standards and procedures of Rule 412 of the Federal Rules of Evidence, except that the Committee may admit evidence subject to the provisions of this paragraph only upon a determination of not less than four members of the full Committee that the interests of justice require that such evidence be admitted.

(7) SUPPLEMENTARY HEARING PROCEDURES: The Committee may adopt any additional special hearing procedures that it deems necessary or appropriate to a particular adjudicatory hearing. Copies of such supplementary procedures shall be furnished to witnesses and respondents, and shall be made available upon request to any member of the public.

(k) TRANSCRIPTS:

(1) An accurate stenographic or recorded transcript shall be made of all public and executive hearings. Any member of the Committee, Committee staff member, outside counsel retained by the Committee, or witness may examine a copy of the transcript retained by the Committee of his or her own remarks and may suggest to the official reporter any typographical or transcription errors. If the reporter declines to make the requested corrections, the member, staff member, outside counsel or witness may request a ruling by the Chairman and Vice Chairman, acting jointly. Any member or witness shall return the transcript with suggested corrections to the Committee offices within five working days after receipt of the transcript, or as soon thereafter as is practicable. If the testimony was given in executive session, the member or witness may only inspect the transcript at a location determined by the Chairman and Vice Chairman, acting jointly. Any questions arising with respect to the processing and correction of transcripts shall be decided by the Chairman and Vice Chairman, acting jointly.

(2) Except for the record of a hearing which is closed to the public, each transcript shall be printed as soon as is practicable after receipt of the corrected version. The Chairman and Vice Chairman, acting jointly, may order the transcript of a hearing to be printed without the corrections of a member or witness if they determine that such member or witness has been afforded a reasonable time to correct such transcript and such transcript has not been returned within such time.

(3) The Committee shall furnish each witness, at no cost, one transcript copy of that witness's testimony given at a public hearing. If the testimony was given in executive session, then a transcript copy shall be provided upon request, subject to appropriate conditions and restrictions prescribed by the Chairman and Vice Chairman. If any individual violates such conditions and restrictions, the Committee may recommend by

majority vote that he or she be cited for contempt of Congress.

RULE 6: SUBPOENAS AND DEPOSITIONS

(a) SUBPOENAS:

(1) AUTHORIZATION FOR ISSUANCE: Subpoenas for the attendance and testimony of witnesses at depositions or hearings, and subpoenas for the production of documents and tangible things at depositions, hearings, or other times and places designated therein, may be authorized for issuance by either (A) a majority vote of the Committee, or (B) the Chairman and Vice Chairman, acting jointly, at any time during a preliminary inquiry, adjudicatory review, or other proceeding.

(2) SIGNATURE AND SERVICE: All subpoenas shall be signed by the Chairman or the Vice Chairman and may be served by any person eighteen years of age or older, who is designated by the Chairman or Vice Chairman. Each subpoena shall be served with a copy of the Rules of the Committee and a brief statement of the purpose of the Committee's proceeding.

(3) WITHDRAWAL OF SUBPOENA: The Committee, by recorded vote of not less than four members of the Committee, may withdraw any subpoena authorized for issuance by it or authorized for issuance by the Chairman and Vice Chairman, acting jointly. The Chairman and Vice Chairman, acting jointly, may withdraw any subpoena authorized for issuance by them.

(b) DEPOSITIONS:

(1) PERSONS AUTHORIZED TO TAKE DEPOSITIONS: Depositions may be taken by any member of the Committee designated by the Chairman and Vice Chairman, acting jointly, or by any other person designated by the Chairman and Vice Chairman, acting jointly, including outside counsel, Committee staff, other employees of the Senate, or government employees detailed to the Committee.

(2) DEPOSITION NOTICES: Notices for the taking of depositions shall be authorized by the Committee, or the Chairman and Vice Chairman, acting jointly, and issued by the Chairman, Vice Chairman, or a Committee staff member or outside counsel designated by the Chairman and Vice Chairman, acting jointly. Depositions may be taken at any time during a preliminary inquiry, adjudicatory review or other proceeding. Deposition notices shall specify a time and place for examination. Unless otherwise specified, the deposition shall be in private, and the testimony taken and documents produced shall be deemed for the purpose of these rules to have been received in a closed or executive session of the Committee. The Committee shall not initiate procedures leading to criminal or civil enforcement proceedings for a witness's failure to appear, or to testify, or to produce documents, unless the deposition notice was accompanied by a subpoena authorized for issuance by the Committee, or the Chairman and Vice Chairman, acting jointly.

(3) COUNSEL AT DEPOSITIONS: Witnesses may be accompanied at a deposition by counsel to advise them of their rights.

(4) DEPOSITION PROCEDURE: Witnesses at depositions shall be examined upon oath administered by an individual authorized by law to administer oaths, or administered by any member of the Committee if one is present. Questions may be propounded by any person or persons who are authorized to take depositions for the Committee. If a witness objects to a question and refuses to testify, or refuses to produce a document, any member of the Committee who is present may rule on the objection and, if the objection is overruled, direct the witness to answer the question or produce the document. If no member of the Committee is present, the individual who has been designated by the Chairman and Vice Chairman, acting jointly, to take the deposition may proceed with the deposition, or may, at that time or at a subsequent time, seek a ruling by telephone or otherwise on the objection from the Chairman or Vice Chairman of the Committee, who may refer the matter to the Committee or rule on the objection. If the Chairman or Vice Chairman, or the Committee upon referral, overrules the objection, the Chairman, Vice Chairman, or the Committee as the case may be, may direct the witness to answer the question or produce the document. The Committee shall not initiate procedures leading to civil or criminal enforcement unless the witness refuses to testify or produce documents after having been directed to do so.

(5) FILING OF DEPOSITIONS: Deposition testimony shall be transcribed or electronically recorded. If the deposition is transcribed, the individual administering the oath shall certify on the transcript that the witness was duly sworn in his or her presence and the transcriber shall certify that the transcript is a true record of the testimony. The transcript with these certifications shall be filed with the chief clerk of the Committee, and the witness shall be furnished with access to a copy at the Committee's offices for review. Upon inspecting the transcript, within a time limit set by the Chairman and Vice Chairman, acting jointly, a witness may request in writing changes in the transcript to correct errors in transcription. The witness may also bring to the attention of the Committee errors of fact in the witness's testimony by submitting a sworn statement about those facts with a request that it be attached to the transcript. The Chairman and Vice Chairman, acting jointly, may rule on the witness's request, and the changes or attachments allowed shall be certified by the Committee's chief clerk. If the witness fails to make any request under this paragraph within the time limit set, this fact shall be noted by the Committee's chief clerk. Any person authorized by the Committee may stipulate with the witness to changes in this procedure.

RULE 7: VIOLATIONS OF LAW; PERJURY; LEGISLATIVE RECOMMENDATIONS; EDUCATIONAL MANDATE; AND APPLICABLE RULES AND STANDARDS OF CONDUCT

(a) VIOLATIONS OF LAW: Whenever the Committee determines by the recorded vote of not less than four members of the full Committee that there is reason to believe that a violation of law, including the provision of false information to the Committee, may have occurred, it shall report such possible violation to the proper Federal and state authorities.

(b) PERJURY: Any person who knowingly and willfully swears falsely to a sworn complaint or any other sworn statement to the Committee does so under penalty of perjury. The Committee may refer any such case to the Attorney General for prosecution.

(c) LEGISLATIVE RECOMMENDATIONS: The Committee shall recommend to the Senate by report or resolution such additional rules, regulations, or other legislative measures as it determines to be necessary or desirable to ensure proper standards of conduct by Members, officers, or employees of the Senate. The Committee may conduct such inquiries as it deems necessary to prepare such a report or resolution, including the holding of hearings in public or executive session and the use of subpoenas to compel the attendance of witnesses or the production of materials. The Committee may make legislative recommendations as a result of its findings in a preliminary inquiry, adjudicatory review, or other proceeding.

(d) Educational Mandate: The Committee shall develop and implement programs and materials designed to educate Members, officers, and employees about the laws, rules, regulations, and standards of conduct applicable to such individuals in the performance of their duties.

(e) APPLICABLE RULES AND STANDARDS OF CONDUCT:

(1) Notwithstanding any other provision of this section, no adjudicatory review shall be initiated of any alleged violation of any law, the Senate Code of Official Conduct, rule, or regulation which was not in effect at the time the alleged violation occurred. No provisions of the Senate Code of Official Conduct shall apply to or require disclosure of any act, relationship, or transaction which occurred prior to the effective date of the applicable provision of the Code.

(2) The Committee may initiate an adjudicatory review of any alleged violation of a rule or law which was in effect prior to the enactment of the Senate Code of Official Conduct if the alleged violation occurred while such rule or law was in effect and the violation was not a matter resolved on the merits by the predecessor Committee.

RULE 8: PROCEDURES FOR HANDLING COMMITTEE SENSITIVE AND CLASSIFIED MATERIALS

(a) PROCEDURES FOR HANDLING COMMITTEE SENSITIVE MATERIALS:

(1) Committee Sensitive information or material is information or material in the possession of the Select Committee on Ethics which pertains to illegal or improper conduct by a present or former Member, officer, or employee of the Senate; to allegations or accusations of such conduct; to any resulting preliminary inquiry, adjudicatory review or other proceeding by the Select Committee on Ethics into such allegations or conduct; to the investigative techniques and procedures of the Select Committee on Ethics; or to other information or material designated by the staff director, or outside counsel designated by the Chairman and Vice Chairman.

(2) The Chairman and Vice Chairman of the Committee shall establish such procedures as may be necessary to prevent the unauthorized disclosure of Committee Sensitive information in the possession of the Committee or its staff. Procedures for protecting Committee Sensitive materials shall be in writing and shall be given to each Committee staff member.

(b) PROCEDURES FOR HANDLING CLASSIFIED MATERIALS:

(1) Classified information or material is information or material which is specifically designated as classified under the authority of Executive Order 11652 requiring protection of such information or material from unauthorized disclosure in order to prevent damage to the United States.

(2) The Chairman and Vice Chairman of the Committee shall establish such procedures as may be necessary to prevent the unauthorized disclosure of classified information in the possession of the Committee or its staff. Procedures for handling such information shall be in writing and a copy of the procedures shall be given to each staff member cleared for access to classified information.

(3) Each member of the Committee shall have access to classified material in the Committee's possession. Only Committee staff members with appropriate security clearances and a need-to-know, as approved by the Chairman and Vice Chairman, acting jointly, shall have access to classified information in the Committee's possession.

(c) PROCEDURES FOR HANDLING COMMITTEE SENSITIVE AND CLASSIFIED DOCUMENTS:

(1) Committee Sensitive documents and materials shall be stored in the Committee's

offices, with appropriate safeguards for maintaining the security of such documents or materials. Classified documents and materials shall be further segregated in the Committee's offices in secure filing safes. Removal from the Committee offices of such documents or materials is prohibited except as necessary for use in, or preparation for, interviews or Committee meetings, including the taking of testimony, or as otherwise specifically approved by the staff director or by outside counsel designated by the Chairman and Vice Chairman.

(2) Each member of the Committee shall have access to all materials in the Committee's possession. The staffs of members shall not have access to Committee Sensitive or classified documents and materials without the specific approval in each instance of the Chairman, and Vice Chairman, acting jointly. Members may examine such materials in the Committee's offices. If necessary, requested materials may be hand delivered by a member of the Committee staff to the member of the Committee, or to a staff person(s) specifically designated by the member, for the Member's or designated staffer's examination. A member of the Committee who has possession of Committee Sensitive documents or materials shall take appropriate safeguards for maintaining the security of such documents or materials in the possession of the Member or his or her designated staffer.

(3) Committee Sensitive documents that are provided to a Member of the Senate in connection with a complaint that has been filed against the Member shall be hand delivered to the Member or to the Member's Chief of Staff or Administrative Assistant. Committee Sensitive documents that are provided to a Member of the Senate who is the subject of a preliminary inquiry, adjudicatory review, or other proceeding, shall be hand delivered to the Member or to his or her specifically designated representative.

(4) Any Member of the Senate who is not a member of the Committee and who seeks access to any Committee Sensitive or classified documents or materials, other than documents or materials which are matters of public record, shall request access in writing. The Committee shall decide by majority vote whether to make documents or materials available. If access is granted, the Member shall not disclose the information except as authorized by the Committee.

(5) Whenever the Committee makes Committee Sensitive or classified documents or materials available to any Member of the Senate who is not a member of the Committee, or to a staff person of a Committee member in response to a specific request to the Chairman and Vice Chairman, a written record shall be made identifying the Member of the Senate requesting such documents or materials and describing what was made available and to whom.

(d) NON-DISCLOSURE POLICY AND AGREEMENT:

(1) Except as provided in the last sentence of this paragraph, no member of the Select Committee on Ethics, its staff or any person engaged by contract or otherwise to perform services for the Select Committee on Ethics shall release, divulge, publish, reveal by writing, word, conduct, or disclose in any way, in whole, or in part, or by way of summary, during tenure with the Select Committee on Ethics or anytime thereafter, any testimony given before the Select Committee on Ethics in executive session (including the name of any witness who appeared or was called to appear in executive session), any classified or Committee Sensitive information, document or material, received or generated by the Select Committee on Ethics or any classified or Committee Sensitive information which may come into the possession of such person during tenure with the Select Committee on Ethics or its staff. Such information, documents, or material may be released to an official of the executive branch properly cleared for access with a need-to-know, for any purpose or in connection with any proceeding, judicial or otherwise, as authorized by the Select Committee on Ethics, or in the event of termination of the Select Committee on Ethics, in such a manner as may be determined by its successor or by the Senate.

(2) No member of the Select Committee on Ethics staff or any person engaged by contract or otherwise to perform services for the Select Committee on Ethics, shall be granted access to classified or Committee Sensitive information or material in the possession of the Select Committee on Ethics unless and until such person agrees in writing, as a condition of employment, to the nondisclosure policy. The agreement shall become effective when signed by the Chairman and Vice Chairman on behalf of the Committee.

RULE 9: BROADCASTING AND NEWS COVERAGE OF COMMITTEE PROCEEDINGS

(a) Whenever any hearing or meeting of the Committee is open to the public, the Committee shall permit that hearing or meeting to be covered in whole or in part, by television broadcast, radio broadcast, still photography, or by any other methods of coverage, unless the Committee decides by recorded vote of not less than four members of the Committee that such coverage is not appropriate at a particular hearing or meeting.

(b) Any witness served with a subpoena by the Committee may request not to be photographed at any hearing or to give evidence or testimony while the broadcasting, reproduction, or coverage of that hearing, by radio, television, still photography, or other methods is occurring. At the request of any such witness who does not wish to be subjected to radio, television, still photography, or other methods of coverage, and subject to the approval of the Committee, all lenses shall be covered and all microphones used for coverage turned off.

(c) If coverage is permitted, it shall be in accordance with the following requirements:

(1) Photographers and reporters using mechanical recording, filming, or broadcasting apparatus shall position their equipment so as not to interfere with the seating, vision, and hearing of the Committee members and staff, or with the orderly process of the meeting or hearing.

(2) If the television or radio coverage of the hearing or meeting is to be presented to the public as live coverage, the coverage shall be conducted and presented without commercial sponsorship.

(3) Personnel providing coverage by the television and radio media shall be currently accredited to the Radio and Television Correspondents' Galleries.

(4) Personnel providing coverage by still photography shall be currently accredited to the Press Photographers' Gallery Committee of Press Photographers.

(5) Personnel providing coverage by the television and radio media and by still photography shall conduct themselves and the coverage activities in an orderly and unobtrusive manner.

RULE 10: PROCEDURES FOR ADVISORY OPINIONS

(a) WHEN ADVISORY OPINIONS ARE RENDERED:

(1) The Committee shall render an advisory opinion, in writing within a reasonable time, in response to a written request by a Member or officer of the Senate or a candidate for nomination for election, or election to the Senate, concerning the application of any law, the Senate Code of Official Conduct, or any rule or regulation of the Senate within the Committee's jurisdiction, to a specific factual situation pertinent to the conduct or proposed conduct of the person seeking the advisory opinion.

(2) The Committee may issue an advisory opinion in writing within a reasonable time in response to a written request by any employee of the Senate concerning the application of any law, the Senate Code of Official Conduct, or any rule or regulation of the Senate within the Committee's jurisdiction, to a specific factual situation pertinent to the conduct or proposed conduct of the person seeking the advisory opinion.

(b) FORM OF REQUEST: A request for an advisory opinion shall be directed in writing to the Chairman of the Committee and shall include a complete and accurate statement of the specific factual situation with respect to which the request is made as well as the specific question or questions which the requestor wishes the Committee to address.

(c) OPPORTUNITY FOR COMMENT:

(1) The Committee will provide an opportunity for any interested party to comment on a request for an advisory opinion—

(A) which requires an interpretation on a significant question of first impression that will affect more than a few individuals; or

(B) when the Committee determines that comments from interested parties would be of assistance.

(2) Notice of any such request for an advisory opinion shall be published in the Congressional Record, with appropriate deletions to insure confidentiality, and interested parties will be asked to submit their comments in writing to the Committee within ten days.

(3) All relevant comments received on a timely basis will be considered.

(d) ISSUANCE OF AN ADVISORY OPINION:

(1) The Committee staff shall prepare a proposed advisory opinion in draft form which will first be reviewed and approved by the Chairman and Vice Chairman, acting jointly, and will be presented to the Committee for final action. If (A) the Chairman and Vice Chairman cannot agree, or (B) either the Chairman or Vice Chairman requests that it be taken directly to the Committee, then the proposed advisory opinion shall be referred to the Committee for its decision.

(2) An advisory opinion shall be issued only by the affirmative recorded vote of a majority of the members voting.

(3) Each advisory opinion issued by the Committee shall be promptly transmitted for publication in the Congressional Record after appropriate deletions are made to insure confidentiality. The Committee may at any time revise, withdraw, or elaborate on any advisory opinion.

(e) RELIANCE ON ADVISORY OPINIONS:

(1) Any advisory opinion issued by the Committee under Senate Resolution 338, 88th Congress, as amended, and the rules may be relied upon by—

(A) Any person involved in the specific transaction or activity with respect to which such advisory opinion is rendered if the request for such advisory opinion included a complete and accurate statement of the specific factual situation; and

(B) any person involved in any specific transaction or activity which is indistinguishable in all its material aspects from the transaction or activity with respect to which such advisory opinion is rendered.

(2) Any person who relies upon any provision or finding of an advisory opinion in accordance with the provisions of Senate Resolution 338, 88th Congress, as amended, and of

the rules, and who acts in good faith in accordance with the provisions and findings of such advisory opinion shall not, as a result of any such act, be subject to any sanction by the Senate.

RULE 11: PROCEDURES FOR INTERPRETATIVE RULINGS

(a) BASIS FOR INTERPRETATIVE RULINGS: Senate Resolution 338, 88th Congress, as amended, authorizes the Committee to issue interpretative rulings explaining and clarifying the application of any law, the Code of Official Conduct, or any rule or regulation of the Senate within its jurisdiction. The Committee also may issue such rulings clarifying or explaining any rule or regulation of the Select Committee on Ethics.

(b) REQUEST FOR RULING: A request for such a ruling must be directed in writing to the Chairman or Vice Chairman of the Committee.

(c) ADOPTION OF RULING:

(1) The Chairman and Vice Chairman, acting jointly, shall issue a written interpretative ruling in response to any such request, unless—

(A) they cannot agree,

(B) it requires an interpretation of a significant question of first impression, or

(C) either requests that it be taken to the Committee, in which event the request shall be directed to the Committee for a ruling.

(2) A ruling on any request taken to the Committee under subparagraph (1) shall be adopted by a majority of the members voting and the ruling shall then be issued by the Chairman and Vice Chairman.

(d) PUBLICATION OF RULINGS: The Committee will publish in the Congressional Record, after making appropriate deletions to ensure confidentiality, any interpretative rulings issued under this Rule which the Committee determines may be of assistance or guidance to other Members, officers or employees. The Committee may at any time revise, withdraw, or elaborate on interpretative rulings.

(e) RELIANCE ON RULINGS: Whenever an individual can demonstrate to the Committee's satisfaction that his or her conduct was in good faith reliance on an interpretative ruling issued in accordance with this Rule, the Committee will not recommend sanctions to the Senate as a result of such conduct.

(f) RULINGS BY COMMITTEE STAFF: The Committee staff is not authorized to make rulings or give advice, orally or in writing, which binds the Committee in any way.

RULE 12: PROCEDURES FOR COMPLAINTS INVOLVING IMPROPER USE OF THE MAILING FRANK

(a) AUTHORITY TO RECEIVE COMPLAINTS: The Committee is directed by section 6(b) of Public Law 93–191 to receive and dispose of complaints that a violation of the use of the mailing frank has occurred or is about to occur by a Member or officer of the Senate or by a surviving spouse of a Member. All such complaints will be processed in accordance with the provisions of these Rules, except as provided in paragraph (b).

(b) DISPOSITION OF COMPLAINTS:

(1) The Committee may dispose of any such complaint by requiring restitution of the cost of the mailing, pursuant to the franking statute, if it finds that the franking violation was the result of a mistake.

(2) Any complaint disposed of by restitution that is made after the Committee has formally commenced an adjudicatory review, must be summarized, together with the disposition, in a report to the Senate, as appropriate.

(3) If a complaint is disposed of by restitution, the complainant, if any, shall be notified of the disposition in writing.

(c) ADVISORY OPINIONS AND INTERPRETATIVE RULINGS: Requests for advisory opinions or interpretative rulings involving franking questions shall be processed in accordance with Rules 10 and 11.

RULE 13: PROCEDURES FOR WAIVERS

(a) AUTHORITY FOR WAIVERS: The Committee is authorized to grant a waiver under the following provisions of the Standing Rules of the Senate:

(1) Section 101(h) of the Ethics in Government Act of 1978, as amended (Rule XXXIV), relating to the filing of financial disclosure reports by individuals who are expected to perform or who have performed the duties of their offices or positions for less than one hundred and thirty days in a calendar year;

(2) Section 102(a)(2)(D) of the Ethics in Government Act, as amended (Rule XXXIV), relating to the reporting of gifts;

(3) Paragraph 1 of Rule XXXV relating to acceptance of gifts; or

(4) Paragraph 5 of Rule XLI relating to applicability of any of the provisions of the Code of Official Conduct to an employee of the Senate hired on a per diem basis.

(b) REQUESTS FOR WAIVERS: A request for a waiver under paragraph (a) must be directed to the Chairman or Vice Chairman in writing and must specify the nature of the waiver being sought and explain in detail the facts alleged to justify a waiver. In the case of a request submitted by an employee, the views of his or her supervisor (as determined under paragraph 12 of Rule XXXVII of the Standing Rules of the Senate) should be included with the waiver request.

(c) RULING: The Committee shall rule on a waiver request by recorded vote with a majority of those voting affirming the decision. With respect to an individual's request for a waiver in connection with the acceptance or reporting the value of gifts on the occasion of the individual's marriage, the Chairman and the Vice Chairman, acting jointly, may rule on the waiver.

(d) AVAILABILITY OF WAIVER DETERMINATIONS: A brief description of any waiver granted by the Committee, with appropriate deletions to ensure confidentiality, shall be made available for review upon request in the Committee office. Waivers granted by the Committee pursuant to the Ethics in Government Act of 1978, as amended, may only be granted pursuant to a publicly available request as required by the Act.

RULE 14: DEFINITION OF ''OFFICER OR EMPLOYEE''

(a) As used in the applicable resolutions and in these rules and procedures, the term ''officer or employee of the Senate'' means:

(1) An elected officer of the Senate who is not a Member of the Senate;

(2) An employee of the Senate, any committee or subcommittee of the Senate, or any Member of the Senate;

(3) The Legislative Counsel of the Senate or any employee of his office;

(4) An Official Reporter of Debates of the Senate and any person employed by the Official Reporters of Debates of the Senate in connection with the performance of their official duties;

(5) A member of the Capitol Police force whose compensation is disbursed by the Secretary of the Senate;

(6) An employee of the Vice President, if such employee's compensation is disbursed by the Secretary of the Senate;

(7) An employee of a joint committee of the Congress whose compensation is disbursed by the Secretary of the Senate;

(8) An officer or employee of any department or agency of the Federal Government whose services are being utilized on a full-time and continuing basis by a Member, officer, employee, or committee of the Senate in accordance with Rule XLI(3) of the Standing Rules of the Senate; and

(9) Any other individual whose full-time services are utilized for more than ninety days in a calendar year by a Member, officer, employee, or committee of the Senate in the conduct of official duties in accordance with Rule XLI(4) of the Standing Rules of the Senate.

RULE 15: COMMITTEE STAFF

(a) COMMITTEE POLICY:

(1) The staff is to be assembled and retained as a permanent, professional, nonpartisan staff.

(2) Each member of the staff shall be professional and demonstrably qualified for the position for which he or she is hired.

(3) The staff as a whole and each member of the staff shall perform all official duties in a nonpartisan manner.

(4) No member of the staff shall engage in any partisan political activity directly affecting any congressional or presidential election.

(5) No member of the staff or outside counsel may accept public speaking engagements or write for publication on any subject that is in any way related to his or her employment or duties with the Committee without specific advance permission from the Chairman and Vice Chairman.

(6) No member of the staff may make public, without Committee approval, any Committee Sensitive or classified information, documents, or other material obtained during the course of his or her employment with the Committee.

(b) APPOINTMENT OF STAFF:

(1) The appointment of all staff members shall be approved by the Chairman and Vice Chairman, acting jointly.

(2) The Committee may determine by majority vote that it is necessary to retain staff members, including a staff recommended by a special counsel, for the purpose of a particular preliminary inquiry, adjudicatory review, or other proceeding. Such staff shall be retained only for the duration of that particular undertaking.

(3) The Committee is authorized to retain and compensate counsel not employed by the Senate (or by any department or agency of the Executive Branch of the Government) whenever the Committee determines that the retention of outside counsel is necessary or appropriate for any action regarding any complaint or allegation, preliminary inquiry, adjudicatory review, or other proceeding, which in the determination of the Committee, is more appropriately conducted by counsel not employed by the Government of the United States as a regular employee. The Committee shall retain and compensate outside counsel to conduct any adjudicatory review undertaken after a preliminary inquiry, unless the Committee determines that the use of outside counsel is not appropriate in the particular case.

(c) DISMISSAL OF STAFF: A staff member may not be removed for partisan, political reasons, or merely as a consequence of the rotation of the Committee membership. The Chairman and Vice Chairman, acting jointly, shall approve the dismissal of any staff member.

(d) STAFF WORKS FOR COMMITTEE AS WHOLE: All staff employed by the Committee or housed in Committee offices shall work for the Committee as a whole, under the general direction of the Chairman and Vice Chairman, and the immediate direction of the staff director or outside counsel.

(e) NOTICE OF SUMMONS TO TESTIFY: Each member of the Committee staff or outside counsel shall immediately notify the Committee in the event that he or she is

called upon by a properly constituted authority to testify or provide confidential information obtained as a result of and during his or her employment with the Committee.

RULE 16: CHANGES IN SUPPLEMENTARY PROCEDURAL RULES

(a) ADOPTION OF CHANGES IN SUPPLEMENTARY RULES: The Rules of the Committee, other than rules established by statute, or by the Standing Rules and Standing Orders of the Senate, may be modified, amended, or suspended at any time, pursuant to a recorded vote of not less than four members of the full Committee taken at a meeting called with due notice when prior written notice of the proposed change has been provided each member of the Committee.

(b) PUBLICATION: Any amendments adopted to the Rules of this Committee shall be published in the Congressional Record in accordance with Rule XXVI(2) of the Standing Rules of the Senate.

SELECT COMMITTEE ON ETHICS

PART III—SUBJECT MATTER JURISDICTION

Following are sources of the subject matter jurisdiction of the Select Committee:

(a) The Senate Code of Official Conduct approved by the Senate in Title I of S. Res. 110, 95th Congress, April 1, 1977, as amended, and stated in Rules 34 through 43 of the Standing Rules of the Senate;

(b) Senate Resolution 338, 88th Congress, as amended, which states, among others, the duties to receive complaints and investigate allegations of improper conduct which may reflect on the Senate, violations of law, violations of the Senate Code of Official Conduct and violations of rules and regulations of the Senate; recommend disciplinary action; and recommend additional Senate Rules or regulations to insure proper standards of conduct;

(c) Residual portions of Standing Rules 41, 42, 43 and 44 of the Senate as they existed on the day prior to the amendments made by Title I of S. Res. 110;

(d) Public Law 93–191 relating to the use of the mail franking privilege by Senators, officers of the Senate; and surviving spouses of Senators;

(e) Senate Resolution 400, 94th Congress, Section 8, relating to unauthorized disclosure of classified intelligence information in the possession of the Select Committee on Intelligence;

(f) Public Law 95–105, Section 515, relating to the receipt and disposition of foreign gifts and decorations received by Senate members, officers and employees and their spouses or dependents;

(g) Preamble to Senate Resolution 266, 90th Congress, 2d Session, March 22, 1968; and

(h) The Code of Ethics for Government Service, H. Con. Res. 175, 85th Congress, 2d Session, July 11, 1958 (72 Stat. B12). Except that S. Res. 338, as amended by Section 202 of S. Res. 110 (April 2, 1977), and as amended by Section 3 of S. Res. 222 (1999), provides:

(g) Notwithstanding any other provision of this section, no adjudicatory review shall be initiated of any alleged violation of any law, the Senate Code of Official Conduct, rule, or regulation which was not in effect at the time the alleged violation occurred. No provisions of the Senate Code of Official Conduct shall apply to or require disclosure of any act, relationship, or transaction which occurred prior to the effective date of the applicable provision of the Code. The Select Committee may initiate an adjudicatory review of any alleged violation of a rule or law which was in effect prior to the enactment of the Senate Code of Official Conduct if the alleged violation occurred while such rule or law was in effect and the violation was not a matter resolved on the merits by the predecessor Select Committee.

APPENDIX A—OPEN AND CLOSED MEETINGS

Paragraphs 5 (b) to (d) of Rule XXVI of the Standing Rules of the Senate reads as follows:

(b) Each meeting of a standing, select, or special committee of the Senate, or any subcommittee thereof, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by a committee or a subcommittee thereof on the same subject for a period of no more than fourteen calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in classes (1) through (6) would require the meeting to be closed followed immediately by a record vote in open session by a majority of the members of the committee or subcommittee when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(2) will relate solely to matters of committee staff personnel or internal staff management or procedure;

(3) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;

(4) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(5) will disclose information relating to the trade secrets or financial or commercial information pertaining specifically to a given person if—

(A) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(B) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(6) may divulge matters required to be kept confidential under other provisions of law or Government regulations.

(c) Whenever any hearing conducted by any such committee or subcommittee is open to the public, that hearing may be broadcast by radio or television, or both, under such rules as the committee or subcommittee may adopt.

(d) Whenever disorder arises during a committee meeting that is open to the public, or any demonstration of approval or disapproval is indulged in by any person in attendance at any such meeting, it shall be the duty of the Chair to enforce order on his own initiative and without any point of order being made by a Senator. When the Chair finds it necessary to maintain order, he shall have the power to clear the room, and the committee may act in closed session for so long as there is doubt of the assurance of order.

APPENDIX B—''SUPERVISORS'' DEFINED

Paragraph 12 of Rule XXXVII of the Standing Rules of the Senate reads as follows:

For purposes of this rule—

(a) a Senator or the Vice President is the supervisor of his administrative, clerical, or other assistants;

(b) a Senator who is the chairman of a committee is the supervisor of the professional, clerical, or other assistants to the committee except that minority staff members shall be under the supervision of the ranking minority Senator on the committee;

(c) a Senator who is a chairman of a subcommittee which has its own staff and financial authorization is the supervisor of the professional, clerical, or other assistants to the subcommittee except that minority staff members shall be under the supervision of the ranking minority Senator on the subcommittee;

(d) the President pro tempore is the supervisor of the Secretary of the Senate, Sergeant at Arms and Doorkeeper, the Chaplain, the Legislative Counsel, and the employees of the Office of the Legislative Counsel;

(e) the Secretary of the Senate is the supervisor of the employees of his office;

(f) the Sergeant at Arms and Doorkeeper is the supervisor of the employees of his office;

(g) the Majority and Minority Leaders and the Majority and Minority Whips are the supervisors of the research, clerical, and other assistants assigned to their respective offices;

(h) the Majority Leader is the supervisor of the Secretary for the Majority and the Secretary for the Majority is the supervisor of the employees of his office; and

(i) the Minority Leader is the supervisor of the Secretary for the Minority and the Secretary for the Minority is the supervisor of the employees of his office.

150TH ANNIVERSARY OF THE GOVERNMENT PRINTING OFFICE

Mr. SCHUMER. Mr. President, I rise today as the chairman of the Joint Committee on Printing to recognize the Government Printing Office, GPO, on the occasion of its 150th anniversary. GPO opened its doors on March 4, 1861, the same day that President Abraham Lincoln took the oath of office for his first term. Since that time, the agency has used constantly changing technologies to meet the needs of the Congress, Federal agencies, and the public. During GPO's early days, employees relied on ink and paper to publish the text of President Lincoln's Emancipation Proclamation. Today, as another President from Illinois leads the Nation, GPO employees are using the latest digital technology to document the activities and decisions of our Government and to fulfill GPO's founding mission, which is ''Keeping America Informed.''

While GPO's past has been about printing, its present and future are being defined by electronic publishing. GPO has been investing for more than a generation in digital production and dissemination technology, an investment that has yielded significant improvements in productivity, capability, and savings for the taxpayers. The GPO estimates that converting to electronic, digital technology has resulted in a savings of 66 percent on the cost of congressional printing alone. Deploying such technology has also reduced the number of employees to fewer than at any time in the past century. And it has reduced dramatically the number of copies of official documents that are printed.

GPO's partnership with the printing industry supports tens of thousands of

jobs. At the same time, by using GPO as a central procurement agency, the Federal Government reduces substantially the cost of these contracts to the taxpayers.

GPO now has a range of products and services that could only have been dreamed of 30 years ago: Online databases of Federal documents with state-of-the-art search and retrieval capabilities available to the public without charge, Government publications available as e-Books, and a public presence not only on the Web but also on Twitter, Facebook, and You Tube. No longer is GPO primarily a publisher of printed government documents, but a fully integrated electronic publisher and clearinghouse whose products are available in many Internet-based locations. In addition, the State Department relies on GPO to provide highly secure U.S. passports containing sophisticated smart chips. GPO does this in conjunction with the private sector, which supplies certain critical components.

Another key function of GPO is its partnership with more than 1,200 Federal depository libraries across the country. These libraries, established by statute in all 50 States, make Federal documents available to millions of students, researchers, businesses, and others every year in both digital and print formats.

In short, GPO is responsible for the production and distribution of information products and services for all three branches of the Federal Government, including U.S. passports for the Department of State as well as the official publications of Congress, the White House, and other Federal agencies. In addition to publication sales, GPO offers permanent public access to Federal Government information at no charge through GPO's Federal Digital System—www.fdsys.gov—and through partnerships with approximately 1,200 libraries nationwide that are part of the Federal Depository Library Program.

I ask my colleagues to join me in congratulating the GPO on its 150th anniversary and on its contributions to keeping the public informed.

ADDITIONAL STATEMENTS

TRIBUTE TO JACK CRISTIL

• Mr. COCHRAN. Mr. President, I am pleased to commend the remarkable 58-year career of Jack Cristil, one of our Nation's legendary radio broadcasters and voice of the Mississippi State University Bulldogs. Jack called his last game this past Saturday as Mississippi State defeated the University of Tennessee in men's basketball.

For the better part of six decades, Mississippi State fans welcomed Jack's professionalism and his unambiguous play-by-play descriptions, free from hyperbole or favoritism, onto their radios. His distinctive voice and irreplaceable wit will be missed.

Jack grew up in Memphis, TN, the son of Jewish immigrants from Russia and Latvia. After discovering radio broadcasts of sporting events at the age of six, he knew exactly what he was going to do with his life.

After high school, Jack went on to study broadcast journalism at the University of Minnesota. From there, he worked the minor league baseball circuit in the Southeast before moving to Clarksdale, MI, to broadcast high school football and basketball games. In the summer of 1953, legendary Mississippi State athletic director C.R. ''Dudy'' Noble hired him for $25 a game. Now 58 years later, Cristil has covered 636 football games and 1,538 basketball games, roughly 63 percent of all football games played by Mississippi State and about 55 percent of all basketball games.

It was not only the number of games he covered that is of note today, it was at times the significance of the games themselves. During the 1963 NCAA men's basketball tournament, Mississippi State ignored an unwritten rule in our State that prohibited State universities from playing integrated teams. By sneaking out of town in the dark of night, and despite protests from our State's Governor and police, the Bulldogs were able to play an integrated Loyola team in Michigan. This was a significant blow to segregationist sentiment in Mississippi. Jack was right there with the team as it defied its own Governor to help move our State forward.

Through his microphone, Jack Cristil brought Mississippians some great moments in college athletics history. As the play-by-play man for Mississippi State, he also certainly endured some tough losses. Since Jack first broadcast a game for the Bulldogs in 1953, his tenure has spanned 11 head football coaches, 9 head basketball coaches, 11 university presidents, 13 Governors of Mississippi, and 11 Presidents of the United States. He has truly been an enduring figure in our State, throughout the South, and throughout college athletics.

In Mississippi, fans of all teams appreciate the talent and longevity of Jack Cristil. I think it fitting to close by quoting Jack Cristil in saying, ''You can wrap this one in maroon and white.''

Mr. President, I ask unanimous consent to have printed in the RECORD an article titled, ''It's a wrap for Mr. Maroon and White'' from The Clarion Ledger.

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

[From the Clarion-Ledger—Jackson, MS, Feb. 25, 2011]

IT'S A WRAP FOR MR. MAROON AND WHITE

(By Rick Cleveland)

Doesn't matter which university you pulled for, you listened to Cristil.

You listened because he put you there, in the stadium.

We knew Jack Cristil couldn't go on forever. Here lately, he has sounded tired, worn out—certainly not himself. So maybe Wednesday's news that Cristil is stepping down after 58 years as the voice of Mississippi State University's football team and 54 years calling basketball wasn't totally unexpected.

Still, we don't have to like it.

Because of health reasons, Cristil, 85, will broadcast his last MSU sports event when the Bulldog basketball team plays the University of Tennessee today in Knoxville. The game is scheduled to start at 5 p.m., with the radio broadcast beginning 30 minutes before. For many of us, it will be like listening to Sinatra sing his last song.

For three generations of Mississippians, our introduction to the Deep South's regional pastime of college football often has been Cristil's gravelly, baritone voice telling us about a 6-tall, 180-pound halfback from Amory or Ackerman or Moss Point. Doesn't matter which university you pulled for, you listened to Cristil. You listened because he put you there, in the stadium. He described the weather and the setting. Told you which team was going which way. He gave you the uniform colors and the context of whatever game he was describing.

His voice was so distinct, you could almost taste the cigarettes he was smoking.

He gave you down, distance, score and how much time was remaining. He did it regularly.

You knew he was for the Mississippi State Bulldogs, but often you couldn't tell it from his account of the game. He didn't cheer. (Although I can't count the times, I saw him slam down his headset, put his hand over the microphone and yell at a basketball official who had just screwed up a call.)

His wit was as dry as the Sahara. Who can forget his legendary call on the Sonic Drive of the game after one particularly galling State defeat? The Bulldogs didn't have a significant drive, so Jack just said it would be his drive back home to Tupelo. I was listening on the way home from another game that day. I laughed so hard I almost ran my car off the road.

ANOTHER ERA

It's hard to put into perspective how long Cristil has been doing what he did so well. He was hired in August 1952 by Dudy Noble, the man many consider the father of Mississippi State athletics. Joe Fortunato, one of the Chicago Bears' famed Monsters of the Midway from the 1950s, played in the first State game Cristil ever broadcast. Fortunato, now 70 and living here in Natchez, will pretty much tell you what any other State fan will.

''It's hard to believe he has been doing it for that long, that well,'' Fortunato said Thursday.

Eight years ago, on the occasion of Cristil's 50th anniversary of describing State football games, I visited him for most of a thoroughly entertaining day and evening at his home and office in Tupelo. Oh, the stories he told. . . .

Of growing up in Memphis, the son of Jewish immigrants from Russia and Latvia. His parents bought a huge radio to listen to classical music, but that's when Cristil discovered the games at the age of 6. ''Here I was in Memphis, and I was absolutely enthralled with the idea that a man could be sitting in some stadium in New York or Chicago or Boston, telling me about a game. It was like magic.''

Cristil said he knew right then what he was going to do with his life.

Of filling up his 1948 Plymouth in Clarksdale in August 1952 to drive from Clarksdale to Starkville to be interviewed by Noble.

''I had envisioned a young, energetic, business-type person in a trim suit and a neat hair-do,'' Cristil said. ''But Dudy Noble was a

big man, over 6 feet tall and quite hefty. He was attired in an old cotton, flannel shirt and baggy britches. He had an unruly shock of gray hair that stuck out.''

Noble, Cristil said, gave him the job and then told him, ''You tell that radio audience what the score is and who's got the ball and how much time is left and you cut out the bull.''

Said Cristil: ''. . . turns out the best advice I ever got.''

Of the 1963 Liberty Bowl in Philadelphia on a day when it was, as Cristil put it, ''colder than a pawnbroker's heart.''

Sen. John C. Stennis, another beloved State man, sat in the unheated press box alongside Cristil, both of them bundled in coats and blankets. ''It was so cold, our coffee would freeze before we drank it,'' Cristil said.

But Cristil wrapped up a 16–12 State victory over North Carolina in maroon and white.

At age 11, I listened with my daddy in the kitchen of our house.

Of a State-Alabama football game when Bob Hope was on tour and doing a show that night in Tuscaloosa, unbeknownst to Cristil. Bear Bryant's boys, as usual, were beating up on State when somebody came by the visitors' radio booth and whispered to Cristil, ''Hope is available at halftime if you want him.''

Responded Cristil, ''Fellow, I need some hope right now.''

Thing is, even during all those many bleak years when Mississippi State fans had little if any hope, they had Jack Cristil. If it sounds trite, then so be it: It will never be quite the same without him.●

TRIBUTE TO DAVID S. KRIS

● Mrs. FEINSTEIN. Mr. President, I wish to thank and honor David Kris, who is leaving his position this week as the Assistant Attorney General for National Security at the Department of Justice, DOJ.

Many of us in Congress—especially those of us on the Intelligence Committee and the Judiciary Committee who work closely with the administration on national security issues—are very sorry to see David Kris leave DOJ.

As one of the Nation's leading experts on the Foreign Intelligence Surveillance Act, FISA, I will personally miss hearing from David, especially as the Congress moves to extend the sunsets on important provisions of FISA this spring. He testified with clarity and precision on issues of great complexity in all of his appearances before the Senate. I valued his insights.

Congress created the position of Assistant Attorney General for National Security in 2006 to bring together the intelligence and the counterterrorism and counterespionage prosecution functions of the Department of Justice. Over the past 2 years, building on the professional, nonpolitical foundation established by his predecessors, Kenneth Wainstein and Patrick Rowan, David has managed the National Security Division in what has been, arguably, the most dangerous period since the September 11 attacks.

Since David was sworn in at DOJ on March 25, 2009, terrorism investigations and prosecutions have been unfolding at an unprecedented scale and pace. Consider the following high profile counterterrorism arrests and prosecutions involving the National Security Division: the al-Qaida plot to bomb the New York subway system by Najibullah Zazi; the attempted bombing of Times Square by Faisal Shahzad; the attempted bombing of flight 253 on Christmas Day 2009 by Umar Farouk Abdulmutallab; the arrest and prosecution of David Headley, an American who helped plot the Mumbai attacks; and the arrest and prosecution of Hosam Smadi who was sentenced to 24 years in prison last year for plotting to blow up a Dallas skyscraper.

Under David's leadership, the National Security Division also played an important role in the investigation and prosecution of a number of significant espionage, export control enforcement, and leak cases. In the summer of 2010, David played a prominent role in the arrest and swap of illegal Russian agents. He directed the prosecutions of Cuban spies, illegal exports of fighter jet engines and parts to Iran, and assistance to China in designing stealth cruise missiles. During his tenure, the National Security Division joined the Criminal Division in prosecuting more leak cases than ever before.

David Kris joined DOJ in March 2009 after being confirmed unanimously by the U.S. Senate. He had previously served in the Justice Department from 1992 to 2003 as an attorney in the Criminal Division and as Associate Deputy Attorney General.

I know that prior experience at DOJ served David well because once he was sworn in, he went to work right away to develop partnerships with the Intelligence community, the National Security Council, and Congress.

And I know David worked hard to ensure that the relevant agencies and entities were aware of the National Security Division's activities and that its activities were properly coordinated with the intelligence community and the Defense Department.

It has been clear to us that David made it a priority to ensure that FBI national security investigations were conducted in accordance with the Constitution, statutes, and applicable guidelines. David also expanded the number of oversight attorney staff in his division and, as a result, the division's oversight section exceeded its annual goal for national security reviews for the first time in its history.

I wish David Kris well in his future endeavors in the private sector. His replacement will have big shoes to fill.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

H.R. 4. An act to repeal the expansion of information reporting requirements for payments of $600 or more to corporations, and for other purposes.

PETITIONS AND MEMORIALS

The following petition or memorial was laid before the Senate and was referred or ordered to lie on the table as indicated:

POM–4. A joint memorial adopted by the Legislature of the State of Washington relative to adult offender supervision; to the Committee on the Judiciary.

SENATE JOINT MEMORIAL NO. 8026

Whereas, the state of Washington is an active and participating member of the Interstate Commission for Adult Offender Supervision and has supported the terms of the Interstate Compact since 1937; and

Whereas, the state of Washington suffered a grievous loss when four police officers were killed by an offender under the supervision of the state who had been transferred to Washington state under the terms of the Interstate Compact; and

Whereas, the public safety of the citizens of the state of Washington are of the utmost concern and importance to this body; and

Whereas, the state of Washington has grave concerns about continuing to operate under the terms of the Interstate Compact without the tools to adequately protect its citizens; and

Whereas, the existing rules and processes in the Interstate Compact do not provide the receiving state with sufficient information and authority to adequately supervise and address the violative behavior of an offender transferred to the receiving state under the terms of the compact;

Now therefore, your Memorialists respectfully pray that the Interstate Commission for Adult Offender Supervision immediately initiate its emergency rule-making process to consider and adopt rule amendments that will provide the receiving state with all information known to the sending state about the criminal history and behavior of an offender whose transfer is sought, and to vest the receiving state with the authority to determine when the receiving state can no longer safely supervise an offender and the offender must be returned to the sending state or, in the alternative, that these issues be addressed through federal legislation.

Be it resolved, That copies of this Memorial be immediately transmitted to the Honorable Barack Obama, President of the United States, the Executive Director and Chairperson of the Interstate commission for Adult Offender Supervision, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first

and second times by unanimous consent, and referred as indicated:

By Mr. PRYOR:

S. 491. A bill to amend title 38, United States Code, to recognize the service in the reserve components of the Armed Forces of certain persons by honoring them with status as veterans under law, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. DEMINT (for himself and Mr. COBURN):

S. 492. A bill to amend the Communications Act of 1934 to prohibit Federal funding for the Corporation for Public Broadcasting after fiscal year 2013; to the Committee on Commerce, Science, and Transportation.

By Ms. LANDRIEU (for herself, Ms. SNOWE, Mr. KERRY, Mr. BROWN of Massachusetts, Mrs. SHAHEEN, Ms. AYOTTE, Mr. CARDIN, Mr. PRYOR, and Mr. LEVIN):

S. 493. A bill to reauthorize and improve the SBIR and STTR programs, and for other purposes; to the Committee on Small Business and Entrepreneurship.

ADDITIONAL COSPONSORS

S. 33

At the request of Mr. LIEBERMAN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 33, a bill to designate a portion of the Arctic National Wildlife Refuge as wilderness.

S. 69

At the request of Mr. TESTER, the name of the Senator from Colorado (Mr. UDALL) was added as a cosponsor of S. 69, a bill to amend the Consumer Product Safety Improvement Act of 2008 to exclude secondary sales, repair services, and certain vehicles from the ban on lead in children's products, and for other purposes.

S. 424

At the request of Mr. SCHUMER, the names of the Senator from Vermont (Mr. LEAHY) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 424, a bill to amend title XVIII of the Social Security Act to preserve access to ambulance services under the Medicare program.

S. 480

At the request of Mrs. GILLIBRAND, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 480, a bill to temporarily expand the V nonimmigrant visa category to include Haitians whose petition for a family-sponsored immigrant visa was approved on or before January 12, 2010.

S. RES. 87

At the request of Mr. JOHNSON of South Dakota, the name of the Senator from Kansas (Mr. MORAN) was added as a cosponsor of S. Res. 87, a resolution designating the year of 2012 as the ''International Year of Cooperatives''.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. LANDRIEU (for herself, Ms. SNOWE, Mr. KERRY, Mr. BROWN of Massachusetts, Mrs. SHAHEEN, Ms. AYOTTE, Mr. CARDIN, Mr. PRYOR, and Mr. LEVIN):

S. 493. A bill to reauthorize and improve the SBIR and STTR programs, and for other purposes; to the Committee on Small Business and Entrepreneurship.

Ms. SNOWE. Mr. President, I rise today to introduce legislation with my colleague and chair of the Senate Committee on Small Business and Entrepreneurship, Senator LANDRIEU, to reauthorize the critical Small Business Innovation Research, SBIR, and Small Business Technology Transfer, STTR, Programs. We are joined by Senators JOHN KERRY, SCOTT BROWN, JEANNE SHAHEEN, KELLY AYOTTE, BEN CARDIN, MARK PRYOR, and CARL LEVIN. Frankly, after nearly 6 years of debate and discussion, it is well past time for us to pass this legislation and set these programs on a path of certainty.

Our Nation's economic recovery is being suppressed by an inflated unemployment rate—which has been at or above 9 percent for 21 consecutive months—and, as a result, a small business community that remains uncertain about the future and unable to invest in their businesses and hire new workers. They are looking for market-based ways to create jobs with limited government intervention and unleash their innovative potential. That is why I am excited about reauthorizing the SBIR and STTR programs, which foster an environment of innovative entrepreneurship by directing more than $2 billion annually in Federal research and development, R&D, funding to the Nation's small firms that are most likely to create jobs and commercialize their products.

Small businesses are our Nation's job generators, employing more than half of all private sector employees and creating 64 percent of the net new jobs over the past 15 years. Furthermore, small businesses are our Nation's most effective innovators, producing roughly 13 times more patents per employee than large firms—patents which are at least two times as likely to be among the top 1 percent of high-impact patents. In a budgetary environment where the Small Business Administration, SBA, will be required to do more with less funding, it is crucial that the SBIR and STTR programs—one of the strongest examples of a successful public-private partnership—be a key part of the Agency's job creation agenda.

These programs have been front and center in improving our Nation's capacity to innovate. According to a report by the Information Technology and Innovation Foundation, SBIR-backed firms have been responsible for roughly 25 percent of the Nation's most crucial innovations over the past decade plus—''a powerful indication that the SBIR program has become a key force in the innovation economy of the United States.''

Regrettably, SBIR and expired in September 2008, and it has been subject to a series of 10 short-term, temporary extensions since then, plaguing the programs with uncertainty and potentially dissuading some of our Nation's most promising firms from participating in them. That is why Chair LANDRIEU and I introduced the SBIR-STTR Reauthorization Act, S. 4053, at the end of last Congress after extensive negotiation and debate. This bill—which passed the Senate unanimously in December—is virtually the same legislation we are introducing today. It would reauthorize the programs for 8 years, while making critical improvements, such as increasing the allocation for SBIR from 2.5 percent of an agency's extramural research and development, R&D, budget to 3.5 percent over 10 years, and doubling the STTR allocation from 0.3 percent over 6 years. Our legislation would also codify increased award sizes of $150,000 for phase I and $1 million for phase II in the SBIR program, and apply those levels to the STTR program as well.

Our bill includes stringent oversight and fraud prevention measures, requiring inspectors general of participating Federal agencies to establish fraud detection measures, coordinate fraud-related information sharing between agencies, and provide fraud prevention related education and training to agencies administering the program, among other initiatives.

The SBIR-STTR Reauthorization Act also includes an unprecedented compromise on the ''venture capital'' issue, which has long bogged down any serious progress in reauthorizing these valuable programs. It would make firms majority owned and controlled by multiple venture capital companies eligible for up to 25 percent of SBIR funds at the National Institutes of Health, National Science Foundation, and Department of Energy, and up to 15 percent of the funds at the remaining eight participating SBIR agencies. Our compromise has the backing of diverse stakeholders from the U.S. Chamber of Commerce, National Federation of Independent Business, NFIB, and Small Business Technology Council, SBTC, to the Biotechnology Industry Organization, BIO, and the National Venture Capital Association, NVCA.

So I look forward to ensuring that this will be the Congress to once and for all reauthorize these critical nationwide programs, and I am confident that the SBIR-STTR Reauthorization Act is the best way for us to get us there.

AMENDMENTS SUBMITTED AND PROPOSED

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

SA 147. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 23, supra; which was ordered to lie on the table.

SA 148. Mr. PRYOR submitted an amendment intended to be proposed by him to the

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

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

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

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

TEXT OF AMENDMENTS

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

At the end of the bill, insert the following:

SEC. _____. CLARIFICATION OF APPLICABILITY OF TRANSITIONAL PROGRAM FOR COVERED BUSINESS-METHOD PATENTS.

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

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

At the end of the bill, insert the following:

SEC. _____. CLARIFICATION OF APPLICABILITY OF TRANSITIONAL PROGRAM FOR COVERED BUSINESS-METHOD PATENTS.

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

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

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

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

At the end of the bill, insert the following:

SEC. _____. CLARIFICATION OF APPLICABILITY OF TRANSITIONAL PROGRAM FOR COVERED BUSINESS-METHOD PATENTS.

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

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

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

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

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

Strike all after the enacting clause and insert:

SECTION 1. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

DIVISION A—DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2011

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

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

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

SEC. 2. REFERENCES.

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

DIVISION A—DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2011

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

TITLE I

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

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

MILITARY PERSONNEL, NAVY

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

MILITARY PERSONNEL, MARINE CORPS

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

MILITARY PERSONNEL, AIR FORCE

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Air Force on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; for members of the Reserve Officers' Training Corps; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $27,105,755,000.

RESERVE PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army Reserve on active duty under sections 10211, 10302, and 3038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $4,333,165,000.

RESERVE PERSONNEL, NAVY

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

RESERVE PERSONNEL, MARINE CORPS

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

RESERVE PERSONNEL, AIR FORCE

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

NATIONAL GUARD PERSONNEL, ARMY

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

NATIONAL GUARD PERSONNEL, AIR FORCE

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

TITLE II

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

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

OPERATION AND MAINTENANCE, NAVY

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

OPERATION AND MAINTENANCE, MARINE CORPS

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

OPERATION AND MAINTENANCE, AIR FORCE

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

OPERATION AND MAINTENANCE, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of activities and agencies of the Department of Defense (other than the military departments), as authorized by law, $30,210,810,000: *Provided*, That not more than $50,000,000 may be used for the Combatant Commander Initiative Fund authorized under section 166a of title 10, United States Code: *Provided further*, That not to exceed $36,000,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of Defense, and payments may be made on his certificate of necessity for confidential military purposes: *Provided further*, That of the funds provided under this heading, not less than $31,659,000 shall be made available for the Procurement Technical Assistance Cooperative Agreement Program, of which not less than $3,600,000 shall be available for centers defined in 10 U.S.C. 2411(1)(D): *Provided further*, That none of the funds appropriated or otherwise made available by this Act may be used to plan or implement the consolidation of a budget or appropriations liaison office of the Office of the Secretary of Defense, the office of the Secretary of a military department, or the service headquarters of one of the Armed Forces into a legislative affairs or legislative liaison office: *Provided further*, That $8,251,000, to remain available until expended, is available only for expenses relating to certain classified activities, and may be transferred as necessary by the Secretary of Defense to operation and maintenance appropriations or research, development, test and evaluation appropriations, to be merged with and to be available for the same time period as the appropriations to which transferred: *Provided further*, That any ceiling on the investment item unit cost of items that may be purchased with operation and maintenance funds shall not apply to the funds described in the preceding proviso: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

OPERATION AND MAINTENANCE, ARMY RESERVE

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

OPERATION AND MAINTENANCE, NAVY RESERVE

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

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

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

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

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

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

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

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For expenses of training, organizing, and administering the Air National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; transportation of things, hire of passenger motor vehicles; supplying and equipping the Air National Guard, as authorized by law; expenses for repair, modification, maintenance, and issue of supplies and equipment, including those furnished from stocks under the control of agencies of the Department of Defense; travel expenses (other than mileage) on the same basis as authorized by law for Air National Guard personnel on active Federal duty, for Air National Guard commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau, $5,963,839,000.

UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES

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

ENVIRONMENTAL RESTORATION, ARMY

(INCLUDING TRANSFER OF FUNDS)

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

ENVIRONMENTAL RESTORATION, NAVY

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Navy, $304,867,000, to remain available until transferred: *Provided*, That the Secretary of the Navy shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Navy, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Navy, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

ENVIRONMENTAL RESTORATION, AIR FORCE

(INCLUDING TRANSFER OF FUNDS)

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

ENVIRONMENTAL RESTORATION, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For the Department of Defense, $10,744,000, to remain available until transferred: *Provided*, That the Secretary of Defense shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, 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, $5,254,791,000, to remain available for obligation until September 30, 2013.

MISSILE PROCUREMENT, ARMY

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

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

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

PROCUREMENT OF AMMUNITION, ARMY

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

OTHER PROCUREMENT, ARMY

(INCLUDING TRANSFER OF FUNDS)

For construction, procurement, production, and modification of vehicles, including tactical, support, and non-tracked combat vehicles; the purchase of passenger motor vehicles for replacement only; communications

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

AIRCRAFT PROCUREMENT, NAVY

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

WEAPONS PROCUREMENT, NAVY

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

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $790,527,000, to remain available for obligation until September 30, 2013.

SHIPBUILDING AND CONVERSION, NAVY

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

Carrier Replacement Program, $1,721,969,000.

Carrier Replacement Program (AP), $908,313,000.

NSSN, $3,430,343,000.

NSSN (AP), $1,691,236,000.

CVN Refueling, $1,248,999,000.

CVN Refuelings (AP), $408,037,000.

DDG–1000 Program, $77,512,000.

DDG–51 Destroyer, $2,868,454,000.

DDG–51 Destroyer (AP), $47,984,000.

Littoral Combat Ship, $1,168,984,000.

Littoral Combat Ship (AP), $190,351,000.

LHA–R, $942,837,000.

Joint High Speed Vessel, $180,703,000.

Oceanographic Ships, $88,561,000.

LCAC Service Life Extension Program, $83,035,000.

Service Craft, $13,770,000.

For outfitting, post delivery, conversions, and first destination transportation, $295,570,000.

In all: $15,366,658,000, to remain available for obligation until September 30, 2015: *Provided*, That additional obligations may be incurred after September 30, 2015, for engineering services, tests, evaluations, and other such budgeted work that must be performed in the final stage of ship construction: *Provided further*, That none of the funds provided under this heading for the construction or conversion of any naval vessel to be constructed in shipyards in the United States shall be expended in foreign facilities for the construction of major components of such vessel: *Provided further*, That none of the funds provided under this heading shall be used for the construction of any naval vessel in foreign shipyards.

OTHER PROCUREMENT, NAVY

(INCLUDING TRANSFER OF FUNDS)

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

PROCUREMENT, MARINE CORPS

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

AIRCRAFT PROCUREMENT, AIR FORCE

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

MISSILE PROCUREMENT, AIR FORCE

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

PROCUREMENT OF AMMUNITION, AIR FORCE

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

OTHER PROCUREMENT, AIR FORCE

(INCLUDING TRANSFER OF FUNDS)

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

PROCUREMENT, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

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

DEFENSE PRODUCTION ACT PURCHASES

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

TITLE IV

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

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

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

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

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

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

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For expenses of activities and agencies of the Department of Defense (other than the military departments), necessary for basic and applied scientific research, development, test and evaluation; advanced research projects as may be designated and determined by the Secretary of Defense, pursuant to law; maintenance, rehabilitation, lease, and operation of facilities and equipment, $20,797,412,000, to remain available for obligation until September 30, 2012: *Provided*, That of the funds made available in this paragraph, $3,200,000 shall only be available for program management and oversight of innovative research and development.

OPERATIONAL TEST AND EVALUATION, DEFENSE

For expenses, not otherwise provided for, necessary for the independent activities of the Director, Operational Test and Evaluation, in the direction and supervision of operational test and evaluation, including initial operational test and evaluation which is conducted prior to, and in support of, production decisions; joint operational testing and evaluation; and administrative expenses in connection therewith, $194,910,000, to remain available for obligation until September 30, 2012.

TITLE V

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

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

NATIONAL DEFENSE SEALIFT FUND

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

TITLE VI

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

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

CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE

For expenses, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions, to include construction of facilities, in accordance with the provisions of section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, $1,467,307,000, of which $1,067,364,000 shall be for operation and maintenance, of which 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, $1,156,957,000: *Provided*, That the funds appropriated under this heading shall be available for obligation for the same time period and for the same purpose as the appropriation to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the

transfer authority provided under this heading is in addition to any other transfer authority contained elsewhere in this Act.

OFFICE OF THE INSPECTOR GENERAL

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

TITLE VII

RELATED AGENCIES

CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM FUND

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

INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

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

TITLE VIII

GENERAL PROVISIONS

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

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

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

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

(TRANSFER OF FUNDS)

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

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

(b) Amounts specified in the referenced tables described in subsection (a) shall not be treated as subdivisions of appropriations for purposes of section 8005 of this Act: *Provided*, That section 8005 shall apply when transfers of the amounts described in subsection (a) occur between appropriation accounts.

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

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

(2) a delineation in the table for each appropriation both by budget activity and program, project, and activity as detailed in the Budget Appendix; and

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

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

(TRANSFER OF FUNDS)

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

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

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

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

(2) cancellation provisions in the contract do not include consideration of recurring manufacturing costs of the contractor associated with the production of unfunded units to be delivered under the contract;

(3) the contract provides that payments to the contractor under the contract shall not be made in advance of incurred costs on funded units; and

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

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

Navy MH–60R/S Helicopter Systems.

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

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

(b) The fiscal year 2012 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2012 Department of Defense budget request shall be prepared and submitted to the Congress as if subsections (a) and (b) of this provision were effective with regard to fiscal year 2012.

(c) Nothing in this section shall be construed to apply to military (civilian) technicians.

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

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

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

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

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

(A) 10 percent of the most efficient organization's personnel-related costs for performance of that activity or function by Federal employees; or

(B) $10,000,000; and

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

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

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

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

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

(B) is planned to be converted to performance by a qualified nonprofit agency for the blind or by a qualified nonprofit agency for other severely handicapped individuals in accordance with that Act; or

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

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

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

(TRANSFER OF FUNDS)

SEC. 8016. Funds appropriated in title III of this Act for the Department of Defense Pilot Mentor-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: *Provided*, That subsection (j) of section 831 of the National Defense Authorization Act for Fiscal Year 1991 is amended by striking ''September 30, 2010'' and inserting ''September 30, 2011'', and by striking ''September 30, 2013'' and inserting ''September 30, 2014''.

SEC. 8017. None of the funds in this Act may be available for the purchase by the Department of Defense (and its departments and agencies) of welded shipboard anchor and mooring chain 4 inches in diameter and under unless the anchor and mooring chain are manufactured in the United States from components which are substantially manufactured in the United States: *Provided*, That for the purpose of this section, the term ''manufactured'' shall include cutting, heat treating, quality control, testing of chain and welding (including the forging and shot blasting process): *Provided further*, That for the purpose of this section substantially all of the components of anchor and mooring chain shall be considered to be produced or manufactured in the United States if the aggregate cost of the components produced or manufactured in the United States exceeds the aggregate cost of the components produced or manufactured outside the United States: *Provided further*, That when adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis, the Secretary of the service responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations that such an acquisition must be made in order to acquire capability for national security purposes.

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

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

SEC. 8020. In addition to the funds provided elsewhere in this Act, $15,000,000 is appropriated only for incentive payments authorized by section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544): *Provided*, That a prime contractor or a subcontractor at any tier that makes a subcontract award to any subcontractor or supplier as defined in section 1544 of title 25, United States Code, or a small business owned and controlled by an individual or individuals defined under section 4221(9) of title 25, United States Code, shall be considered a contractor for the purposes of being allowed additional compensation under section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544) whenever the

prime contract or subcontract amount is over $500,000 and involves the expenditure of funds appropriated by an Act making Appropriations for the Department of Defense with respect to any fiscal year: *Provided further*, That notwithstanding section 430 of title 41, United States Code, this section shall be applicable to any Department of Defense acquisition of supplies or services, including any contract and any subcontract at any tier for acquisition of commercial items produced or manufactured, in whole or in part by any subcontractor or supplier defined in section 1544 of title 25, United States Code, or a small business owned and controlled by an individual or individuals defined under section 4221(9) of title 25, United States Code.

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

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

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

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

(2) $2,424,000 shall be available from ''Aircraft Procurement, Air Force''; and

(3) $902,000 shall be available from ''Other Procurement, Air Force'' for vehicle procurement.

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

SEC. 8024. (a) None of the funds appropriated in this Act are available to establish a new Department of Defense (department) federally funded research and development center (FFRDC), either as a new entity, or as a separate entity 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. 8025. None of the funds appropriated or made available in this Act shall be used to procure carbon, alloy or armor steel plate for use in any Government-owned facility or property under the control of the Department of Defense which were not melted and rolled in the United States or Canada: *Provided*, That these procurement restrictions shall apply to any and all Federal Supply Class 9515, American Society of Testing and Materials (ASTM) or American Iron and Steel Institute (AISI) specifications of carbon, alloy or armor steel plate: *Provided further*, That the Secretary of the military department responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: *Provided further*, That these restrictions shall not apply to contracts which are in being as of the date of the enactment of this Act.

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

SEC. 8027. During the current fiscal year, the Department of Defense may acquire the modification, depot maintenance and repair of aircraft, vehicles and vessels as well as the production of components and other Defense-related articles, through competition between Department of Defense depot maintenance activities and private firms: *Provided*, That the Senior Acquisition Executive of the military department or Defense Agency concerned, with power of delegation, shall certify that successful bids include comparable estimates of all direct and indirect costs for both public and private bids: *Provided further*, That Office of Management and Budget Circular A–76 shall not apply to competitions conducted under this section.

SEC. 8028. (a)(1) If the Secretary of Defense, after consultation with the United States Trade Representative, determines that a foreign country which is party to an agreement described in paragraph (2) has violated the terms of the agreement by discriminating against certain types of products produced in the United States that are covered by the agreement, the Secretary of Defense shall rescind the Secretary's blanket waiver of the Buy American Act with respect to such types of products produced in that foreign country.

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

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

(c) For purposes of this section, the term ''Buy American Act'' means chapter 83 of title 41, United States Code.

SEC. 8029. During the current fiscal year, amounts contained in the Department of Defense Overseas Military Facility Investment Recovery Account established by section 2921(c)(1) of the National Defense Authorization Act of 1991 (Public Law 101–510; 10 U.S.C. 2687 note) shall be available until expended for the payments specified by section 2921(c)(2) of that Act.

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

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

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

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

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

SEC. 8032. (a) During the current fiscal year, none of the appropriations or funds available to the Department of Defense Working Capital Funds shall be used for the purchase of an investment item for the purpose of acquiring a new inventory item for sale or anticipated sale during the current fiscal year or a subsequent fiscal year to customers of the Department of Defense Working Capital Funds if such an item would not

have been chargeable to the Department of Defense Business Operations Fund during fiscal year 1994 and if the purchase of such an investment item would be chargeable during the current fiscal year to appropriations made to the Department of Defense for procurement.

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

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

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

SEC. 8035. Of the funds appropriated to the Department of Defense under the heading ''Operation and Maintenance, Defense-Wide'', not less than $12,000,000 shall be made available only for the mitigation of environmental impacts, including training and technical assistance to tribes, related administrative support, the gathering of information, documenting of environmental damage, and developing a system for prioritization of mitigation and cost to complete estimates for mitigation, on Indian lands resulting from Department of Defense activities.

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

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

(c) In the case of any equipment or products purchased with appropriations provided under this Act, it is the sense of the Congress that any entity of the Department of Defense, in expending the appropriation, purchase only American-made equipment and products, provided that American-made equipment and products are cost-competitive, quality competitive, and available in a timely fashion.

SEC. 8037. None of the funds appropriated by this Act shall be available for a contract for studies, analysis, or consulting services entered into without competition on the basis of an unsolicited proposal unless the head of the activity responsible for the procurement determines—

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

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

(3) the purpose of the contract is to take advantage of unique and significant industrial accomplishment by a specific concern, or to insure that a new product or idea of a specific concern is given financial support: *Provided*, That this limitation shall not apply to contracts in an amount of less than $25,000, contracts related to improvements of equipment that is in development or production, or contracts as to which a civilian official of the Department of Defense, who has been confirmed by the Senate, determines that the award of such contract is in the interest of the national defense.

SEC. 8038. (a) Except as provided in subsections (b) and (c), none of the funds made available by this Act may be used—

(1) to establish a field operating agency; or

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

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

(c) This section does not apply to—

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

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

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

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

(RESCISSIONS)

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

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

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

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

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

''Aircraft Procurement, Army, 2010/2012'', $14,000,000.

''Procurement of Weapons and Tracked Combat Vehicles, Army, 2010/2012'', $36,000,000.

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

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

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

Under the heading, ''Shipbuilding and Conversion, Navy, 2010/2014'': DDG–51 Destroyer, $22,000,000.

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

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

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

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

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

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

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

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

SEC. 8043. Funds appropriated in this Act for operation and maintenance of the Military Departments, Combatant Commands and Defense Agencies shall be available for reimbursement of pay, allowances and other expenses which would otherwise be incurred against appropriations for the National Guard and Reserve when members of the National Guard and Reserve provide intelligence or counterintelligence support to Combatant Commands, Defense Agencies and Joint Intelligence Activities, including the activities and programs included within the National Intelligence Program and the Military Intelligence Program: *Provided*, That nothing in this section authorizes deviation from established Reserve and National Guard personnel and training procedures.

SEC. 8044. During the current fiscal year, none of the funds appropriated in this Act may be used to reduce the civilian medical and medical support personnel assigned to military treatment facilities below the September 30, 2003, level: *Provided*, That the Service Surgeons General may waive this section by certifying to the congressional defense committees that the beneficiary population is declining in some catchment areas and civilian strength reductions may be consistent with responsible resource stewardship and capitation-based budgeting.

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

(b) None of the funds available to the Central Intelligence Agency for any fiscal year

for drug interdiction and counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

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

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

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

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

(b) This section applies to—

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

(2) any other international peacekeeping, peace-enforcement, or humanitarian assistance operation.

(c) A notice under subsection (a) shall include the following:

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

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

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

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

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

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

(1) such costs are for a bonus or otherwise in excess of the normal salary paid by the contractor to the employee; and

(2) such bonus is part of restructuring costs associated with a business combination.

(INCLUDING TRANSFER OF FUNDS)

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

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

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

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

(3) in the case of an expired account, the obligation is not chargeable to a current appropriation of the Department of Defense under the provisions of section 1405(b)(8) of the National Defense Authorization Act for Fiscal Year 1991, Public Law 101–510, as amended (31 U.S.C. 1551 note): *Provided*, That in the case of an expired account, if subsequent review or investigation discloses that there was not in fact a negative unliquidated or unexpended balance in the account, any charge to a current account under the authority of this section shall be reversed and recorded against the expired account: *Provided further*, That the total amount charged to a current appropriation under this section may not exceed an amount equal to 1 percent of the total appropriation for that account.

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

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

SEC. 8054. Using funds made available by this Act or any other Act, the Secretary of the Air Force, pursuant to a determination under section 2690 of title 10, United States Code, may implement cost-effective agreements for required heating facility modernization in the Kaiserslautern Military Community in the Federal Republic of Germany: *Provided*, That in the City of Kaiserslautern and at the Rhine Ordnance Barracks area, such agreements will include the use of United States anthracite as the base load energy for municipal district heat to the United States Defense installations: *Provided further*, That at Landstuhl Army Regional Medical Center and Ramstein Air Base, furnished heat may be obtained from private, regional or municipal services, if provisions are included for the consideration of United States coal as an energy source.

SEC. 8055. None of the funds appropriated in title IV of this Act may be used to procure end-items for delivery to military forces for operational training, operational use or inventory requirements: *Provided*, That this restriction does not apply to end-items used in development, prototyping, and test activities preceding and leading to acceptance for operational use: *Provided further*, That this restriction does not apply to programs funded within the National Intelligence Program: *Provided further*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so.

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

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

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

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

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

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

SEC. 8058. (a) None of the funds made available by this Act may be used to support any training program involving a unit of the security forces or police of a foreign country if the Secretary of Defense has received credible information from the Department of State that the unit has committed a gross

violation of human rights, unless all necessary corrective steps have been taken.

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

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

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

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

SEC. 8060. None of the funds appropriated or otherwise made available by this or other Department of Defense Appropriations Acts may be obligated or expended for the purpose of performing repairs or maintenance to military family housing units of the Department of Defense, including areas in such military family housing units that may be used for the purpose of conducting official Department of Defense business.

SEC. 8061. Notwithstanding any other provision of law, funds appropriated in this Act under the heading ''Research, Development, Test and Evaluation, Defense-Wide'' for any new start advanced concept technology demonstration project or joint capability demonstration project may only be obligated 30 days after a report, including a description of the project, the planned acquisition and transition strategy and its estimated annual and total cost, has been provided in writing to the congressional defense committees: *Provided*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying to the congressional defense committees that it is in the national interest to do so.

SEC. 8062. The Secretary of Defense shall provide a classified quarterly report beginning 30 days after enactment of this Act, to the House and Senate Appropriations Committees, Subcommittees on Defense on certain matters as directed in the classified annex accompanying this Act.

SEC. 8063. During the current fiscal year, none of the funds available to the Department of Defense may be used to provide support to another department or agency of the United States if such department or agency is more than 90 days in arrears in making payment to the Department of Defense for goods or services previously provided to such department or agency on a reimbursable basis: *Provided*, That this restriction shall not apply if the department is authorized by law to provide support to such department or agency on a nonreimbursable basis, and is providing the requested support pursuant to such authority: *Provided further*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so.

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

SEC. 8065. None of the funds provided in this Act may be used to transfer to any nongovernmental entity ammunition held by the Department of Defense that has a centerfire cartridge and a United States military nomenclature designation of ''armor penetrator'', ''armor piercing (AP)'', ''armor piercing incendiary (API)'', or ''armor-piercing incendiary tracer (API–T)'', except to an entity performing demilitarization services for the Department of Defense under a contract that requires the entity to demonstrate to the satisfaction of the Department of Defense that armor piercing projectiles are either: (1) rendered incapable of reuse by the demilitarization process; or (2) used to manufacture ammunition pursuant to a contract with the Department of Defense or the manufacture of ammunition for export pursuant to a License for Permanent Export of Unclassified Military Articles issued by the Department of State.

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

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

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

(INCLUDING TRANSFER OF FUNDS)

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

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

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

(INCLUDING TRANSFER OF FUNDS)

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

SEC. 8073. None of the funds available to the Department of Defense may be obligated

to modify command and control relationships to give Fleet Forces Command administrative and operational control of U.S. Navy forces assigned to the Pacific fleet: *Provided*, That the command and control relationships which existed on October 1, 2004, shall remain in force unless changes are specifically authorized in a subsequent Act.

SEC. 8074. Notwithstanding any other provision of law or regulation, the Secretary of Defense may exercise the provisions of section 7403(g) of title 38, United States Code, for occupations listed in section 7403(a)(2) of title 38, United States Code, as well as the following:

Pharmacists, Audiologists, Psychologists, Social Workers, Othotists/Prosthetists, Occupational Therapists, Physical Therapists, Rehabilitation Therapists, Respiratory Therapists, Speech Pathologists, Dietitian/Nutritionists, Industrial Hygienists, Psychology Technicians, Social Service Assistants, Practical Nurses, Nursing Assistants, and Dental Hygienists:

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

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

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

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

SEC. 8077. The budget of the President for fiscal year 2012 submitted to the Congress pursuant to section 1105 of title 31, United States Code, shall include separate budget justification documents for costs of United States Armed Forces' participation in contingency operations for the Military Personnel accounts, the Operation and Maintenance accounts, and the Procurement accounts: *Provided*, That these documents shall include a description of the funding requested for each contingency operation, for each military service, to include all Active and Reserve components, and for each appropriations account: *Provided further*, That these documents shall include estimated costs for each element of expense or object class, a reconciliation of increases and decreases for each contingency operation, and programmatic data including, but not limited to, troop strength for each Active and Reserve component, and estimates of the major weapons systems deployed in support of each contingency: *Provided further*, That these documents shall include budget exhibits OP–5 and OP–32 (as defined in the Department of Defense Financial Management Regulation) for all contingency operations for the budget year and the two preceding fiscal years.

SEC. 8078. None of the funds in this Act may be used for research, development, test, evaluation, procurement or deployment of nuclear armed interceptors of a missile defense system.

(INCLUDING TRANSFER OF FUNDS)

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

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

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

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

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

(INCLUDING TRANSFER OF FUNDS)

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

SEC. 8084. For purposes of section 7108 of title 41, United States Code, any subdivision of appropriations made under the heading ''Shipbuilding and Conversion, Navy'' that is not closed at the time reimbursement is made shall be available to reimburse the Judgment Fund and shall be considered for the same purposes as any subdivision under the heading ''Shipbuilding and Conversion, Navy'' appropriations in the current fiscal year or any prior fiscal year.

SEC. 8085. (a) None of the funds appropriated by this Act may be used to transfer research and development, acquisition, or other program authority relating to current tactical unmanned aerial vehicles (TUAVs) from the Army.

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

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

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

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

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

SEC. 8090. Notwithstanding any other provision of law, not more than 35 percent of funds provided in this Act for environmental remediation may be obligated under indefinite delivery/indefinite quantity contracts with a total contract value of $130,000,000 or higher.

SEC. 8091. The Director of National Intelligence shall include the budget exhibits identified in paragraphs (1) and (2) as described in the Department of Defense Financial Management Regulation with the congressional budget justification books:

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

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

SEC. 8092. The Secretary of Defense shall create a major force program category for space for each future-years defense program

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

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

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

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

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

(b) None of the funds provided for the National Intelligence Program in this Act shall be available for reprogramming or transfer until the report identified in subsection (a) is submitted to the congressional intelligence committees, unless the Director of National Intelligence certifies in writing to the congressional intelligence committees that such reprogramming or transfer is necessary as an emergency requirement.

SEC. 8094. The Director of National Intelligence shall submit to Congress each year, at or about the time that the President's budget is submitted to Congress that year under section 1105(a) of title 31, United States Code, a future-years intelligence program (including associated annexes) reflecting the estimated expenditures and proposed appropriations included in that budget. Any such future-years intelligence program shall cover the fiscal year with respect to which the budget is submitted and at least the four succeeding fiscal years.

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

SEC. 8096. The Department of Defense shall continue to report incremental contingency operations costs for Operation New Dawn and Operation Enduring Freedom on a monthly basis in the Cost of War Execution Report as prescribed in the Department of Defense Financial Management Regulation Department of Defense Instruction 7000.14, Volume 12, Chapter 23 ''Contingency Operations'', Annex 1, dated September 2005.

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

(INCLUDING TRANSFER OF FUNDS)

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

(INCLUDING TRANSFER OF FUNDS)

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

SEC. 8100. Funds appropriated by this Act for operation and maintenance may be available for the purpose of making remittances to the Defense Acquisition Workforce Development Fund in accordance with the requirements of section 1705 of title 10, United States Code.

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

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

(1) the public posting of the report compromises national security; or

(2) the report contains proprietary information.

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

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

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

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

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

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

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

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

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

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

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

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

(b) The Director of the Business Transformation Office shall provide the congressional intelligence committees a semi-annual report of approvals under paragraph (1) no later than March 30 and September 30 of each year. The report shall include the results of the Business Transformation Investment Review Board's semi-annual activities,

and each report shall certify that the following steps have been taken for systems approved under paragraph (1):

(1) Business process reengineering.

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

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

(4) Performance measures.

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

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

(INCLUDING TRANSFER OF FUNDS)

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

(INCLUDING TRANSFER OF FUNDS)

SEC. 8106. In addition to funds made available elsewhere in this Act, there is hereby appropriated $538,875,000, to remain available until transferred: *Provided*, That these funds are appropriated to the ''Tanker Replacement Transfer Fund'' (referred to as ''the Fund'' elsewhere in this section): *Provided further*, That the Secretary of the Air Force may transfer amounts in the Fund to ''Operation and Maintenance, Air Force'', ''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.

(INCLUDING TRANSFER OF FUNDS)

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

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

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

(c) The Secretaries of the Army, Navy, Air Force, and the Directors of the Defense Agencies and Field Activities (in coordination with the appropriate Principal Staff Assistant), in coordination with the Under Secretary of Defense for Personnel and Readiness, shall report to the congressional defense committees within 60 days of enactment of this Act their plan for documenting the number of full-time contractor employees (or its equivalent), as required by United States Code title 10, section 2330a.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8109. In addition to amounts provided elsewhere in this Act, there is appropriated $250,000,000, for an additional amount for ''Operation and Maintenance, Defense-Wide'', to be available until expended: *Provided*, That such funds shall only be available to the Secretary of Defense, acting through the Office of Economic Adjustment of the Department of Defense, or for transfer to the Secretary of Education, notwithstanding any other provision of law, to make grants, conclude cooperative agreements, or supplement other Federal funds to construct, renovate, repair, or expand elementary and secondary public schools on military installations in order to address capacity or facility condition deficiencies at such schools: *Provided further*, That in making such funds available, the Office of Economic Adjustment or the Secretary of Education shall give priority consideration to those military installations with schools having the most serious capacity or facility condition deficiencies as determined by the Secretary of Defense.

SEC. 8110. In addition to amounts provided elsewhere in this Act, there is appropriated $300,000,000, for an additional amount for ''Operation and Maintenance, Defense-Wide'', to remain available until expended. Such funds may be available for the Office of Economic Adjustment, notwithstanding any other provision of law, for transportation infrastructure improvements associated with medical facilities related to recommendations of the Defense Base Closure and Realignment Commission.

SEC. 8111. Section 310(b) of the Supplemental Appropriations Act, 2009 (Public Law 111–32; 124 Stat. 1871) is amended by striking ''1 year'' both places it appears and inserting ''2 years''.

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

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

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

(b) In addition to the amounts provided elsewhere in this Act, $20,000,000, is appropriated to the Department of Defense for ''Operation and Maintenance, Defense-Wide'' for energy security pilot projects under subsection (a).

SEC. 8115. None of the funds appropriated or otherwise made available by this Act may be obligated or expended to pay a retired general or flag officer to serve as a senior mentor advising the Department of Defense unless such retired officer files a Standard Form 278 (or successor form concerning public financial disclosure under part 2634 of title 5, Code of Federal Regulations) to the Office of Government Ethics.

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

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

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

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

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

(B) Associated maintenance and other support personnel and requirement for full-time equivalent positions.

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

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

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

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

(5) An integrated plan for the Forest Service and the Department of the Interior wildland fire management programs to operate the fire fighting air tanker assets referred to in this section.

SEC. 8117. Notwithstanding any other provision of this division, to reflect savings from revised economic assumptions, the total amount appropriated in title II of this division is hereby reduced by $469,000,000, the total amount appropriated in title III of this division is hereby reduced by $497,000,000, and the total amount appropriated in title IV of this division is hereby reduced by $336,000,000: *Provided*, That the Secretary of Defense shall allocate this reduction proportionally to each budget activity, activity group, subactivity group, and each program, project, and activity, within each appropriation account.

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

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

TITLE IX

OVERSEAS CONTINGENCY OPERATIONS

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for ''Military Personnel, Army'', $11,468,033,000: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

MILITARY PERSONNEL, NAVY

For an additional amount for ''Military Personnel, Navy'', $1,308,719,000: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for ''Military Personnel, Marine Corps'', $732,920,000: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for ''Military Personnel, Air Force'', $2,060,442,000: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

RESERVE PERSONNEL, ARMY

For an additional amount for ''Reserve Personnel, Army'', $268,031,000: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

RESERVE PERSONNEL, NAVY

For an additional amount for ''Reserve Personnel, Navy'', $48,912,000: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

RESERVE PERSONNEL, MARINE CORPS

For an additional amount for ''Reserve Personnel, Marine Corps'', $45,437,000: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

RESERVE PERSONNEL, AIR FORCE

For an additional amount for ''Reserve Personnel, Air Force'', $27,002,000: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

NATIONAL GUARD PERSONNEL, ARMY

For an additional amount for ''National Guard Personnel, Army'', $853,022,000: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

NATIONAL GUARD PERSONNEL, AIR FORCE

For an additional amount for ''National Guard Personnel, Air Force'', $16,860,000: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for ''Operation and Maintenance, Army'', $59,212,782,000: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

OPERATION AND MAINTENANCE, NAVY

For an additional amount for ''Operation and Maintenance, Navy'', $8,970,724,000: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for ''Operation and Maintenance, Marine Corps'', $4,008,022,000: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for ''Operation and Maintenance, Air Force'', $12,989,643,000: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for ''Operation and Maintenance, Defense-Wide'', $9,276,990,000: *Provided*, That each amount in this section is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010: *Provided further*, That of the funds provided under this heading:

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

(2) Not to exceed $1,600,000,000, to remain available until expended, for payments to reimburse key cooperating nations for logistical, military, and other support, including access provided to United States

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

OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for ''Operation and Maintenance, Army Reserve'', $206,784,000: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for ''Operation and Maintenance, Navy Reserve'', $93,559,000: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For an additional amount for ''Operation and Maintenance, Marine Corps Reserve'', $29,685,000: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For an additional amount for ''Operation and Maintenance, Air Force Reserve'', $203,807,000: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

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

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

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

AFGHANISTAN INFRASTRUCTURE FUND

(INCLUDING TRANSFER OF FUNDS)

There is hereby established in the Treasury of the United States the ''Afghanistan Infrastructure Fund''. For the ''Afghanistan Infrastructure Fund'', $400,000,000, to remain available until September 30, 2012: *Provided*, That such sums shall be available for infrastructure projects in Afghanistan, notwithstanding any other provision of law, which shall be undertaken by the Secretary of State, unless the Secretary of State and the Secretary of Defense jointly decide that a specific project will be undertaken by the Department of Defense: *Provided further*, That the infrastructure referred to in the preceding proviso is in support of the counterinsurgency strategy, requiring funding for facility and infrastructure projects, including, but not limited to, water, power, and transportation projects and related maintenance and sustainment costs: *Provided further*, That the authority to undertake such infrastructure projects is in addition to any other authority to provide assistance to foreign nations: *Provided further*, That any projects funded by this appropriation shall be jointly formulated and concurred in by the Secretary of State and Secretary of Defense: *Provided further*, That funds may be transferred to the Department of State for purposes of undertaking projects, which funds shall be considered to be economic assistance under the Foreign Assistance Act of 1961 for purposes of making available the administrative authorities contained in that Act: *Provided further*, That the transfer authority in the preceding proviso is in addition to any other authority available to the Department of Defense to transfer funds: *Provided further*, That any unexpended funds transferred to the Secretary of State under this authority shall be returned to the Afghanistan Infrastructure Fund if the Secretary of State, in coordination with the Secretary of Defense, determines that the project cannot be implemented for any reason, or that the project no longer supports the counterinsurgency strategy in Afghanistan: *Provided further*, That any funds returned to the Secretary of Defense under the previous proviso shall be available for use under this appropriation and shall be treated in the same manner as funds not transferred to the Secretary of State: *Provided further*, That contributions of funds for the purposes provided herein to the Secretary of State in accordance with section 635(d) of the Foreign Assistance Act from any person, foreign government, or international organization may be credited to this Fund, to remain available until expended, and used for such purposes: *Provided further*, That the Secretary of Defense shall, not fewer than 15 days prior to making transfers to or from, or obligations from the Fund, notify the appropriate committees of Congress in writing of the details of any such transfer: *Provided further*, That the ''appropriate committees of Congress'' are the Committees on Armed Services, Foreign Relations and Appropriations of the Senate and the Committees on Armed Services, Foreign Affairs and Appropriations of the House of Representatives: *Provided further*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

AFGHANISTAN SECURITY FORCES FUND

For the ''Afghanistan Security Forces Fund'', $11,619,283,000, to remain available until September 30, 2012: *Provided*, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Commander, Combined Security Transition Command—Afghanistan, or the Secretary's designee, to provide assistance, with the concurrence of the Secretary of State, to the security forces of Afghanistan, including the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, and construction, and funding: *Provided further*, That the authority to provide assistance under this heading is in addition to any other authority to provide assistance to foreign nations: *Provided further*, That up to $15,000,000 of these funds may be available for coalition police trainer life support costs: *Provided further*, That contributions of funds for the purposes provided herein from any person, foreign government, or international organization may be credited to this Fund and used for such purposes: *Provided further*, That the Secretary of Defense shall notify the congressional defense committees in writing upon the receipt and upon the obligation of any contribution, delineating the sources and amounts of the funds received and the specific use of such contributions: *Provided further*, That the Secretary of Defense shall, not fewer than 15 days prior to obligating from this appropriation account, notify the congressional defense committees in writing of the details of any such obligation: *Provided further*, That the Secretary of Defense shall notify the congressional defense committees of any proposed new projects or transfer of funds between budget sub-activity groups in excess of $20,000,000: *Provided further*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

IRAQ SECURITY FORCES FUND

For the ''Iraq Security Forces Fund'', $1,500,000,000, to remain available until September 30, 2012: *Provided*, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Commander, United States Forces-Iraq, or the Secretary's designee, to provide assistance, with the concurrence of the Secretary of State, to the security forces of Iraq, including the provision of equipment, supplies, services, training, facility and infrastructure repair, and renovation: *Provided further*, That

the authority to provide assistance under this heading is in addition to any other authority to provide assistance to foreign nations: *Provided further*, That contributions of funds for the purposes provided herein from any person, foreign government, or international organization may be credited to this Fund and used for such purposes: *Provided further*, That the Secretary shall notify the congressional defense committees in writing upon the receipt and upon the obligation of any contribution, delineating the sources and amounts of the funds received and the specific use of such contributions: *Provided further*, That the Secretary of Defense shall, not fewer than 15 days prior to obligating from this appropriation account, notify the congressional defense committees in writing of the details of any such obligation: *Provided further*, That the Secretary of Defense shall notify the congressional defense committees of any proposed new projects or transfer of funds between budget sub-activity groups in excess of $20,000,000: *Provided further*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For an additional amount for ''Aircraft Procurement, Army'', $2,720,138,000, to remain available until September 30, 2013: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

MISSILE PROCUREMENT, ARMY

For an additional amount for ''Missile Procurement, Army'', $343,828,000, to remain available until September 30, 2013: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For an additional amount for ''Procurement of Weapons and Tracked Combat Vehicles, Army'', $896,996,000, to remain available until September 30, 2013: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for ''Procurement of Ammunition, Army'', $369,885,000, to remain available until September 30, 2013: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

OTHER PROCUREMENT, ARMY

For an additional amount for ''Other Procurement, Army'', $6,423,832,000, to remain available until September 30, 2013: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

AIRCRAFT PROCUREMENT, NAVY

For an additional amount for ''Aircraft Procurement, Navy'', $1,269,549,000, to remain available until September 30, 2013: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

WEAPONS PROCUREMENT, NAVY

For an additional amount for ''Weapons Procurement, Navy'', $90,502,000, to remain available until September 30, 2013: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For an additional amount for ''Procurement of Ammunition, Navy and Marine Corps'', $558,024,000, to remain available until September 30, 2013: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

OTHER PROCUREMENT, NAVY

For an additional amount for ''Other Procurement, Navy'', $316,835,000, to remain available until September 30, 2013: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

PROCUREMENT, MARINE CORPS

For an additional amount for ''Procurement, Marine Corps'', $1,589,119,000, to remain available until September 30, 2013: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for ''Aircraft Procurement, Air Force'', $1,991,955,000, to remain available until September 30, 2013: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

MISSILE PROCUREMENT, AIR FORCE

For an additional amount for ''Missile Procurement, Air Force'', $56,621,000, to remain available until September 30, 2013: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

PROCUREMENT OF AMMUNITION, AIR FORCE

For an additional amount for ''Procurement of Ammunition, Air Force'', $292,959,000, to remain available until September 30, 2013: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

OTHER PROCUREMENT, AIR FORCE

For an additional amount for ''Other Procurement, Air Force'', $2,868,593,000, to remain available until September 30, 2013: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

PROCUREMENT, DEFENSE-WIDE

For an additional amount for ''Procurement, Defense-Wide'', $1,262,499,000, to remain available until September 30, 2013: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

NATIONAL GUARD AND RESERVE EQUIPMENT

For procurement of aircraft, missiles, tracked combat vehicles, ammunition, other weapons and other procurement for the reserve components of the Armed Forces, $850,000,000, to remain available for obligation until September 30, 2013, of which $250,000,000 shall be available only for the Army National Guard: *Provided*, That the Chiefs of National Guard and Reserve components shall, not later than 30 days after the enactment of this Act, individually submit to the congressional defense committees the modernization priority assessment for their respective National Guard or Reserve component: *Provided further*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

MINE RESISTANT AMBUSH PROTECTED VEHICLE FUND

(INCLUDING TRANSFER OF FUNDS)

For the Mine Resistant Ambush Protected Vehicle Fund, $3,415,000,000, to remain available until September 30, 2012: *Provided*, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, to procure, sustain, transport, and field Mine Resistant Ambush Protected vehicles: *Provided further*, That the Secretary shall transfer such funds only to appropriations made available in this or any other Act for operation and maintenance; procurement; research, development, test

and evaluation; and defense working capital funds to accomplish the purpose provided herein: *Provided further*, That such transferred funds shall be merged with and be available for the same purposes and the same time period as the appropriation to which transferred: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That the Secretary shall, not fewer than 10 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer: *Provided further*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For an additional amount for ''Research, Development, Test and Evaluation, Army'', $143,234,000, to remain available until September 30, 2012: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For an additional amount for ''Research, Development, Test and Evaluation, Navy'', $104,781,000, to remain available until September 30, 2012: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For an additional amount for ''Research, Development, Test and Evaluation, Air Force'', $484,382,000, to remain available until September 30, 2012: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For an additional amount for ''Research, Development, Test and Evaluation, Defense-Wide'', $222,616,000, to remain available until September 30, 2012: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For an additional amount for ''Defense Working Capital Funds'', $485,384,000: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For an additional amount for ''Defense Health Program'', $1,422,092,000, of which $1,398,092,000 shall be for operation and maintenance, to remain available until September 30, 2011, and of which $24,000,000 shall be for research, development, test and evaluation, to remain available until September 30, 2012: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

For an additional amount for ''Drug Interdiction and Counter-Drug Activities, Defense'', $440,510,000, to remain available until September 30, 2012: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND

(INCLUDING TRANSFER OF FUNDS)

For the ''Joint Improvised Explosive Device Defeat Fund'', $2,793,768,000, to remain available until September 30, 2013: *Provided*, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Director of the Joint Improvised Explosive Device Defeat Organization to investigate, develop and provide equipment, supplies, services, training, facilities, personnel and funds to assist United States forces in the defeat of improvised explosive devices: *Provided further*, That the Secretary of Defense may transfer funds provided herein to appropriations for military personnel; operation and maintenance; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purpose provided herein: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That the Secretary of Defense shall, not fewer than 15 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer: *Provided further*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

OFFICE OF THE INSPECTOR GENERAL

For an additional amount for the ''Office of the Inspector General'', $10,529,000: *Provided*, That each amount in this paragraph is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

GENERAL PROVISIONS—THIS TITLE

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

(INCLUDING TRANSFER OF FUNDS)

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

SEC. 9003. Supervision and administration costs associated with a construction project funded with appropriations available for operation and maintenance or the ''Afghanistan Security Forces Fund'' provided in this Act and executed in direct support of overseas contingency operations in Afghanistan, may be obligated at the time a construction contract is awarded: *Provided*, That for the purpose of this section, supervision and administration costs include all in-house Government costs.

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

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

total anticipated cost for completion of $5,000,000 or more, the Secretary shall submit to the congressional defense committees a written notice containing each of the following:

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

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

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

SEC. 9006. Funds available to the Department of Defense for operation and maintenance may be used, notwithstanding any other provision of law, to provide supplies, services, transportation, including airlift and sealift, and other logistical support to coalition forces supporting military and stability operations in Iraq and Afghanistan: *Provided*, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees regarding support provided under this section.

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

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

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

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

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

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

(2) Section 2242 of the Foreign Affairs Reform and Restructuring Act of 1998 (division G of Public Law 105–277; 112 Stat. 2681–822; 8 U.S.C. 1231 note) and regulations prescribed thereto, including regulations under part 208 of title 8, Code of Federal Regulations, and part 95 of title 22, Code of Federal Regulations.

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

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

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

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

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

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

SEC. 9010. Funds made available in this title to the Department of Defense for operation and maintenance may be used to purchase items having an investment unit cost of not more than $250,000: *Provided*, That, upon determination by the Secretary of Defense that such action is necessary to meet the operational requirements of a Commander of a Combatant Command engaged in contingency operations overseas, such funds may be used to purchase items having an investment item unit cost of not more than $500,000.

(INCLUDING TRANSFER OF FUNDS)

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

SEC. 9012. (a) The Task Force for Business and Stability Operations in Afghanistan may, subject to the direction and control of the Secretary of Defense and with the concurrence of the Secretary of State, carry out projects in fiscal year 2011 to assist the commander of the United States Central Command in developing a link between United States military operations in Afghanistan 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. 9013. (a) Not more than 85 percent of the funds provided in this title for Operation and Maintenance may be available for obligation or expenditure until the date on which the Secretary of Defense submits the report under subsection (b).

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

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

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

(A) the number of such employees planned by the Secretary to be employed during each such period in each of Iraq, Afghanistan, and all other areas of operations of the United States Central Command; and

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

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

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

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

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

TITLE I

GENERAL PROVISIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) Notwithstanding subsection (a), amounts are provided for ''Department of Veterans Affairs, Medical Facilities'' in the amount of $5,426,000,000, which shall become available on October 1, 2011, and shall remain available until September 30, 2012.

SEC. 1110. Amounts incorporated by reference in this division that were previously designated as available for overseas deployments and other activities pursuant to S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010, are designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 1218. The amounts included under the heading ''Agricultural Programs, Farm Service Agency, Agricultural Credit Insurance Fund Program Account'' in Public Law 111–80 shall be applied to funds appropriated by this division as follows: by substituting ''$1,975,000,000'' for ''$2,150,000,000''; by substituting ''$475,000,000'' for ''$650,000,000''; by substituting ''$2,594,035,000'' for ''$2,670,000,000''; by substituting ''$950,000,000'' for ''$1,000,000,000''; by substituting ''$144,035,000'' for ''$170,000,000''; by substituting ''$0'' for ''$150,000,000''; by substituting ''$0'' for ''$75,000,000'' the first and second place it appears; by substituting ''$38,570,000'' for ''$32,070,000''; by substituting ''$32,870,000'' for ''$26,520,000''; by substituting ''$5,700,000'' for ''$5,550,000''; by substituting ''$112,410,000'' for ''$106,402,000''; by substituting ''$34,950,000'' for ''$35,100,000''; by substituting ''$19,920,000'' for ''$23,902,000''; by substituting ''$57,540,000'' for ''$47,400,000''; by substituting ''$0'' for ''$1,343,000''; by substituting ''$0'' for ''$1,065,000''; by substituting ''$0'' for ''$278,000''; and by substituting ''$214,000'' for ''$793,000''. Funds appropriated by this division to such heading for farm ownership and operating direct and guaranteed loans may be transferred among these programs: *Provided*, That the Secretary of Agriculture shall notify the Committees on Appropriations of the House of Representatives and the Senate at least 15 days in advance of any transfer.

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

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

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

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

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

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

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

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

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

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

SEC. 1229. Notwithstanding section 1101, the level for ''Rural Development Programs, Rural Housing Service, Multi-Family Housing Revitalization Program Account'' shall be $40,791,000: *Provided*, That the amounts included under such heading in Public Law 111–80 shall be applied to funds appropriated by this division by substituting ''$14,000,000'' for ''$16,400,000''.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 1249. Notwithstanding section 1101, the level for ''Related Agencies and Food and Drug Administration, Food and Drug Administration, Salaries and Expenses'' shall be $3,707,611,000: *Provided*, That of the amount provided under this heading, $667,057,000 shall be derived from prescription drug user fees authorized by 21 U.S.C. 379h, shall be credited to this account and remain available until expended, and shall not include any fees pursuant to 21 U.S.C. 379h(a)(2) and (a)(3) assessed for fiscal year 2012 but collected in fiscal year 2011; $61,860,000 shall be derived from medical device user fees authorized by 21 U.S.C. 379j, and shall be credited to this account and remain available until expended; $19,448,000 shall be derived from animal drug user fees authorized by 21 U.S.C. 379j, and shall be credited to this account and remain available until expended; $5,397,000 shall be derived from animal generic drug user fees authorized by 21 U.S.C. 379f, and shall be credited to this account and shall remain available until expended; and $450,000,000 shall be derived from tobacco product user fees authorized by 21 U.S.C. 387s and shall be credited to this account and remain available until expended: *Provided further*, That in addition and notwithstanding any other provision under this heading, amounts collected for prescription drug user fees that exceed the fiscal year 2011 limitation are appropriated and shall be credited to this account and remain available until expended: *Provided further*, That fees derived from prescription drug, medical device, animal drug, animal generic drug, and tobacco product assessments for fiscal year 2011 received during fiscal year 2011, including any such fees assessed prior to fiscal year 2011 but credited 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 under this heading: (1) $856,383,000 shall be for the Center for Food Safety and Applied Nutrition and related field activities in the Office of Regulatory Affairs; (2) $963,311,000 shall be for the Center for Drug Evaluation and Research and related field activities in the Office of Regulatory Affairs; (3) $328,234,000 shall be for the Center for Biologics Evaluation and Research and for related field activities in the Office of Regulatory Affairs; (4) $162,946,000 shall be for the Center for Veterinary Medicine and for related field activities in the Office of Regulatory Affairs; (5) $362,491,000 shall be for the Center for Devices and Radiological Health and for related field activities in the Office of Regulatory Affairs; (6) $60,975,000 shall be for the National Center for Toxicological Research; (7) $421,463,000 shall be for the Center for Tobacco Products and for related field activities in the Office of Regulatory Affairs; (8) not to exceed $141,724,000 shall be for Rent and Related activities, of which $41,951,000 is for White Oak Consolidation, other than the amounts paid to the General Services Administration for rent; (9) not to exceed $185,983,000 shall be for payments to the General Services Administration for rent; and (10) $224,101,000 shall be for other activities, including the Office of the Commissioner of Food and Drugs; the Office of Foods; the Office of the Chief Scientist; the Office of Policy, Planning and Budget; the Office of International Programs; the Office of Administration; and central services for these offices: *Provided further*, That none of the funds made available under this heading shall be used to transfer funds under section 770(n) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379dd): *Provided further*, That not to exceed $25,000 of the amount provided under this heading shall be for official reception and representation expenses, not otherwise provided for, as determined by the Commissioner: *Provided further*, That funds may be transferred from one specified activity to another with the prior approval of the Committees on Appropriations of both Houses of Congress: *Provided further*, That notwithstanding any other provision of this division, the following set-aside requirements included in Public Law 111–80 under ''Food and Drug Administration, Salaries and Expenses'' shall not apply: ''$5,509,000 shall be for the purposes, and in the amounts, specified in the eighth paragraph under 'Food and Drug Administration, Salaries and Expenses' in the statement of managers to accompany this Act''.

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

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

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

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

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

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

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

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

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

(5) ''Conservation Programs, Natural Resources Conservation Service, Conservation Operations'', $37,382,000.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(13) Sections 713, 717, and 732.

SEC. 1265. None of the funds appropriated or otherwise made available by this Act or any other Act shall be used to pay the salaries and expenses of personnel to carry out the program authorized by section 14 of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1012).

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

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

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

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

SEC. 1270. The unobligated balances available for the Agricultural Research Service—Salaries and Expenses account, as identified by Treasury Appropriation Fund Symbol 12X1400, as provided through Public Law 109–234 and Public Law 111–32, $4,771,000 are hereby rescinded.

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

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

SEC. 1273. Of the unobligated balances available for the cost of broadband loans, as authorized by section 601 of the Rural Electrification Act of 1936, $39,000,000 are rescinded.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 1324. Notwithstanding section 1101, the level for ''Department of Commerce, United States Patent and Trademark Office, Salaries and Expenses'' shall be $2,205,000,000, to remain available until expended: *Provided*, That the sum herein appropriated from the general fund shall be reduced as offsetting collections assessed and collected pursuant to 15 U.S.C. 1113 and 35 U.S.C. 41 and 376 are received during fiscal year 2011, so as to result in a fiscal year 2011 appropriation from the general fund estimated at $0: *Provided further*, That during fiscal year 2011, should the total amount of offsetting fee collections, and the surcharge provided herein, be less than $2,205,000,000, this amount shall be reduced accordingly: *Provided further*, That any amount received in excess of $2,205,000,000 in fiscal year 2011, in an amount up to $200,000,000, shall remain available until expended: *Provided further*, That there shall be a surcharge of 15 percent, rounded by standard arithmetic rules, on fees charged or authorized by subsections (a), (b), and (d)(1) of section 41 of title 35, United States Code, as administered under Public Law 108–447 and this Act, and on fees charged or authorized by section 132(b), of title 35, United States Code: *Provided further*, That the surcharge established under the previous proviso shall be separate from, and in addition to, any other surcharge that may be required pursuant to any provision of title 35, United States Code: *Provided further*, That the surcharge established in the previous two provisions shall take effect on the date that is 10 days after the date of enactment of this Act, and shall remain in effect during fiscal year 2011: *Provided further*, That the receipts collected as a result of these surcharges shall be available, within the amounts provided herein, to the United States Patent and Trademark Office without fiscal year limitation, for all authorized activities and operations of the Office.

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

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

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

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

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

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

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

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

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

SEC. 1329. Notwithstanding section 1101, the level for ''National Aeronautics and Space Administration, Science'' shall be $4,819,000,000.

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

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

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

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

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

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

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

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

TITLE IV—ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 1416. Notwithstanding section 1105, no appropriation, funds, or authority made available pursuant to section 1101 for the Department of Energy or Corps of Engineers, Civil, shall be used to initiate or resume any program, project, or activity or to initiate Requests for Proposals or similar arrangements (including Requests for Quotations, Requests for Information, and Funding Opportunity Announcements) for a program, project, or activity if the program, project, or activity has not been funded by Congress.

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 1429. Notwithstanding section 1101, the level for ''Department of the Interior, Bureau of Reclamation, Central Valley Project Restoration Fund'' shall be $49,915,000.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) in subsection (b)—

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

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

(C) by adding at the end the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

TITLE V—FINANCIAL SERVICES AND GENERAL GOVERNMENT

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 1523. Notwithstanding section 1101, the aggregate amount of new obligational authority provided under the heading ''General Services Administration, Real Property Activities, Federal Buildings Fund, Limitations on Availability of Revenue'' for Federal buildings and courthouses and other purposes of the Fund shall be $8,200,161,000, of which $591,451,000 is provided for ''Construction and Acquisition'' and $397,938,000 is provided for ''Repairs and Alterations'': *Provided*, That the Administrator of General Services is authorized to initiate design, construction, repair, alteration, leasing, and other projects through existing authorities of the Administrator: *Provided further*, That the General Services Administration shall submit a detailed plan, by project, regarding the use of funds to the Committees on Appropriations of the House of Representatives and the Senate within 30 days of enactment of this section and will provide notification to the Committees within 15 days prior to any changes regarding the use of these funds.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

TITLE VI—HOMELAND SECURITY

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

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

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

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

SEC. 1605. Notwithstanding section 1101, the level for ''Department of Homeland Security, U.S. Customs and Border Protection, Salaries and Expenses'' shall be $8,208,477,000: *Provided*, That for fiscal year 2011, the Border Patrol shall achieve an active duty presence of not less than 21,370 agents protecting the border of the United States by September 30, 2011.

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 1618. Notwithstanding section 1101, the level for ''Department of Homeland Security, Coast Guard, Operating Expenses'' shall be $6,928,388,000 of which $254,000,000 is designated as being for contingency operations directly related to the global war on terrorism pursuant to section 3(c)(2) of H. Res. 5 (112th Congress) and as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurent resolution on the budget for fiscal year 2010: *Provided*, That the Coast Guard may decommission one Medium Endurance Cutter, two High Endurance Cutters, four HU–25 aircraft, and one Maritime Safety and Security Team, and may make necessary staffing adjustments at the Coast Guard Investigative Service and other support units, as specified in the budget justification materials for fiscal year 2011 as submitted to the Committees on Appropriations of the Senate and House of Representatives.

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

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

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

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

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

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

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

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

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

SEC. 1628. Notwithstanding section 1101, the level for ''Department of Homeland Security, Federal Emergency Management Agency, State and Local Programs'' shall be $2,826,500,000: *Provided*, That of the amount provided by this division for the State Homeland Security Grant Program under such heading, $60,000,000 shall be for Operation Stonegarden and $10,000,000 shall be for the Citizen Corps Program: *Provided further*, That the amounts provided by this division for the Citizen Corps Program under such heading shall not be subject to the requirements of subtitle A of title XX of the Homeland Security Act of 2002 (6 U.S.C. 603 et seq.): *Provided further*, That of the amount provided by this division for Public Transportation Security Assistance and Railroad Security Assistance under such heading, no less than $20,000,000 shall be for Amtrak security: *Provided further*, That the amounts included under such heading in Public Law 111–83 shall be applied to funds appropriated by this division as follows: in paragraph (1), by substituting ''$900,000,000'' for ''$950,000,000''; in paragraph (3), by substituting ''$30,000,000'' for ''$35,000,000''; in paragraph (5), by substituting ''$0'' for ''$13,000,000''; in paragraph (8), by substituting ''$0'' for ''$12,000,000''; in paragraph (9), by substituting ''$35,000,000'' for ''$50,000,000''; in paragraph (10), by substituting ''$0'' for ''$50,000,000''; in paragraph (12), by substituting ''$30,000,000'' for ''$60,000,000'' and ''$0'' for each following amount in such paragraph; in paragraph (13), by substituting ''$253,500,000'' for ''$267,200,000''; in paragraph (13)(A), by substituting ''$159,500,000'' for ''$164,500,000''; in paragraph (13)(B), by substituting ''$0'' for ''$1,700,000''; and in paragraph (13)(C), by substituting ''$0'' for ''$3,000,000'': *Provided further*, That 5 percent of the amount provided for ''Department of Homeland Security, Federal Emergency Management Agency, State and Local Programs'' by this division shall be transferred to ''Department of Homeland Security, Federal Emergency Management Agency, Management and Administration'' for program administration.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) ''Operations'', $1,692,000.

(2) ''Violent Crime Reduction Program'', $4,871,492.

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

(4) ''Office for Domestic Preparedness'', $10,568,964.

SEC. 1653. The following unobligated balances made available to the Department of Homeland Security pursuant to section 505 of Department of Homeland Security Appropriations Act, 2010 (Public Law 111–83; 123 Stat. 2174) are rescinded: $886,665 from ''Office of the Secretary and Executive Management''; $604,342 from ''Office of the Under Secretary for Management''; $24,379 from the ''Office of the Chief Financial Officer''; $29,741 from ''Office of the Chief Information Officer''; $218,173 from ''Analysis and Operations''; $76,498 from ''Office of the Federal Coordinator for Gulf Coast Rebuilding''; $197,272 from ''Office of Inspector General''; $11,373,129 from ''U.S. Customs and Border Protection, Salaries and Expenses''; $3,443,644 from ''U.S. Immigration and Customs Enforcement, Salaries and Expenses''; $2,555,962 from ''Transportation Security Administration, Federal Air Marshals''; $8,617,331 from ''Coast Guard, Operating 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''; $704,700 from ''United States Secret Service, Salaries and Expenses''; $863,628 from ''Federal Emergency Management Agency, Management and Administration''; $864,660 from ''Office of Health Affairs''; $7,945,983 from ''United States Citizenship and Immigration Services''; $960,828 from ''Federal Law Enforcement Training Center, Salaries and Expenses''; $353,524 from ''Science and Technology, Management and Administration''; and $45,468 from ''Domestic Nuclear Detection Office, Management and Administration''.

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

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

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

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

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

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

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

SEC. 1655. Of the unobligated balances available for ''Department of Homeland Security, U.S. Customs and Border Protection, Construction'' for construction projects, $106,556,000 is rescinded: *Provided*, That the amounts rescinded under this section shall be limited to amounts available for Border Patrol projects and facilities: *Provided further*, That no amounts may be rescinded from amounts that were designated by Congress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 1656. Of the unobligated balances available for ''Department of Homeland Security, Transportation Security Administration'', $15,000,000 is rescinded: *Provided*, That the Transportation Security Administration shall not rescind any unobligated balances from the following programs: explosives detection systems; checkpoint support; aviation regulation and other enforcement; and air cargo.

SEC. 1657. Of the unobligated balances available for ''Department of Homeland Security, National Protection and Programs Directorate, Infrastructure Protection and Information Security'', the following amounts are rescinded:

(1) $6,000,000 from Next Generation Networks.

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

SEC. 1658. From the unobligated balances of funds made available in the Department of the Treasury Forfeiture Fund established by section 9703 of title 31, United States Code, that was added to such title by section 638 of Public Law 102–393, $22,600,000 are rescinded.

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

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

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

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

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

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

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

TITLE VII—INTERIOR, ENVIRONMENT, AND RELATED AGENCIES

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 1714. The contract authority provided for fiscal year 2011 by 16 U.S.C. 460l–10a is rescinded.

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

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

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

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

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

SEC. 1720. Notwithstanding section 1101, the level for ''Department of the Interior, Bureau of Indian Affairs, Operation of Indian Programs'' shall be $2,334,515,000: *Provided*, That the amounts included under such heading in division A of Public Law 111–88 shall be applied to funds appropriated by this division as follows: by substituting ''$220,000,000'' for ''$166,000,000''; by substituting ''$585,411,000'' for ''$568,702,000''; and by substituting ''$46,373,000'' for ''$43,373,000''.

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

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

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

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

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

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

SEC. 1727. Notwithstanding section 1101, the level for ''Department of the Interior, Department-wide Programs, Wildland Fire Management'' shall be $919,897,000: *Provided*, That the amounts included under such heading in division A of Public Law 111–88 shall be applied to funds appropriated by this division by substituting ''$0'' for ''$125,000,000'': *Provided further*, That $200,000,000 in unobligated fire suppression balances under this heading from Public Law 111–8 and Public Law 111–88 are hereby permanently rescinded.

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

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

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

SEC. 1731. The matter pertaining to planning and design of a high-performance green building to consolidate the multiple offices and research facilities of the Environmental Protection Agency in Las Vegas, Nevada under the heading ''Environmental Protection Agency, Buildings and Facilities'' in division A of Public Law 111–88 shall not apply to funds appropriated by this division.

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

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

SEC. 1734. Notwithstanding section 1101, the amounts authorized to transfer under the heading ''Environmental Protection Agency, Administrative Provisions, Environmental Protection Agency'' in division A of Public Law 111–88 shall be applied to funds appropriated by this division by substituting ''$300,000,000'' for ''$475,000,000''.

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

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

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

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

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

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

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

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

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

SEC. 1743. Notwithstanding section 1101, the level for ''National Gallery of Art, Repair, Restoration and Renovation of Buildings'' shall be $48,221,000: *Provided*, That the amounts included under such heading in division A of Public Law 111–88 shall be applied to funds appropriated by this division by substituting ''$42,250,000'' for ''$40,000,000''.

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

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

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

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

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

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

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

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

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

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

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

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

(1) Department of the Interior.

(2) Environmental Protection Agency.

(3) Department of Agriculture, Forest Service.

(4) Indian Health Service.

(5) Smithsonian Institution.

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

(INCLUDING RESCISSION OF FUNDS)

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

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

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

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

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

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

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

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

SEC. 1803. Notwithstanding section 1101, the level for ''Department of Labor, Mine Safety and Health Administration, Salaries and Expenses'' shall be $367,293,000, of which up to $3,000,000 shall be available to the Secretary of Labor to be transferred to ''Departmental Management, Salaries and Expenses'' for activities related to the Department of Labor's caseload before the Federal Mine Safety and Health Review Commission and the amounts included under the heading ''Department of Labor, Mine Safety and Health Administration, Salaries and Expenses'' in division D of Public Law 111–117 shall be applied to funds appropriated in this Act during fiscal year 2011 by substituting ''$1,350,000'' for ''$1,000,000''.

SEC. 1804. Funds appropriated by section 1101 of this Act for ''Department of Labor, Bureau of Labor Statistics, Salaries and Expenses'' may be obligated and expended to implement an alternative approach to the Locality Pay Survey component of the National Compensation Survey, and for programs and activities in connection with the BLS restructuring of the way in which the Current Employment Statistics program produces State and metropolitan area data estimates.

(INCLUDING TRANSFER OF FUNDS)

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

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

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

(INCLUDING TRANSFER OF FUNDS)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 1812. (a) Notwithstanding section 1101, the level for amounts transferred from the Federal Hospital Insurance and Supplementary Medical Insurance Trust Funds for ''Department of Health and Human Services, Centers for Medicare and Medicaid Services, Program Management'' shall not exceed $3,676,147,000, of which $9,120,000 shall remain available through September 30, 2012, for Medicare contracting reform activities.

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 1819. (a) Notwithstanding section 1101, the level for ''Department of Health and Human Services, Office of the Secretary, Public Health and Social Services Emergency Fund'' shall be $718,520,000, of which $65,578,000 shall be for expenses necessary to prepare for and respond to an influenza pandemic, none of which shall be available past September 30, 2011, and $35,000,000 shall be for expenses necessary for fit-out and other

costs related to a competitive lease procurement to renovate or replace the existing headquarters building for Public Health Service agencies and other components of the Department of Health and Human Services: *Provided*, That in addition, $476,194,000 of the funds transferred to the account under the heading ''Department of Health and Human Services, Office of the Secretary, Public Health and Social Services Emergency Fund'' in Public Law 111–117 under the fourth paragraph under such heading may be used to support advanced research and development pursuant to section 319L of the PHS Act and other administrative expenses of the Biomedical Advanced Research and Development Authority.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(INCLUDING RESCISSION OF FUNDS)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(INCLUDING RESCISSION OF FUNDS)

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

(b) Notwithstanding section 1101, the level for the first paragraph under the heading ''Social Security Administration, Limitation on Administrative Expenses'' shall be $11,150,500,000.

(c) Notwithstanding section 1101, the level for the fourth paragraph under the heading ''Social Security Administration, Limitation on Administrative Expenses'' shall be $186,000,000.

(d) Notwithstanding section 1101, the level for the fifth paragraph under the heading ''Social Security Administration, Limitation on Administrative Expenses'' shall be $500,000.

(e) Notwithstanding section 1101, the level for the first paragraph under the heading ''Social Security Administration, Supplemental Security Income Program'' shall be $40,092,941,000, of which $3,602,941,000 shall be for administrative expenses.

(f) Upon enactment of this Act, up to $400,000,000 of the remaining unobligated balances of funds appropriated for ''Social Security Administration, Limitation on Administrative Expenses'' for fiscal years 2010 and prior years (other than funds appropriated in Public Law 111–5) shall be made part of and merged with other funds in such account available without fiscal year limitation for investment in information technology and telecommunications hardware and software infrastructure, and of such funds available without fiscal year limitation for investment in information technology and telecommunications hardware and software infrastructure $400,000,000 are rescinded.

TITLE IX—LEGISLATIVE BRANCH

SEC. 1901. Notwithstanding section 1101, the level for each of the following accounts of the Senate shall be as follows: ''Salaries, Officers and Employees'', $185,982,000; ''Salaries, Officers and Employees, Office of the Sergeant at Arms and Doorkeeper'', $77,000,000; ''Contingent Expenses of the Senate, Secretary of the Senate'', $6,200,000, of which $4,200,000 shall remain available until September 30, 2015; and ''Contingent Expenses of the Senate, Sergeant at Arms and Doorkeeper of the Senate'', $142,401,000.

SEC. 1902. Notwithstanding section 1101, the level for each of the following accounts of the Senate under the heading ''Contingent Expenses of the Senate'' shall be as follows: ''Miscellaneous Items'', $21,145,000; ''Senators' Official Personnel and Office Expense Account'', $410,000,000: *Provided*, That each Senator's official personnel and office expense allowance (including the allowance for administrative and clerical assistance, the salaries allowance for legislative assistance to Senators, as authorized by the Legislative Branch Appropriation Act, 1978 (Public Law 95–94), and the office expense allowance for each Senator's office for each State) in effect immediately before the date of enactment of this section shall be reduced by 5 percent.

SEC. 1903. Of the unobligated amounts appropriated for fiscal year 2009 under the heading ''Senate'', $33,500,000 are rescinded.

SEC. 1904. Section 8 of the Legislative Branch Appropriations Act, 1990 (31 U.S.C. 1535 note) is amended by striking paragraph (3) and inserting the following:

''(3) Agreement under paragraph (1) shall be in accordance with regulations prescribed by the Committee on Rules and Administration of the Senate.''.

SEC. 1905. Notwithstanding section 1101, the level for ''House of Representatives, Salaries and Expenses'' shall be $1,288,299,072.

SEC. 1906. Notwithstanding section 1101, the level for ''House of Representatives, House Leadership Offices'' shall be $24,861,969, and the levels under that heading shall be as follows:

(1) For the Office of the Speaker, $4,877,851.

(2) For the Office of the Majority Floor Leader, $2,432,808.

(3) For the Office of the Minority Floor Leader, $4,378,238.

(4) For the Office of the Majority Whip, $2,105,373.

(5) For the Office of the Minority Whip, $1,628,873.

(6) For the Speaker's Office for Legislative Floor Activities, $497,619.

(7) For the Republican Steering Committee, $940,674.

(8) For the Republican Conference, $1,679,970.

(9) For the Republican Policy Committee, $344,485.

(10) For the Democratic Steering and Policy Committee, $1,319,273.

(11) For the Democratic Caucus, $1,659,696.

(12) For nine minority employees, $1,487,455.

(13) For the training and program development—majority, $277,807.

(14) For the training and program development—minority, $277,439.

(15) For Cloakroom Personnel—majority, $477,469.

(16) For Cloakroom Personnel—minority, $476,939.

SEC. 1907. Notwithstanding section 1101, the level for ''House of Representatives, Members' Representational Allowances'' shall be $613,052,000.

SEC. 1908. Notwithstanding section 1101, the level for ''House of Representatives, Committee Employees, Standing Committees, Special and Select'' shall be $132,449,103, the period of applicability referred to in the proviso under that heading shall be December 31, 2012, and none of the funds made available under that heading may be used for committee room upgrading.

SEC. 1909. Notwithstanding section 1101, the level for ''House of Representatives, Committee on Appropriations'' shall be $28,483,000, and the period of applicability referred to in the proviso under that heading shall be December 31, 2012.

SEC. 1910. Notwithstanding section 1101, the level for ''House of Representatives, Salaries, Officers and Employees'' shall be $184,386,000, and the level under that heading—

(1) for the Office of the Clerk shall be $26,568,000;

(2) for the Office of the Sergeant at Arms shall be $8,221,000; and

(3) for the Office of the Chief Administrative Officer shall be $121,676,000.

SEC. 1911. Notwithstanding section 1101, the level for ''House of Representatives, Allowances and Expenses'' shall be $305,067,000, and the level under that heading—

(1) for employee tuition assistance benefit payments shall be $0;

(2) for employee child care benefit payments shall be $0;

(3) for Business Continuity and Disaster Recovery shall be $17,000,000, of which $5,000,000 shall remain available until expended;

(4) for the Wounded Warrior Program shall be $2,000,000; and

(5) for Energy Demonstration Projects shall be $0.

SEC. 1912. Notwithstanding section 1101, the level under the heading ''Office of the Attending Physician'' under the heading ''Joint Items'' shall be $3,407,000 and the amount for reimbursement to the Department of the Navy for expenses incurred for staff and equipment assigned to the Office of the Attending Physician shall be $2,426,000.

SEC. 1913. Notwithstanding section 1101, the level for ''Capitol Police, Salaries'' shall be $276,287,000.

SEC. 1914. Notwithstanding section 1101, the level for ''Capitol Police, General Expenses'' shall be $57,985,000.

SEC. 1915. Notwithstanding section 1101, the level for ''Office of Compliance, Salaries and Expenses'' shall be $4,085,150.

SEC. 1916. Notwithstanding section 1101, the level for ''Congressional Budget Office, Salaries and Expenses'' shall be $46,905,000.

SEC. 1917. Notwithstanding section 1101, the level and period of availability for each item under the heading ''Architect of the Capitol'' shall be determined in accordance with an allocation plan submitted by the Architect of the Capitol and approved by the Committees on Appropriations of the House of Representatives and Senate, except that—

(1) the aggregate level for all items under that heading may not exceed $579,665,000; and

(2) no amounts may remain available for any item under such plan beyond September 30, 2015.

SEC. 1918. Of the unobligated amounts appropriated under the heading ''Architect of the Capitol'' from prior year appropriations for the Capitol Visitors Center project, $20,000,000 are rescinded.

SEC. 1919. Notwithstanding section 1101, the level for ''Library of Congress, Salaries and Expenses'' shall be $441,201,000, and the amount applicable under the fifth, sixth, and seventh provisos under that heading shall be $0.

SEC. 1920. Notwithstanding section 1101, the level for ''Library of Congress, Copyright Office, Salaries and Expenses'' shall be $55,476,000, of which not more than $31,751,000, to remain available until expended, shall be derived from collections credited to this appropriation during fiscal year 2011 under section 708(d) of title 17, United States Code, and the amount applicable under the third proviso under such heading shall be $37,612,000.

SEC. 1921. Notwithstanding section 1101, the level for ''Library of Congress, Congressional Research Service, Salaries and Expenses'' shall be $111,240,000.

SEC. 1922. Notwithstanding section 1101, the level for ''Library of Congress, Books for the Blind and Physically Handicapped, Salaries and Expenses'' shall be $68,442,000.

SEC. 1923. Notwithstanding section 1101, the level for ''Government Printing Office, Government Printing Office Revolving Fund'' shall be $3,659,000.

SEC. 1924. (a) Section 309(c) of the Legislative Branch Appropriations Act, 1999 (44 U.S.C. 305 note) is amended by striking paragraph (5).

(b) The amendment made by subsection (a) shall take effect as if included in the enactment of the Legislative Branch Appropriations Act, 1999.

SEC. 1925. Notwithstanding section 1101, the level for ''Government Accountability Office, Salaries and Expenses'' shall be $547,849,000, the amount applicable under the first proviso under that heading shall be $9,400,000, the amount applicable under the second proviso under that heading shall be $3,100,000, and the amount applicable under the third proviso under that heading shall be $7,000,000.

TITLE X—MILITARY CONSTRUCTION, VETERANS AFFAIRS, AND RELATED AGENCIES

SEC. 2001. Notwithstanding section 1101, the level for each of the following accounts of the Department of Defense for funding, including incremental funding, of programs, projects and activities authorized in division B of Public Law 111–383, excluding funds designated by section 1110 of this division, shall be as follows: ''Military Construction, Army'', $3,793,598,000; ''Military Construction, Navy and Marine Corps'', $3,258,020,000; ''Military Construction, Air Force'', $1,214,295,000; ''Military Construction, Defense-Wide'', $2,833,062,000; ''Military Construction, Army National Guard'', $873,664,000; ''Military Construction, Air National Guard'', $194,986,000; ''Military Construction, Army Reserve'', $318,175,000; ''Military Construction, Navy Reserve'', $61,557,000; and ''Military Construction, Air Force Reserve'', $7,832,000.

SEC. 2002. Notwithstanding section 1101, the level for each of the following accounts of the Department of Defense shall be as follows: ''Family Housing Construction, Army'', $92,369,000; ''Family Housing Construction, Navy and Marine Corps'', $186,444,000; ''Family Housing Construction, Air Force'', $78,025,000; ''Family Housing Construction, Defense-Wide'', $0; and ''Family Housing Improvement Fund'', $1,096,000.

SEC. 2003. Notwithstanding section 1101, the level for each of the following accounts of the Department of Defense shall be as follows: ''North Atlantic Treaty Organization Security Investment Program'', $258,884,000; ''Homeowners Assistance Fund'', $16,515,000; ''Chemical Demilitarization Construction, Defense-Wide'', $124,971,000; ''Department of Defense Base Closure Account 1990'', $360,474,000; and ''Department of Defense Base Closure Account 2005'', $2,354,285,000.

SEC. 2004. Notwithstanding section 1101, the level for each of the following accounts of the Department of Defense shall be as follows: ''Family Housing Operation and Maintenance, Army'', $518,140,000; ''Family Housing Operation and Maintenance, Navy and Marine Corps'', $366,346,000; ''Family Housing Operation and Maintenance, Air Force'', $513,792,000; and ''Family Housing Operation and Maintenance, Defense-Wide'', $50,464,000.

SEC. 2005. Notwithstanding any other provision of this division, the following provisions included in title I of division E of Public Law 111–117 shall not apply to funds made available by this division: the first, second, and last provisos, and the set-aside of $350,000,000, under the heading ''Military Construction, Army''; the first and last provisos under the heading ''Military Construction, Navy and Marine Corps''; the first, second, and last provisos under the heading ''Military Construction, Air Force''; the second, third, fourth, and last provisos under the heading ''Military Construction, Defense-Wide'', the first, second and last provisos, and the set-aside of $30,000,000, under the heading ''Military Construction, Army National Guard''; the first, second, and last provisos, and the set-aside of $30,000,000, under the heading ''Military Construction, Air National Guard''; the first, second, and last provisos, and the set-aside of $30,000,000, under the heading ''Military Construction, Army Reserve''; the first, second, and last provisos, the set-aside of $20,000,000, and the set-aside of $35,000,000, under the heading ''Military Construction, Navy Reserve''; the first, second, and last provisos, and the set-aside of $55,000,000, under the heading ''Military Construction, Air Force Reserve''; the proviso under the heading ''Family Construction, Army''; the proviso under the heading ''Family Housing Construction, Navy and Marine Corps''; the proviso under the heading ''Family Housing Construction , Air Force''; the proviso under the heading ''Family Housing Construction, Defense-Wide''; and the proviso under the heading ''Chemical Demilitarization Construction, Defense-Wide''.

SEC. 2006. (a) Of the funds made available in title II of division E of Public Law 111–117, the following amounts which became available on October 1, 2010 are hereby rescinded from the following accounts in the amounts specified:

''Medical Services'', Department of Veterans Affairs, $1,000,000,000;

''Medical Support and Compliance'', Department of Veterans Affairs, $200,000,000; and

''Medical Facilities'', Department of Veterans Affairs, $350,000,000.

(b) In addition to amounts provided elsewhere in this Act, an additional amount is appropriated to the following accounts in the amounts specified, to remain available until September 30, 2012:

''Medical Services'', Department of Veterans Affairs, $1,000,000,000;

''Medical Support and Compliance'', Department of Veterans Affairs, $200,000,000; and

''Medical Facilities'', Department of Veterans Affairs, $350,000,000.

SEC. 2007. Notwithstanding section 1101, the level for ''Department of Veterans Affairs, Departmental Administration, General Operating Expenses'' shall be $2,546,276,000, of which not less than $2,148,776,000 shall be for the Veterans Benefits Administration.

SEC. 2008. Notwithstanding section 1101, the level for ''Department of Veterans Affairs, Departmental Administration, Information Technology Systems'' shall be $3,146,898,000.

SEC. 2009. Notwithstanding section 1101, the level for ''Department of Veterans Affairs, Departmental Administration, Construction, Major Projects'' shall be $1,151,036,000: *Provided*, That not later than 30 days after the date of the enactment of this section, the Secretary of Veterans Affairs shall submit to the Committees on Appropriations of the House of Representatives and the Senate a spending plan for fiscal year 2011 at a level of detail below the account level: *Provided further*, That the last proviso included in title I of division E of Public Law 111–117 under the heading ''Department of Veterans Affairs, Departmental Administration, Construction, Major Projects'' shall not apply to funds appropriated by this division.

SEC. 2010. Notwithstanding section 1101, the level for ''Department of Veterans Affairs, Departmental Administration, Construction, Minor Projects'' shall be $467,700,000.

SEC. 2011. Notwithstanding section 1101, the level for ''Department of Veterans Affairs, Departmental Administration, Grants for Construction of State Extended Care Facilities'' shall be $85,000,000.

SEC. 2012. Notwithstanding section 1101, the level for ''American Battle Monuments Commission, Salaries and Expenses'' shall be $64,200,000, to remain available until expended.

SEC. 2013. Notwithstanding section 1101, the level for ''Department of Defense—Civil, Cemeterial Expenses, Army, Salaries and Expenses'' shall be $45,100,000.

SEC. 2014. Notwithstanding section 1101, the level for ''Armed Forces Retirement Home, Trust Fund'' shall be $71,200,000, of which $2,000,000 shall be for construction and renovation of physical plants.

SEC. 2015. Notwithstanding any other provision of this division, the following provisions included in title IV of division E of Public Law 111–117 shall not apply to funds appropriated by this division: the proviso under ''Military Construction, Army'' and the proviso under ''Military Construction, Air Force''.

SEC. 2016. Of the funds made available for ''Military Construction, Defense-Wide'' in title I of division E of Public Law 110–329, $23,000,000 are rescinded.

SEC. 2017. Of the funds made available for ''Military Construction, Defense-Wide'' in title I of division E of Public Law 111–117, $125,500,000 are rescinded.

SEC. 2018. Of the funds made available for ''Military Construction, Army'' in title I of division E of Public Law 111–117, $263,000,000 are rescinded.

SEC. 2019. Of the funds made available for ''Military Construction, Navy and Marine Corps'' in title I of division E of Public Law 111–117, $34,000,000 are rescinded.

SEC. 2020. Of the funds made available for ''Military Construction, Air Force'' in title I of division E of Public Law 111–117, $87,000,000 are rescinded.

SEC. 2021. Of the unobligated balances available for ''Department of Defense Base Closure Account 2005'' from prior appropriations (other than appropriations designated by law as being for contingency operations directly related to the global war on terrorism or as an emergency requirement), $200,000,000 are rescinded.

SEC. 2022. Of the funds designated by section 1110 of this division, funds available for the Department of Defense shall be as follows: ''Military Construction, Army'', $981,346,000; ''Military Construction, Air Force'', $195,006,000; and ''Military Construction, Defense-Wide'', $46,500,000.

SEC. 2023. Of the amounts appropriated to the Department of Veterans Affairs for fiscal year 2011 for ''Medical services'', ''Medical support and compliance'', ''Medical facilities'', ''Construction, minor projects'', and ''Information technology systems'', up to $235,360,000, plus reimbursements, may be transferred to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund, established by section 1704 of title XVII of division A of Public Law 111–84 and may be used for operation of the facilities designated as a combined Federal medical facility as described by section 706 of Public Law 110–417: *Provided*, That additional funds may be transferred from accounts designated in this section to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund upon written notification by the Secretary of Veterans Affairs to the Committees on Appropriations of both Houses of Congress.

SEC. 2024. Such sums as may be deposited to the Medical Care Collections Fund pursuant to section 1729A of title 38, United States Code, for health care provided at facilities designated as a combined Federal medical facility as described by section 706 of Public Law 110–417 shall also be available: (1) for transfer to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund, established by section 1704 of Public Law 111–84; and (2) for operations of the facilities designated as a combined Federal medical facility as described by section 706 of Public Law 110–417.

SEC. 2025. Of the funds made available for ''Department of Veterans Affairs, Departmental Administration, Information technology systems'' in division E of Public Law 111–117, $147,000,000 are rescinded.

SEC. 2026. Of the amounts appropriated or otherwise made available under the following headings in title X of division A of Public Law 111–5, the following amounts associated with unobligated balances are hereby rescinded: ''Military Construction, Army'', $9,400,000; ''Military Construction, Navy'', $22,700,000; ''Military Construction, Air Force'', $9,000,000; and ''Military Construction, Defense-Wide'', $92,900,000.

SEC. 2027. Of the unobligated balances available under ''Department of Veterans Affairs, Construction, Major Projects'' from prior appropriations Acts, $75,000,000 are hereby rescinded.

SEC. 2028. In the Senate, section 902 of Public Law 111–212, the Supplemental Appropriations Act, 2010, shall be subject to section 3002 of that Act and accordingly is designated as an emergency requirement and necessary to meet emergency needs pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

TITLE XI—DEPARTMENT OF STATE, FOREIGN OPERATIONS, AND RELATED PROGRAMS

SEC. 2101. For purposes of this division, the term ''division F of Public Law 111–117'' means the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2010 (division F of Public Law 111–117).

SEC. 2102. Notwithstanding section 1101, the level for each of the following accounts shall be as follows: ''Administration of Foreign Affairs, Diplomatic and Consular Programs'', $8,936,000,000, of which $1,535,500,000 is for Worldwide Security Protection (to be available until expended); ''Administration of Foreign Affairs, Capital Investment Fund'', $97,000,000; ''Administration of Foreign Affairs, Educational and Cultural Exchange Programs'', $625,000,000; ''Administration of Foreign Affairs, Representation Allowances'', $7,499,000; ''Administration of Foreign Affairs, Payment to the American Institute in Taiwan'', $21,150,000; and ''Administration of Foreign Affairs, Civilian Stabilization Initiative'', $33,499,000.

SEC. 2103. Notwithstanding section 1101, the level for each of the following accounts shall be as follows: ''International Organizations, Contributions to International Organizations'', $1,545,000,000; ''International Organizations, Contributions for International Peacekeeping Activities'', $2,095,000,000; ''Related Programs, United States Institute of Peace'', $39,499,000, which shall not be used for construction activities; ''Related Programs, East-West Center'', $21,000,000; and ''International Commissions, International Fisheries Commissions'', $50,500,000.

SEC. 2104. Notwithstanding section 1101, the level for each of the following accounts shall be as follows: ''International Commissions, International Boundary and Water Commission, United States and Mexico, Salaries and Expenses'', $43,300,000; ''International Commissions, International Boundary and Water Commission, United States and Mexico, Construction'', $26,500,000; ''Related Programs, The Asia Foundation'', $17,900,000; ''Other Commissions, United States Commission on International Religious Freedom, Salaries and Expenses'', $4,050,000; ''Other Commissions, Congressional-Executive Commission on the People's Republic of China, Salaries and Expenses'', $1,900,000; and ''Other Commissions, United States-China Economic and Security Review Commission'', $3,300,000.

SEC. 2105. Notwithstanding section 1101, the level for the following accounts shall be as follows: ''Related Agency, Broadcasting Board of Governors, International Broadcasting Operations'', $733,499,000; and ''Related Agency, Broadcasting Board of Governors, Broadcasting Capital Improvements'', $6,875,000.

SEC. 2106. Notwithstanding section 1101, the level for each of the following accounts shall be as follows: ''United States Agency for International Development, Funds Appropriated to the President, Operating Expenses'', $1,385,499,000; ''United States Agency for International Development, Funds Appropriated to the President, Civilian Stabilization Initiative'', $10,000,000; ''United States Agency for International Development, Funds Appropriated to the President, Capital Investment Fund'', $165,000,000; and ''United States Agency for International Development, Funds Appropriated to the President, Office of Inspector General'', $45,000,000.

SEC. 2107. Notwithstanding section 1101, the level for each of the following accounts shall be as follows: ''Bilateral Economic Assistance, Funds Appropriated to the President, Development Assistance'', $2,500,000,000; ''Bilateral Economic Assistance, Funds Appropriated to the President, Complex Crises Fund'', $45,000,000; ''Bilateral Economic Assistance, Funds Appropriated to the President, Assistance for Europe, Eurasia and Central Asia'', $697,134,000; ''Bilateral Economic Assistance, Independent Agencies, Peace Corps'', $395,000,000; and ''Bilateral Economic Assistance, Independent Agencies, Millennium Challenge Corporation'', $900,000,000.

SEC. 2108. Notwithstanding section 1101, the level for each of the following accounts shall be as follows: ''Bilateral Economic Assistance, Funds Appropriated to the President, Economic Support Fund'', $6,250,000,000; ''Bilateral Economic Assistance, Funds Appropriated to the President, Democracy Fund'', $115,000,000; ''Department of the Treasury, International Affairs Technical Assistance'', $25,919,000; and ''Department of the Treasury, Debt Restructuring'', $56,000,000.

SEC. 2109. Notwithstanding section 1101, the level for the following account shall be as follows: ''Bilateral Economic Assistance, Funds Appropriated to the President, International Disaster Assistance'', $879,000,000.

SEC. 2110. Notwithstanding section 1101, the level for each of the following accounts shall be as follows: ''International Security Assistance, Department of State, International Narcotics Control and Law Enforcement'', $1,565,000,000; ''International Security Assistance, Department of State, Nonproliferation, Anti-terrorism, Demining and Related Programs'', $740,000,000; and ''International Security Assistance, Department of State, Peacekeeping Operations'', $305,000,000: *Provided*, That division F of Public Law 111–117 shall be applied to funds appropriated by this division under the heading ''Peacekeeping Operations'' by adding the following at the end: '': *Provided further*, That funds appropriated under this heading should not be used to support any military training or operations that include child soldiers''.

SEC. 2111. Notwithstanding section 1101, the level for each of the following accounts shall be as follows: ''International Security Assistance, Funds Appropriated to the President, Pakistan Counterinsurgency Capability Fund'', $700,000,000, which shall remain available until September 30, 2012, and shall be available to the Secretary of State under the terms and conditions provided for this Fund in title XI of Public Law 111–32 and section 1005 of Public Law 111–212; ''International Security Assistance, Funds Appropriated to the President, Foreign Military Financing Program'', $5,365,000,000, of which not less than $3,000,000,000 shall be available for grants only for Israel, $1,300,000,000 shall be available for grants only for Egypt, $300,000,000 shall be available for assistance for Jordan, and up to $45,000,000 shall be available for assistance for Colombia: *Provided*, That the dollar amount in the fourth proviso under the heading ''International Security Assistance, Funds Appropriated to the President, Foreign Military Financing Program'' in division F of Public Law 111–117 shall be deemed to be $789,000,000 for the purpose of applying funds appropriated under such heading by this division.

SEC. 2112. Notwithstanding section 1101, the level for each of the following accounts shall be as follows: ''Multilateral Assistance, Funds Appropriated to the President, International Organizations and Programs'', $369,000,000; ''Multilateral Assistance, Funds Appropriated to the President, Global Environment Facility'', $125,499,000; ''Multilateral Assistance, Funds Appropriated to the President, International Financial Institutions, Contribution to the International Development Association'', $1,235,000,000; ''Multilateral Assistance, Funds Appropriated to the President, Contribution to the Clean Technology Fund'', $250,000,000; ''Multilateral Assistance, Funds Appropriated to the President, Contribution to the Strategic Climate Fund'', $85,000,000; ''Multilateral Assistance, Funds Appropriated to the President, Contribution to the Inter-American Development Bank, Inter-American Investment Corporation'', $21,000,000; ''Multilateral Assistance, Funds Appropriated to the President, International Financial Institutions, Contribution to the African Development Fund'', $125,000,000; and ''Multilateral Assistance, Funds Appropriated to the President, International Financial Institutions, International Fund for Agricultural Development'', $29,500,000.

SEC. 2113. Notwithstanding section 1101, for payment as a contribution to a global food security fund by the Secretary of the Treasury, $200,000,000, to remain available until expended.

SEC. 2114. Notwithstanding section 1101, the level for each of the following accounts shall be as follows: ''Export and Investment Assistance, Overseas Private Investment Corporation, Program Account'', $18,115,000; and ''Export and Investment Assistance, Funds Appropriated to the President, Trade and Development Agency'', $51,252,000.

SEC. 2115. For purposes of the amount made available by this division for ''Export and Investment Assistance, Export-Import Bank of the United States, Administrative Expenses'', project specific transaction costs, including direct and indirect costs incurred in claims settlements, and other costs for systems infrastructure directly supporting transactions, shall not be considered administrative expenses.

SEC. 2116. (a) Notwithstanding section 1101, the amounts included under the heading ''Administration of Foreign Affairs, Embassy Security, Construction and Maintenance'' in division F of Public Law 111–117 shall be applied to funds appropriated by this division as follows: by substituting ''$835,000,000'' for ''$876,850,000'' in the first paragraph; and by substituting ''$795,000,000'' for ''$847,300,000'' in the second paragraph.

(b) Notwithstanding section 1101, the amounts included under the heading ''Bilateral Economic Assistance, Funds Appropriated to the President, Development Credit Authority'' in division F of Public Law 111–117 shall be applied to funds appropriated by this division as follows: by substituting ''$30,000,000'' for ''$25,000,000'' in the first

paragraph; and by substituting ''$8,300,000'' for ''$8,600,000'' in the second paragraph.

SEC. 2117. Notwithstanding section 1101, the amounts included under the heading ''Bilateral Economic Assistance, Funds Appropriated to the President, Global Health and Child Survival'' in division F of Public Law 111–117 shall be applied to funds appropriated by this division as follows: by substituting in the first paragraph ''$2,525,000,000'' for ''$2,420,000,000''; and by substituting ''$5,355,000,000'' for ''$5,359,000,000'' in the second paragraph.

SEC. 2118. Notwithstanding section 1101, the amounts included under the heading ''Administration of Foreign Affairs, Office of Inspector General'' in division F of Public Law 111–117 shall be applied to funds appropriated by this division as follows: by substituting ''$22,000,000'' for ''$23,000,000'' for the Special Inspector General for Iraq Reconstruction and ''$24,000,000'' for ''$23,000,000'' for the Special Inspector General for Afghanistan Reconstruction.

SEC. 2119. Notwithstanding section 1101, the level for each of the following accounts shall be $0: ''Administration of Foreign Affairs, Buying Power Maintenance Account''; ''Bilateral Economic Assistance, Funds Appropriated to the President, International Fund for Ireland''; and ''Multilateral Assistance, Funds Appropriated to the President, Contribution to the Asian Development Fund''.

SEC. 2120. (a) Of the unobligated balances available from funds appropriated under the heading ''Export and Investment Assistance, Export-Import Bank of the United States, Subsidy Appropriation'' in the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2009 (division H of Public Law 111–8) and under such heading in prior acts making appropriations for the Department of State, foreign operations, and related programs, $160,000,000 are rescinded.

(b) Of the unobligated balances from funds appropriated or otherwise made available for the Buying Power Maintenance Account, $15,000,000 are rescinded.

(c) Of the unobligated balances available for the Development Assistance account, as identified by Treasury Appropriation Fund Symbols 7206/111021, $1,000,000 are rescinded.

(d) Of the unobligated balances available for the Assistance for the Independent States of the Former Soviet Union account, as identified by Treasury Appropriation Fund Symbols 7206/111093, 7207/121093, and 72X1093, $11,700,000 are rescinded.

(e) Of the unobligated balances available for the International Narcotics Control and Law Enforcement account, as identified by Treasury Appropriation Fund Symbols, 11X1022, 1106/121022, and 191105/111022, $7,183,000 are rescinded.

(f) Of the funds appropriated in prior Acts making appropriations for the Department of State, foreign operations, and related programs under the heading ''Diplomatic and Consular Programs'', $55,000,000, which shall be from amounts made available for Worldwide Security Protection, are rescinded: *Provided*, That no amounts may be rescinded from amounts that were designated by the Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

(g) Of the funds appropriated in prior Acts making appropriations for the Department of State, foreign operations, and related programs under the heading ''Administration of Foreign Affairs, Embassy Security, Construction, and Maintenance'', $115,000,000 are rescinded: *Provided*, That no amounts may be rescinded from amounts that were designated by the Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Act of 1985, as amended.

(h) Of the funds appropriated in prior Acts making appropriations for the Department of State, foreign operations, and related programs under the heading ''Bilateral Economic Assistance, Funds Appropriated to the President, Economic Support Fund'', $100,000,000 are rescinded: *Provided*, That no amounts may be rescinded from amounts that were designated by the Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Act of 1985, as amended.

SEC. 2121. (a) Notwithstanding section 653(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2413(b)), the President shall transmit to Congress the report required under section 653(a) of that Act with respect to the provision of funds appropriated or otherwise made available by this division for the Department of State, foreign operations, and related programs: *Provided*, That such report shall include a comparison of amounts, by category of assistance, provided or intended to be provided from funds appropriated for fiscal years 2010 and 2011, for each foreign country and international organization.

(b) Not later than 30 days after the date of enactment of this division, each department, agency or organization funded by this title or by division F of Public Law 111–117 shall submit to the Committees on Appropriations an operating plan for such funds that provides details at the program, project, and activity level: *Provided*, That the report required under subsection (a) shall be considered to have met the requirements of this subsection with respect to funds made available to carry out the Foreign Assistance Act of 1961 and the Arms Export Control Act: *Provided further*, That the spending reports required in division F of Public Law 111–117 for assistance for Afghanistan, Pakistan, Iraq, the Caribbean Basin, Lebanon, Mexico, and Central America, and spending reports required for funds appropriated under the headings ''Diplomatic and Consular Programs'', ''Embassy Security, Construction, and Maintenance'', ''International Narcotics Control and Law Enforcement'', ''Civilian Stabilization Initiative'', and ''Peace Corps'' shall be considered to have met the requirements of this subsection.

(c) The reports required under subsection (b) shall not be considered as meeting the notification requirements under section 7015 of division F of Public Law 111–117 or under section 634A of the Foreign Assistance Act of 1961.

SEC. 2122. (a) Notwithstanding any other provision of this division, the dollar amounts under paragraphs (1) through (4) under the heading ''Administration of Foreign Affairs, Diplomatic and Consular Programs'' in division F of Public Law 111–117 shall not apply to funds appropriated by this division: *Provided*, That the dollar amounts to be derived from fees collected under paragraph (5)(A) under such heading shall be ''$1,702,904'' and ''$505,000'' respectively.

(b) Division F of Public Law 111–117 shall be applied to funds appropriated by this division under the heading ''Contributions for International Peacekeeping Activities'' by adding the following at the end: '': *Provided further*, That the Secretary of State should work with the United Nations and governments contributing peacekeeping troops to develop effective vetting procedures to ensure that such troops have not violated human rights''.

(c) Division F of Public Law 111–117 shall be applied to funds appropriated by this division under the heading ''United States Agency for International Development, Funds Appropriated to the President, Operating Expenses'' by substituting ''USAID mission, bureau or office'' for ''USAID overseas mission or office'' in the sixth proviso.

(d) Division F of Public Law 111–117 shall be applied to funds appropriated by this division under the heading ''Economic Support Fund'' by substituting ''$200,000,000'' for ''$150,000,000'' in the seventh proviso and ''$195,000,000'' for ''209,790,000'' in the sixteenth proviso.

(e) Notwithstanding any other provision of this division, the following provisions in division F of Public Law 111–117 shall not apply to funds appropriated by this division:

(1) Section 7034(l).

(2) Section 7042(a), (b)(1), (c), and (d)(1).

(3) Section 7044(d).

(4) In section 7045:

(A) Subsection (b)(2).

(B) The first sentence of subsection (c).

(C) The first sentence of subsection (e)(1).

(D) The first sentence of subsection (f).

(E) Subsection (h).

(5) Section 7070(b).

(6) Section 7071(f)(6).

(7) The third proviso under the heading ''Administration of Foreign Affairs, Civilian Stabilization Initiative''.

(8) The fourth proviso under the heading ''Bilateral Economic Assistance, Funds Appropriated to the President, Assistance for Europe, Eurasia and Central Asia''.

(9) Section 7090.

(10) The ninth proviso under the heading ''Millennium Challenge Corporation''.

(f) Section 7081 of division F of Public Law 111–117 shall be applied to funds appropriated by this division by substituting ''Funds appropriated by this division'' for ''Of the funds appropriated by this Act, up to $1,257,200,000'' in subsection (a); by substituting ''$35,000,000'' for ''$25,000,000'' in the first sentence of subsection (d); by substituting ''*Provided further*, That funds appropriated under title III of this Act for tropical forest programs shall be used for purposes including to implement and enforce section 8204 of Public Law 110–246, shall not be used to support or promote the expansion of industrial scale logging into primary tropical forests, and shall be subject to prior consultation with, and the regular notification of, the Committees on Appropriations:'' for the second proviso in subsection (d); and by substituting ''For fiscal year 2011, up to $250,000,000'' for ''For fiscal year 2010, up to $300,000,000'' in subsection (g)(1).

(g) Section 7042 of division F of Public Law 111–117 shall be applied to funds appropriated by this division by substituting ''$552,900,000'' for the dollar amount in subsection (f)(1).

(h) Section 7015(f) of division F of Public Law 111–117 is amended by inserting ''Afghanistan, Burma, Yemen,'' after ''Sri Lanka,''.

(i) The third proviso of section 7034(s) of division F of Public Law 111–117 shall be applied to funds appropriated by this division by substituting ''shall'' for ''should''.

(j) Section 7070(i)(2) of division F of Public Law 111–117 is amended to read as follows: ''None of the funds appropriated by this Act shall be made available for assistance for the central government of Zimbabwe, except for health, education and macroeconomic growth assistance, unless the Secretary of State makes a determination pursuant to paragraph (1).''.

(k) Section 2(c) of the Migration and Refugee Assistance Act of 1962 (22 U.S.C. 2601(c)(2)) is amended in paragraph (1) by striking ''President'' and inserting ''Secretary of State'' and in paragraph (2) by striking ''$100,000,000'' and inserting ''$200,000,000''.

(l) Notwithstanding any other provision of this division, Section 7015(c) of division F of Public Law 111–117 shall not apply to funds appropriated by this division under the headings ''Complex Crises Fund'' and ''Migration and Refugee Assistance''.

(m) Section 102(b)(1) of the International Religious Freedom Act of 1998 (22 U.S.C. 6412(b)(1)) is amended by striking ''September 1'' and inserting ''April 1''.

(n) Section 410(a)(1)(A) of title IV of the Department of State and Related Agencies Appropriations Act, 1999 (contained in division A of Public Law 105–277) is amended by striking ''a fee of $13'' and inserting ''a fee of not to exceed half of the amount of the fee that would otherwise apply for processing a machine readable combined border crossing identification card and non-immigrant visa, and may be increased not more than 50 percent in a fiscal year''.

(o) Section 7046(a) of division F of Public Law 111–117 shall be applied to funds appropriated by this division by substituting ''$455,000,000'' for ''$521,880,000''.

SEC. 2123. (a) The first and second provisos under the heading ''Economic Support Fund'' in division F of Public Law 111–117 shall be applied to funds appropriated by this title by substituting the following: ''*Provided*, That of the funds appropriated under this heading, up to $250,000,000 shall be available for assistance for Egypt: *Provided further*, That any such assistance made available to the Government of Egypt shall be for purposes that reduce poverty, promote good governance, protect human rights, and support free and fair elections: *Provided further*, That of the funds appropriated under this heading for assistance for Egypt, not less than $35,000,000 should be made available directly for assistance for civil society organizations and the development of political parties, and not less than $35,000,000 should be made available for education programs including not less than $10,000,000 for scholarships for Egyptian students with high financial need''.

(b) The third proviso under the heading ''Economic Support Fund'' in division F of Public Law 111–117 shall be applied to funds appropriated by this division by substituting ''should'' for ''shall'', and the tenth proviso under such heading shall be applied to funds appropriated by this division by substituting the following: ''*Provided further*, That funds appropriated or otherwise made available by this division for assistance for Afghanistan and Pakistan may not be made available for direct government-to-government assistance unless the Secretary of State certifies to the Committees on Appropriations that the relevant implementing agency has been assessed and considered qualified to manage such funds and the Government of the United States and the government of the recipient country have agreed, in writing, to clear and achievable goals and objectives for the use of such funds, and have established mechanisms within each implementing agency to ensure that such funds are used for the purposes for which they were intended:''.

(c) The second proviso under the heading ''International Security Assistance, Department of State, Peacekeeping Operations'' in division F of Public Law 111–117 shall be applied by substituting the following: ''*Provided further*, That up to $55,918,000 may be used to pay assessed expenses of international peacekeeping activities in Somalia, except that up to an additional $35,000,000 may be made available for such purpose subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations:''.

(d) Section 7034(m)(5) of division F of Public Law 111–117 shall be applied to funds appropriated by this division by substituting ''should'' for ''shall'' in the first place it appears, and by adding at the end the following: '': *Provided*, That not less than $15,000,000 shall be transferred to, and merged with, funds available under the heading 'Related Agency, Broadcasting Board of Governors, International Broadcasting Operations', to remain available until September 30, 2012, to carry out the purposes of this subsection including to hire additional individuals to administer such funds''.

(e) Section 7034(n) of division F of Public Law 111–117 shall be applied to funds appropriated by this division by adding the following at the end: '': *Provided*, That none of the funds appropriated or otherwise made available by this division or any other Act making appropriations for the Department of State, foreign operations, and related programs may be used to implement phase 3 of such authority''.

(f) Section 7042 of division F of Public Law 111–117 shall be applied to funds appropriated by this division by substituting the following for the proviso in subsection (d)(2): '': *Provided*, That funds may not be made available for obligation until the Secretary of State determines and reports to the Committees on Appropriations that funds provided are in the national security interest of the United States and provides the Committees on Appropriations a detailed spending plan''.

(g) Section 7043 of division F of Public Law 111–117 shall be applied to funds appropriated by this division by substituting the following for subsection (b):

''(b) LIMITATION.—None of the funds appropriated or otherwise made available by this division under the heading 'Export-Import Bank of the United States' may be used by the Export-Import Bank of the United States to provide any new financing (including loans, guarantees, other credits, insurance, and reinsurance) to any person that is subject to sanctions under paragraph (2) or (3) of section 5(a) of the Iran Sanctions Act of 1996 (Public Law 104–172).''.

(h) Section 7045(b) of division F of Public Law 111–117 shall be applied to funds appropriated by this division by substituting the following for paragraph (2):

''(2) Of the funds appropriated under the heading 'Department of the Treasury, Debt Restructuring' in this division, up to $36,000,000 may be made available for the United States share of an increase in the resources of the Fund for Special Operations of the Inter-American Development Bank in furtherance of providing debt relief to Haiti in view of the Cancun Declaration of March 21, 2010.''.

(i) Section 7059(c) of division F of Public Law 111–117 is amended by striking ''may'' and inserting in lieu thereof ''should''.

(j) Section 7059(l) of division F of Public Law 111–117 is amended by striking ''30'' and inserting in lieu thereof ''85''.

(k) Section 7071(b) of division F of Public Law 111–117 shall be applied to funds appropriated by this division by substituting ''$37,500,000'' for ''$36,500,000'' in paragraph (2).

(l) Section 7071(j) of division F of Public Law 111–117 shall be applied to funds appropriated by this division by substituting the following: ''Of the funds appropriated under the heading 'Economic Support Fund', not less than $21,000,000 shall be made available for assistance for Vietnam for remediation of dioxin contaminated sites including not less than $3,000,000 for related health and disability activities, and may be made available for assistance for the Government of Vietnam, including the military, for such purposes.''.

(m) Section 404(b)(2)(B) of Public Law 103–236 is amended by adding the following at the end:

''(vii) For assessments made during calendar year 2011, 27.2 percent.''.

(n) The Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990 (Public Law 101–167) is amended—

(1) in section 599D (8 U.S.C. 1157 note)—

(A) in subsection (b)(3), by striking ''and 2010'' and inserting ''2010, and 2011''; and

(B) in subsection (e), by striking ''2010'' each place it appears and inserting ''2011''; and

(2) in section 599E (8 U.S.C. 1255 note) in subsection (b)(2), by striking ''2010'' and inserting ''2011''.

SEC. 2124. (a) IN GENERAL.—Subsections (b) through (d) of this section shall apply to funds appropriated by this division in lieu of section 7076 of division F of Public Law 111–117.

(b) LIMITATION.—None of the funds appropriated or otherwise made available by this division under the headings ''Economic Support Fund'' and ''International Narcotics Control and Law Enforcement'' may be obligated for assistance for the Government of Afghanistan until the Secretary of State, in consultation with the Administrator of the United States Agency for International Development (USAID), certifies and reports to the Committees on Appropriations the following:

(1) The Government of Afghanistan is—

(A) demonstrating a commitment to reduce corruption and improve governance, including by investigating, prosecuting, and sanctioning or removing corrupt officials from office and to implement financial transparency and accountability measures for government institutions and officials (including the Central Bank);

(B) taking significant steps to facilitate active public participation in governance and oversight; and

(C) taking credible steps to protect the internationally recognized human rights of Afghan women.

(2) There is a unified United States Government anti-corruption strategy for Afghanistan.

(3) Funds will be programmed to support and strengthen the capacity of Afghan public and private institutions and entities to reduce corruption and to improve transparency and accountability of national, provincial, and local governments, as outlined in the spending plan submitted to the Committees on Appropriations on October 26, 2010 (CN 10–298).

(4) Representatives of Afghan national, provincial, or local governments, local communities and civil society organizations, as appropriate, will be consulted and participate in the design of programs, projects, and activities, including participation in implementation and oversight, and the development of specific benchmarks to measure progress and outcomes.

(5) Funds will be used to train and deploy additional United States Government direct-hire personnel to improve monitoring and control of assistance.

(6) A framework and methodology is being utilized to assess national, provincial, local, and sector level fiduciary risks relating to public financial management of United States Government assistance.

(c) ASSISTANCE AND OPERATIONS.—

(1) Funds appropriated under the headings ''Economic Support Fund'' and ''International Narcotics Control and Law Enforcement'' by this division that are available for assistance for Afghanistan—

(A) shall be made available, to the maximum extent practicable, in a manner that emphasizes the participation of Afghan women, and directly improves the security, economic and social well-being, and political

status, and protects the rights of, Afghan women and girls and complies with sections 7062 and 7063 of division F of Public Law 111–117, including support for the Afghan Independent Human Rights Commission, the Afghan Ministry of Women's Affairs, and women-led nongovernmental organizations;

(B) may be made available for a United States contribution to an internationally managed fund to support the reconciliation with and disarmament, demobilization and reintegration into Afghan society of former combatants who have renounced violence against the Government of Afghanistan: *Provided*, That funds may be made available to support reconciliation and reintegration activities only if—

(i) Afghan women are participating at national, provincial and local levels of government in the design, policy formulation and implementation of the reconciliation or reintegration process, and such process upholds steps taken by the Government of Afghanistan to protect the internationally recognized human rights of Afghan women; and

(ii) such funds will not be used to support any pardon or immunity from prosecution, or any position in the Government of Afghanistan or security forces, for any leader of an armed group responsible for crimes against humanity, war crimes, or other violations of internationally recognized human rights;

(C) may be made available as a United States contribution to the Afghanistan Reconstruction Trust Fund (ARTF) unless the Secretary of State determines and reports to the Committees on Appropriations that the World Bank Monitoring Agent of the ARTF is unable to conduct its financial control and audit responsibilities due to restrictions on security personnel by the Government of Afghanistan; and

(D) may be made available for a United States contribution to the North Atlantic Treaty Organization/International Security Assistance Force Post-Operations Humanitarian Relief Fund.

(2) Funds appropriated under the headings ''Economic Support Fund'' and ''International Narcotics Control and Law Enforcement'' by this division that are available for assistance for Afghanistan that provide training for foreign police, judicial, and military personnel shall address, where appropriate, gender-based violence.

(3) The authority contained in section 1102(c) of Public Law 111–32 shall continue in effect during fiscal year 2011 and shall apply as if part of this division.

(4) The Coordinator for Rule of Law at the United States Embassy in Kabul, Afghanistan shall be consulted on the use of all funds appropriated by this division for rule of law programs in Afghanistan.

(5) None of the funds made available by this division may be used by the United States Government to enter into a permanent basing rights agreement between the United States and Afghanistan.

(6) The Secretary of State, after consultation with the USAID Administrator, shall submit to the Committees on Appropriations not later than 45 days after enactment of this division, and prior to the initial obligation of funds for assistance for Afghanistan, a detailed spending plan for such assistance which shall include clear and achievable goals, benchmarks for measuring progress, and expected results: *Provided*, That such plan shall not be considered as meeting the notification requirements under section 7015 of division F of Public Law 111–117 or under section 634A of the Foreign Assistance Act of 1961.

(d) OVERSIGHT.—

(1) The Special Inspector General for Afghanistan Reconstruction, the Inspector General of the Department of State and the Inspector General of USAID, shall jointly develop and submit to the Committees on Appropriations within 45 days of enactment of this division a coordinated audit and inspection plan of United States assistance for, and civilian operations in, Afghanistan.

(2) Of the funds appropriated by this division under the heading ''Economic Support Fund'' for assistance for Afghanistan, $3,000,000 shall be transferred to, and merged with, funds made available under the heading ''Administration of Foreign Affairs, Office of Inspector General'' by this division, for increased oversight of programs in Afghanistan and shall be in addition to funds otherwise available for such purposes: *Provided*, That $1,500,000 shall be for the activities of the Special Inspector General for Afghanistan Reconstruction.

(3) Of the funds appropriated by this division under the heading ''Economic Support Fund'' for assistance for Afghanistan, $1,500,000 shall be transferred to, and merged with, funds appropriated under the heading ''United States Agency for International Development, Funds Appropriated to the President, Office of Inspector General'' by this division for increased oversight of programs in Afghanistan and shall be in addition to funds otherwise available for such purposes.

(e) MODIFICATION TO PRIOR PROVISIONS.—

(1) Section 1004(c)(1)(C) of Public Law 111–212 is amended to read as follows:

''(C) taking credible steps to protect the internationally recognized human rights of Afghan women.''.

(2) Section 1004(d)(1) of Public Law 111–212 is amended to read as follows:

''(1) Afghan women are participating at national, provincial, and local levels of government in the design, policy formulation, and implementation of the reconciliation or reintegration process, and such process upholds steps taken by the Government of Afghanistan to protect the internationally recognized human rights of Afghan women; and''.

(3) Section 1004(e)(1) of Public Law 111–212 is amended to read as follows:

''(1) based on information available to the Secretary, the Independent Electoral Commission has no members or other employees who participated in, or helped to cover up, acts of fraud in the 2009 presidential election in Afghanistan, and the Electoral Complaints Commission is a genuinely independent body with all the authorities that were invested in it under Afghan law as of December 31, 2009; and''.

SEC. 2125. Prior to the disbursement of funds appropriated by this division under the heading ''Foreign Military Financing Program'' that are available for assistance for Egypt, the Secretary of State should report to the Committees on Appropriations that—

(1) a transparent, political transition is occurring that includes the participation of a wide range of democratic opposition and civil society leaders and is responsive to their views;

(2) the emergency law and other laws restricting human rights have been abrogated; protesters, political and social activists and journalists are not being arrested, detained or prosecuted for the peaceful exercise of their rights; and the government is respecting freedoms of expression, assembly and association; and

(3) legal and constitutional impediments to free and fair presidential and parliamentary elections are being removed.

SEC. 2126. Of the funds appropriated by this division under the heading ''Economic Support Fund'' that are available for assistance for Tunisia, not less than $5,000,000 should be made available directly for assistance for civil society organizations and the development of political parties.

SEC. 2127. The second paragraph under the heading ''Foreign Military Financing Program'' in division F of Public Law 111–117 is amended by adding the following at the end: '': *Provided further*, That none of the funds appropriated under this heading may be made available for assistance for Libya''.

SEC. 2128. The second proviso in the second paragraph under the heading ''Foreign Military Financing Program'' in division F of Public Law 111–117 is amended by inserting ''Bahrain,'' after ''Nepal,''.

SEC. 2129. (a) CONTRIBUTION TO THE ASIAN DEVELOPMENT BANK.—In addition to amounts otherwise made available by this division, $106,586,000, to remain available until expended, is appropriated for payment to the Asian Development Bank by the Secretary of the Treasury for the United States share of the paid-in portion of the increase in capital stock.

(b) LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS.—The United States Governor of the Asian Development Bank may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital stock in an amount not to exceed $2,558,048,769.

(c) AMENDMENT.—The Asian Development Bank Act (22 U.S.C. 285 et seq.), is amended by adding at the end the following:

''SEC. 33. NINTH REPLENISHMENT.

''(a) The United States Governor of the Bank is authorized to contribute, on behalf of the United States, $461,000,000 to the ninth replenishment of the resources of the Fund, subject to obtaining the necessary appropriations.

''(b) In order to pay for the United States contribution provided for in subsection (a), there are authorized to be appropriated, without fiscal year limitation, $461,000,000 for payment by the Secretary of the Treasury.

''SEC. 34. FIFTH CAPITAL INCREASE.

''(a) SUBSCRIPTION AUTHORIZED.—

''(1) The United States Governor of the Bank may subscribe on behalf of the United States to 1,104,420 additional shares of the capital stock of the Bank.

''(2) Any subscription by the United States to capital stock of the Bank shall be effective only to such extent or in such amounts as are provided in advance in appropriations Acts.

''(b) AUTHORIZATION OF APPROPRIATIONS.—

''(1) In order to pay for the increase in the United States subscription to the Bank provided for in subsection (a), there are authorized to be appropriated, without fiscal year limitation, $13,323,173,083, for payment by the Secretary of the Treasury.

''(2) Of the amount authorized to be appropriated under paragraph (1)—

''(A) $532,929,240 is authorized to be appropriated for paid in shares of the Bank; and

''(B) $12,790,243,843 is authorized to be appropriated for callable shares of the Bank, for payment by the Secretary of the Treasury.''.

TITLE XII—TRANSPORTATION, AND HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES

SEC. 2201. Notwithstanding section 1101, the level for ''Transportation Planning, Research, and Development'' shall be $13,168,000.

SEC. 2202. Notwithstanding section 1101, the level for ''Department of Transportation, Federal Aviation Administration, Operations'' shall be $9,542,983,000, of which $4,559,000,000 shall be derived from the Airport and Airway Trust Fund, of which no less than $7,473,299,000 shall be for air traffic organization activities; no less than

$1,253,020,000 shall be for aviation regulation and certification activities; not to exceed $15,237,000 shall be available for commercial space transportation activities; not to exceed $113,681,000 shall be available for financial services activities; not to exceed $100,428,000 shall be available for human resources program activities; not to exceed $341,977,000 shall be available for region and center operations and regional coordination activities; not to exceed $196,063,000 shall be available for staff offices; and not to exceed $49,278,000 shall be available for information services.

SEC. 2203. Notwithstanding section 1101, the amounts included under the heading ''Department of Transportation, Federal Aviation Administration, Grants-in-Aid for Airports (Liquidation of Contract Authorization)'' in division A of Public Law 111–117 shall be applied to funds appropriated by this Act by substituting ''$3,550,000,000'' for ''$3,000,000,000''.

SEC. 2204. Notwithstanding section 1101, the level included under the heading ''Department of Transportation, Federal Aviation Administration, Grants-In-Aid for Airports (Limitations on Obligations)'' for administration shall be $96,322,000.

SEC. 2205. Notwithstanding section 1101, the level of funding for activities described in section 122 of title I of division A of Public Law 111–117 shall be $0.

SEC. 2206. Notwithstanding section 1101, the level for ''Department of Transportation, Federal Highway Administration, Surface Transportation Priorities'' shall be $0.

SEC. 2207. Unobligated balances of funds made available for obligation under 23 U.S.C. 320, section 147 of Public Law 95–599, section 9(c) of Public Law 97–134, section 149 of Public Law 100–17, and sections 1006, 1069, 1103, 1104, 1105, 1106, 1107, 1108, 6005, 6015, and 6023 of Public Law 102–240 are permanently rescinded. In addition, the unobligated balance available on September 30, 2011, under section 1602 of the Transportation Equity Act for the 21st Century (Public Law 105–178) for each project for which less than 10 percent of the amount authorized for such project under such section has been obligated is permanently rescinded. In addition, of the amounts authorized for fiscal years 2005 through 2009 in section 1101(a)(16) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59) to carry out the high priority projects program under section 117 of title 23, United States Code, that are not allocated for projects described in section 1702 of such Act, $8,190,335 are permanently rescinded.

SEC. 2208. Notwithstanding section 1101, the level for the ''Department of Transportation, Federal Motor Carrier Safety Administration, Motor Carrier Safety Operations and Programs, (Liquidation of Contract Authorization), (Limitation of Contract Obligations), (Highway Trust Fund)'' shall be $250,117,000.

SEC. 2209. Of the amount made available for ''Department of Transportation, Motor Carrier Safety Grants, (Liquidation of Contract Authorization), (Limitation on Obligations), (Highway Trust Fund)'' for the commercial driver's license information system modernization program, $3,000,000 shall be made available for audits of new entrant motor carriers to carry out section 4107(b) of Public Law 109–59, and 31104(a) of title 49, United States Code, and $5,000,000 shall be made available for the commercial driver's license improvements program to carry out section 31313 of title 49, United States Code.

SEC. 2210. Of the amounts made available for Safety Belt Performance Grants under section 406 of title 23, United States Code, $76,000,000 in unobligated balances are permanently rescinded.

SEC. 2211. Notwithstanding section 1101, the level for ''Department of Transportation, Federal Railroad Administration, Safety and Operations'' shall be $176,950,000.

SEC. 2212. Notwithstanding section 1101, the level for ''Department of Transportation, Federal Railroad Administration, Rail Line Relocation and Improvement Program'' shall be $10,532,000.

SEC. 2213. Notwithstanding section 1101, the level for ''Department of Transportation, Federal Railroad Administration, Capital Assistance for High Speed Rail Corridors and Intercity Passenger Rail Service'' shall be $1,000,000,000.

(a) Notwithstanding section 1101, the level for ''Federal Transit Administration, Capital Investment Grants'' shall be $1,850,000,000.

SEC. 2214. Notwithstanding section 1101, the level for ''Department of Transportation, Maritime Administration, Operations and Training'' shall be $151,750,000, of which $11,240,000 shall remain available until expended for maintenance and repair of training ships at State Maritime Academies, and of which $15,000,000 shall remain available until expended for capital improvements at the United States Merchant Marine Academy, and of which $59,057,000 shall be available for operations at the United States Merchant Marine Academy, and of which $2,000,000 shall remain available through September 30, 2012 for midshipman services at the United States Merchant Marine Academy: *Provided*, That of the funds provided for Operations and Training to the Maritime Administration in Public Law 111–117, up to $6,000,000 shall remain available until expended and may be used for the Secretary's reimbursement of overcharged midshipmen fees for academic years 2003–2004 through 2008–2009 and the Secretary's reimbursement decisions shall be final and conclusive: *Provided further*, That $1,000,000 of such funds shall be available until expended and shall be used for the information technology requirements of Public Law 111–207.

SEC. 2215. Notwithstanding section 1101, the level for each of the following accounts under the heading ''Department of Transportation, Pipeline and Hazardous Materials Safety Administration'' shall be as follows: ''Operational Expenses (Pipeline Safety Fund)'', $21,496,000; ''Hazardous Materials Safety'', $39,098,000, of which $1,699,000 shall remain available until September 30, 2013; and ''Pipeline Safety (Pipeline Safety Fund) (Oil Spill Liability Trust Fund)'', $106,919,000, of which $18,905,000 shall be derived from the Oil Spill Liability Trust Fund and shall remain available until September 30, 2013, and of which $88,014,000 shall be derived from the Pipeline Safety Fund, of which $47,332,000 shall remain available until September 30, 2013.

SEC. 2216. Notwithstanding section 1101, section 186 of title I of division A of Public Law 111–117 shall not apply to fiscal year 2011.

SEC. 2217. Notwithstanding section 1101, no funds are provided for activities described in section 195 of title I of division A of Public Law 111–117.

SEC. 2218. Notwithstanding section 1101, the level for ''Department of Housing and Urban Development, Personnel Compensation and Benefits, Housing'' shall be $388,667,000.

SEC. 2219. Notwithstanding section 1101, the level for ''Department of Housing and Urban Development, Public and Indian Housing, Tenant-Based Rental Assistance'' shall be $14,547,688,000, to remain available until expended, shall be available on October 1, 2010 (in addition to the $4,000,000,000 previously appropriated under such heading that will become available on October 1, 2010), and notwithstanding section 1109, an additional $4,000,000,000, to remain available until expended, shall be available on October 1, 2011: *Provided*, That of the amounts available for such heading, $16,702,688,000 shall be for activities specified in paragraph (1).

SEC. 2220. Notwithstanding section 1101, the level for ''Department of Housing and Urban Development, Public Housing Operating Fund'' shall be $4,626,000,000.

SEC. 2221. Notwithstanding section 1101, the level for ''Department of Housing and Urban Development, Community Planning and Development, Community Development Fund'' shall be $4,230,000,000, of which $3,990,000,000 shall be for carrying out the community development block grant program under title I of the Housing and Community Development Act of 1974, as amended: *Provided*, That none of the funds made available by this section for such account may be used for grants for the Economic Development Initiative or Neighborhood Initiatives activities or for grants pursuant to section 107 of the Housing and Community Development Act of 1974 (42 U.S.C. 5307).

SEC. 2222. Notwithstanding section 1101, the level for ''Department of Housing and Urban Development, Community Planning and Development, Homeless Assistance Grants'' shall be $2,055,000,000, of which at least $285,000,000 shall be for the Emergency Solutions Grant program.

SEC. 2223. Notwithstanding section 1101, the level for ''Department of Housing and Urban Development, Community Planning and Development, Brownfields Redevelopment'' shall be $0.

SEC. 2224. Notwithstanding section 1101, the level for ''Department of Housing and Urban Development, Housing Programs, Project-Based Rental Assistance'' shall be $8,882,328,000, to remain available until expended, shall be available on October 1, 2010 (in addition to the $393,672,000 previously appropriated under such heading that became available on October 1, 2010), and, notwithstanding section 1109, an additional $400,000,000, to remain available until expended, shall be available on October 1, 2011: *Provided*, That of the amounts available for such heading, $8,950,000,000 shall be for activities specified in paragraph (1) under such heading of division A of Public Law 111–117 and $326,000,000 shall be available for activities specified in paragraph (2) under such heading in such public law.

SEC. 2225. The first proviso under the heading ''Housing for the Elderly'' and under the heading ''Housing for Persons with Disabilities'' in Division A of the Consolidated Appropriations Act, 2010 (Public Law 111–117, 123 STAT. 3088), is amended to read as follows: '': *Provided*, That amounts appropriated for initial project rental assistance contracts in FY 2003 through FY 2011 shall remain available for the purpose of paying obligations incurred prior to the expiration of such funds for a 10 year period following such expiration.''

SEC. 2226. Notwithstanding section 1101, the level for ''Department of Housing and Urban Development, Housing Programs, Energy Innovation Fund'' shall be $0.

SEC. 2227. The heading ''Department of Housing and Urban Development, Housing Program, Other Assisted Housing Programs, Rental Housing Assistance'' shall be applied by also being available for extensions of up to one year for expiring contracts under such sections of law.

SEC. 2228. Notwithstanding section 1101, the level under the heading ''Department of Housing and Urban Development, Housing Programs, Rent Supplement (Rescission)'' shall be $31,255,000.

SEC. 2229. Notwithstanding section 1101, the level for ''Department of Housing and Urban Development, Federal Housing Administration, Mutual Mortgage Insurance

Program Account'' for administrative contract expenses shall be $207,000,000.

SEC. 2230. The first proviso in the first paragraph under the heading ''Department of Housing and Urban Development, Federal Housing Administration, General and Special Risk Program Account'' in division A of Public Law 111–117 shall be applied in fiscal year 2011 by substituting ''$20,000,000,000'' for ''$15,000,000,000''.

SEC. 2231. Notwithstanding section 1101, the level under the heading ''Related Agencies, United States Interagency Council on Homelessness, Operating Expenses'' shall be $2,680,000.

SEC. 2232. Section 209 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11319) is repealed.

SEC. 2233. Of the amounts made available under ''Department of Transportation, National Highway Traffic Safety Administration, Consumer Assistance to Recycle and Save Program'', $16,000,000 in unobligated balances are permanently rescinded.

This division may be cited as the ''Full-Year Continuing Appropriations Act, 2011''.

This Act may be cited as the ''Department of Defense and Full-Year Continuing Appropriations Act, 2011''.

SA 150. Mr. ROCKEFELLER submitted an amendment intended to be proposed by him to the bill S. 23, to amend title 35, United States Code, to provide for patent reform; which was ordered to lie on the table; as follows

After section 17, insert the following:

SEC. 18. PROHIBITION OF AUTHORIZED GENERICS.

Chapter 10 of title 35, United States Code, is amended by adding at the end the following:

''§ 106. Prohibition of authorized generic drugs

''(a) IN GENERAL.—Notwithstanding any provision of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.), the owner of any patent issued under this title that is the subject of a new drug application approved under section 505(c) of such Act (21 U.S.C. 355(c)), or the holder of a new drug application approved under such section 505(c), shall not manufacture, market, sell, or distribute an authorized generic drug, directly or indirectly, or authorize any other person to manufacture, market, sell, or distribute an authorized generic drug.

''(b) AUTHORIZED GENERIC DRUG; LISTED DRUG.—For purposes of this section—

''(1) the term 'authorized generic drug'—

''(A) means any version of a listed drug that the owner of any patent issued under this title for that listed drug that is the subject of a new drug application approved under subsection (c) of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355), or the holder of the new drug application approved under such subsection (c) for that listed drug, seeks to commence marketing, selling, or distributing, directly or indirectly, after receipt of a notice sent pursuant to subsection (j)(2)(B) of such section with respect to that listed drug; and

''(B) does not include any drug to be marketed, sold, or distributed—

''(i) by an entity eligible for 180-day exclusivity with respect to such drug under subsection (j)(5)(B)(iv) of such section; or

''(ii) after expiration or forfeiture of any 180-day exclusivity with respect to such drug under such subsection (j)(5)(B)(iv); and

''(2) the term 'listed drug' has the meaning applied to such term in section 505(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)).''.

SA 151. Mr. ROCKEFELLER submitted an amendment intended to be proposed by him to the bill S. 23, to amend title 35, United States Code, to provide for patent reform; which was ordered to lie on the table; as follows:

After section 17, insert the following:

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''(B) does not include any drug to be marketed, sold, or distributed—

''(i) by an entity eligible for 180-day exclusivity with respect to such drug under subsection (j)(5)(B)(iv) of such section; or

''(ii) after expiration or forfeiture of any 180-day exclusivity with respect to such drug under such subsection (j)(5)(B)(iv); and

''(2) the term 'listed drug' has the meaning applied to such term in section 505(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)).''.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on March 4, 2011, at 9 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURE PLACED ON THE CALENDAR—H.R. 4

Mr. REID. Mr. President, H.R. 4 is at the desk due for a second reading, I am told.

The PRESIDING OFFICER. The clerk will read the bill by title for the second time.

The legislative clerk read as follows:

A bill (H.R. 4) to repeal the expansion of information reporting requirements for payments of $600 or more to corporations, and for other purposes.

Mr. REID. Mr. President, I object to any further proceedings at this time.

The PRESIDING OFFICER. Objection having been heard, the bill is placed on the calendar under rule XIV.

ORDERS FOR MONDAY, MARCH 7, 2011

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 2 p.m. on Monday, March 7; that following the prayer and pledge, the morning hour be deemed expired; the time for the two leaders be reserved for use later in the day; that following any leader remarks there be a period of morning business until 4:30 p.m., with Senators permitted to speak therein for up to 10 minutes each; at 4:30 p.m., the Senate proceed to executive session as under the previous order; and, finally, the filing deadline for second-degree amendments to S. 23 be 5 p.m. on Monday, March 7.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, Senators should expect a series of three rollcall votes to begin at 5:30 p.m. on Monday. The first two votes will be on confirmation of judicial nominations. The third vote will be on cloture of the America Invents Act.

ADJOURNMENT UNTIL MONDAY, MARCH 7, 2011, AT 2 P.M.

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate adjourn under the previous order.

There being no objection, the Senate, at 1:19 p.m., adjourned until Monday, March 7, 2011, at 2 p.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF THE TREASURY

DANIEL L. GLASER, OF THE DISTRICT OF COLUMBIA, TO BE ASSISTANT SECRETARY FOR TERRORIST FINANCING, DEPARTMENT OF THE TREASURY, VICE DAVID S. COHEN.

FEDERAL TRADE COMMISSION

JON D. LEIBOWITZ, OF MARYLAND, TO BE A FEDERAL TRADE COMMISSIONER FOR A TERM OF SEVEN YEARS FROM SEPTEMBER 26, 2010. (REAPPOINTMENT)

DEPARTMENT OF COMMERCE

PAUL PIQUADO, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF COMMERCE, VICE DAVID M. SPOONER, RESIGNED.

DEPARTMENT OF STATE

ROBERT PATTERSON, OF NEW YORK, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO TURKMENISTAN.

UNITED STATES INSTITUTE OF PEACE

ERIC S. EDELMAN, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM OF FOUR YEARS, VICE CHESTER A. CROCKER, TERM EXPIRED.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

SUBJECT TO QUALIFICATIONS PROVIDED BY LAW, THE FOLLOWING FOR TEMPORARY APPOINTMENT TO THE GRADE INDICATED IN THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.

To be rear admiral (lower half)

MICHAEL S. DEVANY

FOREIGN SERVICE

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE DEPARTMENT OF

COMMERCE FOR PROMOTION WITHIN AND INTO THE SENIOR FOREIGN SERVICE TO THE CLASSES INDICATED:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER:

CARMINE G. D'ALOISIO, OF NEW JERSEY

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR:

BERYL C. BLECHER, OF FLORIDA
AMER M. KAYANI, OF CALIFORNIA
JUDY R. REINKE, OF VIRGINIA

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR:

FRANK G. CARRICO, JR., OF TEXAS
LAURIE A. FARRIS, OF VIRGINIA
ROBERT O. JONES, JR., OF FLORIDA
JAMES KOLODITCH, OF COLORADO
JAMES F. SULLIVAN, OF FLORIDA

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. SUSAN A. DAVIDSON

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS CHIEF OF CHAPLAINS, UNITED STATES ARMY, AND APPOINTMENT TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 3036:

To be major general

BRIG. GEN. DONALD L. RUTHERFORD

IN THE AIR FORCE

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADES INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

To be lieutenant colonel

CHRISTIAN R. SCHLICHT

To be major

OZREN T. BUNTAK
WILLIAM Y. CHU
CRAIG D. ENGLAND
OLGA V. KENNEDY
CHARLES E. LERNER, JR.
SALAH F. MASRY
REBECCA K. MCARTHUR
RICHARD A. METER
JASON L. RICH
DARYN R. STRALEY
ERIC M. SULLIVAN
KAMEKEA C. WILLIS

IN THE ARMY

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY VETERINARY CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

NICOLE K. AVCI

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

EDMOND K. SAFARIAN

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY DENTAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be lieutenant colonel

CHARLES L. CLARK

To be major

RUSSELL D. TAYLOR

IN THE NAVY

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be lieutenant commander

RICHARD T. GROSSART
ANDREW G. MORTIMER

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADES INDICATED IN THE REGULAR NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be commander

JOHN A. SALVATO

To be lieutenant commander

JAY A. FERNS

EXTENSIONS OF REMARKS

RECOGNITION OF MR. FRED MIGLIACCIO

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, March 4, 2011

Mr. PALLONE. Mr. Speaker, I rise today to recognize Mr. Fred Migliaccio, resident of West Long Branch, New Jersey and dedicated member of the community. On March 5, 2011, Mr. Migliaccio will be recognized by the Amerigo Vespucci Society with the ''Man of the Year'' award. Today, I applaud Mr. Migliaccio, as his achievements should serve as an inspiration to us all.

Mr. Migliaccio began his employment career at the early age of 14 at Gallo's Pizzeria. By the age of 17, he received employment at Slocum Long Branch Fuel Company. In 1974, Mr. Migliaccio began his professional career with the New Jersey Highway Authority where he worked for 27 years. During his tenure, he occupied various positions including Printing Specialist, Administrative Clerk and Communications Specialist. He also remained involved in the Highway Authority's Safety, Training and Investigation Department. In 2001, Mr. Migliaccio accepted a position with the City of Long Branch in New Jersey as Director of Public Works. His outstanding leadership abilities bolstered the development and enhancement of the Public Works Department. Advances in equipment, construction, training and an increase in the level of service to the residents of Long Branch were all a result of Mr. Migliaccio's outstanding contributions.

Mr. Migliaccio has demonstrated impeccable service to the community. He served as a volunteer firefighter for 38 years and admirably served as Fire Chief in 1986. Mr. Migliaccio currently serves as President of West Long Branch Fire Company #2. He is also a certified Level I and Level II Fire instructor, a licensed fire official and fire inspector and fire protection sub-code official. He also works part-time as the Sub-Code Official in the borough of Oceanport and West Long Branch and is the inspector in the City of Long Branch. He proudly touts his numerous professional affiliations with various organizations, a few of which include The International Association of Fire Chiefs and Former Captain of the Emergency Service Unit of the Long Branch Fire Department. Mr. Migliaccio's continuous service to the community has undoubtedly touched the lives of many people.

Mr. Migliaccio was an active member of the West Long Branch Sports Association and coached Little League and Biddy Basketball. He also enjoys hunting and building police cars. Mr. Migliaccio currently resides in West Long Branch, New Jersey with his wife Stephanie and two boys, Jamie and Patrick.

Mr. Speaker, please join me in congratulating Mr. Fred Migliaccio, the recipient of the Amerigo Vespucci Society's ''Man of the Year'' award. This recognition is a testament to his continuous hard work and dedication on behalf of the constituents of Long Branch, New Jersey.

TRIBUTE TO MADAME LILEASE HALL

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 4, 2011

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to a trailblazing educator and remarkable woman whose life is being celebrated in Columbia, South Carolina on March 15th. Madame Lilease Hall passed away in August 2010, but she is being remembered by Columbia High School and Richland School District One for her many years of service, and I add my voice to those honoring her remarkable life.

Lilease Hall was born to Jessie James and Belle Magnolia Rogers in Conway, South Carolina in 1923. Her gentle spirit endeared her to all of those that knew her, and she was affectionately known as ''Sister'' or ''Lily,'' and in the case of her French students, ''Madame Hall.''

Madame Hall received a Bachelor of Arts, with concentrations in French and English, from South Carolina State University and later a Master of Education degree from the University of South Carolina. She received additional education from Montana State University in Missoula, Montana; Ohio State University in Columbus, Ohio; The Sorbornne University in Paris, France; Clemson University in Clemson, South Carolina and The Citadel in Charleston, South Carolina.

For 58 years, Madame Hall pursued her passion for teaching and French as an educator. She taught French at Columbia High School, and taught French and English at Booker T. Washington High School, Alabama A&M University, S.C. State College, Council Training School in Huntsville, Alabama, and Whittemore High School. She also participated in summer programs at Benedict College and the University of South Carolina. She continued to work in Richland School District One until 2008, when she was 85 years old. During her 54 years with the district, she taught many generations of students and touched countless lives.

Madame Hall's many accomplishments include being selected as Teacher of the Year at Columbia High School several times over the years. She also was nominated by her students to appear on the television program, Oprah.

In February 2010, Madame Hall published a book with her daughter entitled Running Through the Scary Woods. The book was inspired by real-life events in which a young girl in the 1920s literally had to run through the scary woods to achieve her goals. The book teaches life lessons of overcoming obstacles with courage and perseverance. Copies of the book have been donated to Mothering Across Continents (MAC) literacy and education efforts in Africa. The book is currently being used in a program to help teachers learn and instruct in English at a remote school in northern Rwanda.

Madame Hall was a faithful member of the Progressive Church of Our Lord Jesus Christ in Columbia, South Carolina. She was a member of numerous social organizations and a life member of Alpha Kappa Alpha Sorority.

She married her college sweetheart, Benjamin Louis Hall, Jr., who passed away in 2007. The two celebrated 60 years of marriage on November 29, 2006, and their union was blessed with six children. The Halls were the proud grandparents of nine grandchildren and the great-grandparents of one great-grandson.

Mr. Speaker, I ask our colleagues to join me in honoring the tremendous dedication of this trailblazing educator. Madame Hall committed her life to the education of students and expanding their minds beyond the limited world around them. She ignited in her students a passion for learning and experiencing life beyond their hometowns. Madame Hall serves as an inspiration to all those who knew her to live their best life and she certainly demonstrated that with her own. She is certainly missed, but not forgotten.

PERSONAL EXPLANATION

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, March 4, 2011

Mrs. McCARTHY of New York. Mr. Speaker, I was unavoidably absent on February 19, 2011. If I were present, I would have voted for the following:

Flake (AZ) Amendment #377—Rollcall #125—No

Guinta (NH) Amendment #166—Rollcall #126—No

Hall (TX) Amendment #495—Rollcall #127—No

Lee (CA) Amendment #141—Rollcall #128—No

Griffith (VA) Amendment #109—Rollcall #129—No

Jones (NC) Amendment #548—Rollcall #130—Yes

Luetkemeyer (MO) Amendment #47—Rollcall #131—No

Luetkemeyer (MO) Amendment #149—Rollcall #132—No

Issa (CA) Amendment #569—Rollcall #133—No

Sullivan (OK) Amendment #94—Rollcall #134—No

McKinley (WV) Amendment #216—Rollcall #135—No

McKinley (WV) Amendment #217—Rollcall #136—No

Pompeo (KS) Amendment #545—Rollcall #137—No

Burgess (TX) Amendment #200—Rollcall #138—No

Heller (NV) Amendment #482—Rollcall #139—No

Noem (SD) Amendment #563—Rollcall #140—No

Pitts (PA) Amendment #430—Rollcall #141—No

Carney (DE) Amendment #241—Rollcall #142—No

Mulvaney (SC) Amendment #164—Rollcall #143—No

AUSTRALIA HELPS BUILD THE EDUCATION CENTER AT THE VIETNAM VETERANS MEMORIAL

HON. TIM RYAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, March 4, 2011

Mr. RYAN of Ohio. Mr. Speaker, this Monday morning the Prime Minister of Australia, the Honorable Julia Gillard, will be participating in a ceremony on the steps of the Lincoln Memorial to present a $3 million check from the government of the Commonwealth of Australia to the Vietnam Veterans Memorial Fund to help build the Education Center at the Vietnam Veterans Memorial.

On behalf of my constituents, I hereby extend my sincere thanks and appreciation to Prime Minister Gillard and the Australian people. Throughout the twentieth century and into the twenty-first, Australia has been a reliable and close ally and partner to our nation. The decision by the Australian government to make such a generous contribution to build the Education Center is a vivid reminder of the close ties that bind our two countries.

The Vietnam War was a difficult time for both the United States and Australia. From 1962 to 1972, some 60,000 Australians served in Vietnam, during which time more than 500 Australians lost their lives and another 3,000 were wounded or otherwise injured. I am gratified that our close friend and ally, Australia, is joining Americans in helping to build the Education Center at the Wall.

Of the 185,700 Ohioans who served in Vietnam, the names of the 3,095 Ohioans who died during the war are etched on the Wall. For almost thirty years, the Vietnam Veterans Memorial has served as a powerful and moving tribute to their sacrifice and the sacrifice of the more than 58,000 Americans who perished in the Vietnam War. I cannot overstate the importance of telling the stories of bravery and dedication behind the names etched on the Wall. That is exactly what the Education Center at the Wall will do. Not only will the Education Center tell the story of the Vietnam War, but it will also serve as a fulcrum of education and learning about the courage and patriotism of all of America's service members throughout the ages.

I was so moved and gratified to learn of the Australian government's generous contribution to the Vietnam Veterans Memorial Fund. In a larger sense, Mr. Speaker, this is a gift from the Australian people to not just the Memorial Fund, but to all Americans.

Thank you, Prime Minister Gillard, and many thanks to the Australian people.

FURTHER CONTINUING APPROPRIATIONS AMENDMENTS, 2011

SPEECH OF

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 1, 2011

Mr. KUCINICH. Madam Speaker, I rise in opposition to H.J. Res. 44, a short-term continuing resolution (CR) for one simple reason. It continues the wars in Afghanistan and Iraq.

Yesterday, nine Afghan children between the ages of nine and fifteen were killed by a NATO strike after being mistaken for insurgents. General Petraeus issued an apology and promised to investigate the killings. According to the New York Times, news of their deaths sparked anti-U.S. protests. They were killed in the Pech Valley, an area of Afghanistan once considered vital to U.S. military strategy, that the U.S. military will soon be withdrawing from after a realization that our presence was destabilizing the area. Our presence in Afghanistan is destabilizing the country as a whole, not just in the Pech Valley.

We can no longer ignore such incidents as just a part of the reality of war. It is time to end the wars in Iraq and Afghanistan that have only undermined U.S. national and economic security.

HONORING CHIEF NICHOLE ARMSTRONG ANDERSON

HON. FREDERICA S. WILSON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 4, 2011

Ms. WILSON of Florida. Mr. Speaker, I rise today to recognize and honor Chief Nichole Armstrong Anderson. Veteran Deputy Anderson has been appointed as the first female African American police chief of the Broward County Sheriff's Office. For over 16 years, Officer Anderson has remained dedicated to public service and to keeping our community safe. In recognition of her outstanding service record she has been awarded numerous commendations for her job performance and her commitment to upholding and enforcing the law.

Officer Anderson was born on July 8, 1970, and graduated from Dillard High School with honors in June of 1988. She began her law enforcement career with the Florida Department of Corrections as a correctional probation officer in 1994. She was soon offered a position with the Florida Highway Patrol for the position of State trooper. Upon completing a challenging and rigorous six month training program in Tallahassee, FL, she was assigned to Troop C in Tampa, FL. After leaving the Florida Highway Patrol, she began with the Broward County Sherriffs Office and was assigned to road patrol. From there, she was promoted to the rank of sergeant on August 3, 2001, and was assigned to the Tamarac District. Her devotion to public service and commitment to keeping our community safe have led to several promotions.

Her exemplary professional record led Officer Anderson to the rank of lieutenant where she was assigned to the Pompano Beach District. She was later transferred to the position of executive officer to the sheriff. After attending the prestigious Southern Police Institute 114th Administrative Officers Course in 2005, at the University of Louisville in Louisville, Kentucky, she was assigned to the position of executive officer of the Pompano Beach District Area 2 Command. On November 20, 2010 her outstanding performance led to her selection as the interim chief of the South Broward District and, ultimately, on February 23, 2011, she was sworn in as the chief of the South Broward District.

Over the years she has developed a reputation within the law enforcement community as being diligently committed to her profession.

Officer Anderson is the wife of Frederick Anderson, Sr. and loving mother of Frederick, Jr. I proudly acknowledge her achievement as the first female African American police chief of the Broward County Sherriff's Department and appreciate her tireless work for this community.

TRIBUTE TO GERALDYNE INEZ PIERCE ZIMMERMAN

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 4, 2011

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to an educator, community leader, humanitarian and constituent on the occasion of her 100th birthday. Mrs. Geraldyne Inez Pierce Zimmerman, is an institution at my alma mater, South Carolina State College (now University), a trailblazer in her hometown of Orangeburg, South Carolina, and she achieved the remarkable milestone of becoming a Centenarian on March 5, 2011.

Mrs. Zimmerman's character is described as being beautiful, caring, feisty, generous, humble, intelligent, kind, loving, sensitive, strong and witty. Her character has contributed to her success to make a significant impact on the lives of people in Orangeburg, South Carolina, the state of South Carolina and the United States of America.

Mrs. Zimmerman is the daughter of Hazel and James Pierce of 358 Treadwell Street, Orangeburg. She was born in her parents' home on March 5, 1911, and she still resides in the family home today.

Mrs. Zimmerman began her education at an early age by participating in a pre-school that her mother started in their home for the neighborhood children. When she was of school age, she attended the Claflin College's Grammar School in Orangeburg until the 8th Grade. She went on to attend the South Carolina State College's High School and graduated in 1928.

Education was extremely important to Mrs. Zimmerman despite the era in which she grew up and the limited opportunities available to African American women. After graduating from high school she attended Fisk University in Nashville, Tennessee. She received a BS Degree in Mathematics in March of 1932.

Mrs. Zimmerman sought to share her love of learning and began her career as an educator in 1932 at Felton Academy back at South Carolina State College. In 1935, she took a job at Jefferson High School in York, South Carolina. Just three years later, she went home to Orangeburg to work as a substitute teacher and piano instructor.

Her love of learning never waned, and she returned to South Carolina State College and earned a Master's Degree in Mathematics in 1948. After completing her degree, she joined the faculty at SC State's Mathematics Department and continued in that position until her retirement in 1976.

Her community was very important to Mrs. Zimmerman, and she was extremely involved in growing and improving her hometown. She was a founding member of the ''As You Like It'' Bridge Club, the AKA Sorority Graduate Chapter, and the Links, Inc. Chapter in Orangeburg. She was one of the first members of St. Paul Episcopal Church, the first African American Episcopal church in Orangeburg, and she was a founding member of the church's Women's Club.

She was always committed to the education and enrichment of young people, so she established the first African American Boy Scouts Chapter and Girl Scouts Chapter in Orangeburg. She was a founding member of the Helen Wilkerson Sheffield Girls Club for high school girls and the Sarah B. Henderson Girls Club for college girls in Orangeburg.

In the community, Mrs. Zimmerman organized the Night Out Campaign Against Crime and she spearheaded the cleaning, restoration and registering of an Orangeburg African American cemetery that is now listed in the National Register of Historic Places. She is also the Founder of the Rosa Zimmerman Family Reunion.

Mrs. Zimmerman was a member of many significant boards and organizations in the Orangeburg area. Her memberships included Albemarle Chemical Plant Advisory Board; Alpha Kappa Alpha (AKA) Sorority; Art Councils of Orangeburg; Church Community Ministries Organization; Girls Scouts of America; Links, Incorporated; NAACP; Orangeburg Downtown Revitalization; Red Cross of America; Salvation Army; Samaritan Homeless Shelter; St. Paul Episcopal Church and the United Way Foundation Grants Committee.

Her many honors and awards include four National Science Foundation Awards; Claflin University's Honorary Doctorate Humane Letters in 1992; Orangeburg Kiwanis Club Award in 1994; Orangeburg Citizen of the Year in 1994; Orangeburg City Council's Edisto Award in 1999; South Carolina Governor's Order of the Palmetto Award in 2000; Certificate of Special Congressional Recognition in 2003; South Carolina Hall of Fame induction in 2003; AKA Certificate of Appreciation for 75 years in 2007; Geraldyne Zimmerman's Day by the Orangeburg City Council in 2008; and a Certificate of Appreciation from the SCSU Math Club for her years of service.

Due to her dedication to the advancement of young people, the Geraldyne Zimmerman Youth Center was dedicated in 1963. In October 2010, her biography was published, ''Ahead of Her Time in Yesteryear,'' which certainly captures the trailblazer Mrs. Zimmerman has been throughout her entire life.

Mrs. Zimmerman married the love of her life, her SC State College High School classmate, the late Dudley Malone Zimmerman, in Orangeburg in 1935. The couple had two children, D.M. Zimmerman, Jr. and Rose Hayzel Zimmerman Jones. She is the proud grandmother of four and the great-grandmother to one.

Mr. Speaker, I invite you and my distinguished colleagues to join me in honoring Geraldyne Inez Pierce Zimmerman as she celebrates her 100th birthday. This occasion provides us an opportunity to honor the many contributions Mrs. Zimmerman has made during her extraordinary lifetime. She serves as a remarkable example of what an education and determination can accomplish. She is an inspiration to all that have been blessed to know her, and I count myself among those who have been fortunate to be touched by her gracious spirit.

RECOGNITION OF MAYOR JAMES PHILLIPS AND MRS. JANET PHILLIPS

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, March 4, 2011

Mr. PALLONE. Mr. Speaker, I rise today to recognize Mayor James Phillips and Mrs. Janet Phillips for their immeasurable contributions to their community and the subsequent honor they have received from the Community YMCA. The Phillips are valuable members of my district and assets to their communities. I would like to congratulate them on being one of the impressive honorees at the Community YMCA Gala.

Mayor James Phillips has admirably served as the Mayor of Old Bridge for the past 8 years. He also serves as Middlesex County Treasurer. Prior to his tenure as Mayor, Mr. Phillips previously served as New Jersey State Senator, Commissioner on the Old Bridge Board of Fire Commissioners, Old Bridge Municipal Authority, Middlesex County Economic Development Commission, and the Old Bridge Township Housing and Development Agency. Mayor Phillips has fervently worked with Middlesex County and Old Bridge Township to create the Middlesex County Old Bridge Waterfront Park and the John A. Phillips Open Space Preserve. James is also the founder of ''Yes for Open Space,'' a non-profit organization that successfully aided the passage of the Middlesex County Open Space and Farmland Preservation Referendum.

Janet Phillips is a valued and dedicated member of the community. Mrs. Phillips is a Registered Nurse and serves as the Nurse Auditor for Managed Recourses, Inc. She touts many impressive years of clinical, auditing, performance improvement and managed care experience. Mrs. Phillips currently serves as secretary of the Kiwanis Club of Old Bridge and also serves as a member of the Raritan Bay Medical Center. Mrs. Phillips' community activities also include her participation as Chairwoman of the Old Bridge Township Recreation Committee and a Eucharistic Minister for the Most Holy Redeemer Church. Mrs. Phillips is highly commended for her service with the Old Bridge YMCA Steering and Fundraising Committee.

Mayor Phillips and Mrs. Phillips are strong believers in teamwork. Together, their mission is to unite their neighborhood by providing community service to strengthen families, develop leadership within the community's youth and to build international understanding. These actions have been demonstrated in part through their continued work with the Community YMCA. The Phillips family continues to demonstrate their strong support of youth, family values and community growth through their extra-curricular endeavors. They are admirable leaders in the community and are determined to make a difference. The Phillips family's unending generosity and charitable activities have undoubtedly touched many lives and have helped countless people throughout Central New Jersey.

Mr. Speaker, I would once more like to thank Mayor and Mrs. Phillips for their immeasurable contributions to my district and their communities and to again congratulate them for the honors they have received from the Community YMCA at this year's Gala.

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S1245–S1307

Measures Introduced: Three bills were introduced, as follows: S. 491–493. **Pages S1263–64**

Measures Considered:

Full-Year Continuing Appropriations Act: Senate began consideration of the motion to proceed to consideration of H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011. **Pages S1247–50**

A motion was entered to close further debate on the motion to proceed to consideration of the bill, and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on cloture will occur on Tuesday, March 8, 2011. **Pages S1247–48**

Subsequently, the motion to proceed was withdrawn. **Page S1248**

Patent Reform Act—Agreement: A unanimous-consent agreement was reached providing that the filing deadline for second-degree amendments to S. 23, Patent Reform Act, be 5 p.m., on Monday, March 7, 2011. **Page S1306**

Nominations Received: Senate received the following nominations:

Daniel L. Glaser, of the District of Columbia, to be Assistant Secretary for Terrorist Financing, Department of the Treasury.

Jon D. Leibowitz, of Maryland, to be a Federal Trade Commissioner for a term of seven years from September 26, 2010.

Paul Piquado, of the District of Columbia, to be an Assistant Secretary of Commerce.

Robert Patterson, of New York, to be Ambassador to Turkmenistan.

Eric S. Edelman, of Virginia, to be a Member of the Board of Directors of the United States Institute of Peace for a term of four years.

2 Army nominations in the rank of general.

1 National Oceanic and Atmospheric Administration nomination in the rank of admiral.

Routine lists in the Air Force, Army, Foreign Service, and Navy. **Pages S1306–07**

Measures Placed on the Calendar: **Pages S1263, S1306**

Petitions and Memorials: **Page S1263**

Additional Cosponsors: **Page S1264**

Statements on Introduced Bills/Resolutions: **Page S1264**

Additional Statements: **Pages S1262–63**

Amendments Submitted: **Pages S1264–S1306**

Authorities for Committees to Meet: **Page S1306**

Adjournment: Senate convened at 10 a.m. and adjourned at 1:19 p.m., until 2 p.m. on Monday, March 7, 2011. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S1306.)

Committee Meetings

(Committees not listed did not meet)

LIBYA

Committee on Armed Services: Committee met in closed session to receive a briefing on the situation in Libya.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 1 public bill, H.R. 937 was introduced. **Page H1580**

Additional Cosponsors: **Pages H1580–81**

Reports Filed: There were no reports filed today.

Speaker: Read a letter from the Speaker wherein he appointed Representative Rooney to act as Speaker pro tempore for today. **Page H1579**

Chaplain: The prayer was offered by the guest chaplain, Reverend Dr. Barry Black, Chaplain of the United States Senate, Washington, DC. **Page H1579**

Quorum Calls—Votes: There were no Yea-and-Nay votes, and there were no Recorded votes. There were no quorum calls.

Adjournment: The House met at 2 p.m. and adjourned at 2:03 p.m.

Committee Meetings

No committee meetings were held.

Joint Meetings

No joint committee meetings were held.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, *p. D187)*

H.R. 662, to provide an extension of Federal-aid highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a multiyear law reauthorizing such programs. Signed on March 4, 2011. (Public Law 112–5)

CONGRESSIONAL PROGRAM AHEAD

Week of March 7 through March 12, 2011

Senate Chamber

On *Monday,* at approximately 4:30 p.m., Senate will begin consideration of the nominations of Anthony J. Battaglia, of California, to be United States District Judge for the Southern District of California, Sue E. Myerscough, of Illinois, to be United States District Judge for the Central District of Illinois, and James E. Shadid, of Illinois, to be United States District Judge for the Central District of Illinois. At 5:30 p.m., the nomination of Sue E. Myerscough, will be confirmed, and Senate vote on confirmation of the nominations of Anthony J. Battaglia and James E. Shadid, to be followed by a vote on the motion to invoke cloture on S. 23, Patent Reform Act.

During the balance of the week, Senate may consider any cleared legislative and executive business.

Senate Committees

(Committee meetings are open unless otherwise indicated)

Committee on Appropriations: March 8, to hold hearings to examine proposed budget estimates for fiscal year 2012, 10:30 a.m., SH–216.

March 9, Subcommittee on Departments of Labor, Health and Human Services, and Education, and Related Agencies, to hold hearings to examine funding for the Social Security Administration in fiscal years 2011 and 2012, 9:30 a.m., SD–124.

March 9, Subcommittee on Department of the Interior, Environment, and Related Agencies, to hold hearings to examine proposed budget estimates for fiscal year 2012 for the Department of the Interior, 3 p.m., SD–124.

March 10, Subcommittee on Transportation and Housing and Urban Development, and Related Agencies, to hold hearings to examine proposed budget estimates for fiscal year 2012 for the Department of Transportation, 9:30 a.m., SD–138.

March 10, Subcommittee on Commerce, Justice, Science, and Related Agencies, to hold hearings to examine proposed budget estimates for fiscal year 2012 for the Department of Justice, 11 a.m., SD–192.

Committee on Armed Services: March 8, to hold hearings to examine the Department of the Navy in review of the Defense Authorization request for fiscal year 2012 and the Future Years Defense Program; with the possibility of a closed session in SH–219 following the open session, 9:30 a.m., SD–G50.

March 10, Full Committee, to hold hearings to examine on the current and future worldwide threats to the national security of the United States; with the possibility of a closed session in SH–219 following the open session, 9:30 a.m., SD–G50.

Committee on Banking, Housing, and Urban Affairs: March 8, to hold hearings to examine the nominations of Peter A. Diamond, of Massachusetts, to be a Member of the Board of Governors of the Federal Reserve System, and Katharine G. Abraham, of Iowa, and Carl Shapiro, of California, both to be a Member of the Council of Economic Advisers, Executive Office of the President, 10 a.m., SD–538.

March 9, Full Committee, to hold hearings to examine the state of the housing market, 2:30 p.m., SD–538.

March 10, Subcommittee on Securities, Insurance and Investment, to hold hearings to examine the President's proposed budget request for fiscal year 2012 for the Securities and Exchange Commission, 9:30 a.m., SD–538.

Committee on the Budget: March 8, to hold hearings to examine the report of the National Commission on Fiscal Responsibility and Reform, 10 a.m., SD–608.

March 9, Full Committee, to hold hearings to examine distribution and efficiency of spending in the tax code, 10 a.m., SD–608.

March 10, Full Committee, to hold hearings to examine the President's proposed budget request for fiscal year 2012 for defense and international affairs, 10 a.m., SD–608.

Committee on Commerce, Science, and Transportation: March 8, Subcommittee on Oceans, Atmosphere, Fisheries, and Coast Guard, to hold hearings to examine implementation of the "Magnuson-Stevens Fishery Conservation and Management Act", 10:30 a.m., SR–253.

March 8, Full Committee, to hold hearings to examine the President's proposed budget request for fiscal year 2012 for the Department of Transportation, 2:30 p.m., SR–253.

March 10, Full Committee, to hold hearings to examine the nominations of Philip E. Coyle, III, of California, to be an Associate Director of the Office of Science and Technology Policy, Executive Office of the President, Kathryn D. Sullivan, of Ohio, to be Assistant Secretary of Commerce, Frances M.D. Gulland, of California, to be a Member of the Marine Mammal Commission, and Ann D. Begeman, of Virginia, to be a Member of the Surface Transportation Board, Department of Transportation, 10 a.m., SR–253.

Committee on Energy and Natural Resources: March 8, to hold hearings to examine the nomination of Peter Bruce Lyons, of New Mexico, to be Assistant Secretary of Energy for Nuclear Energy, 10 a.m., SD–366.

March 10, Full Committee, to hold hearings to examine S. 398, to amend the Energy Policy and Conservation Act to improve energy efficiency of certain appliances and equipment, and S. 395, to repeal certain amendments to the Energy Policy and Conservation Act with respect to lighting energy efficiency, 9:30 a.m., SD–366.

Committee on Environment and Public Works: March 9, to hold hearings to examine the President's proposed budget request for fiscal year 2012 for the Federal Highway Administration, 2:15 p.m., SD–406.

Committee on Finance: March 8, to hold hearings to examine if the tax system supports economic efficiency, job creation and broad-based economic growth, 10 a.m., SD–215.

March 9, Full Committee, to hold hearings to examine the President's 2011 trade agenda, 10 a.m., SD–215.

March 10, Full Committee, to hold hearings to examine innovations in child welfare waivers, focusing on a pathway to reform, 10 a.m., SD–215.

Committee on Health, Education, Labor, and Pensions: March 10, to hold hearings to examine Bridgepoint Education, Inc., focusing on a case study in for-profit education and oversight, 10 a.m., SD–430.

Committee on Homeland Security and Governmental Affairs: March 8, Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia, to hold hearings to examine State Department training, focusing on investing in the workforce to address 21st century challenges, 10 a.m., SD–342.

March 8, Full Committee, to hold hearings to examine the nomination of Heather A. Higginbottom, of the District of Columbia, to be Deputy Director of the Office of Management and Budget, Executive Office of the President, 2:30 p.m., SD–342.

March 9, Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security, to hold hearings to examine new tools for curbing waste and fraud in Medicare and Medicaid, 2:30 p.m., SD–342.

March 10, Full Committee, to hold hearings to examine the nomination of Carolyn N. Lerner, of Maryland, to be Special Counsel, Office of Special Counsel, 10 a.m., SD–342.

March 10, Full Committee, to hold hearings to examine information sharing in the era of WikiLeaks, focusing on balancing security and collaboration, 3 p.m., SD–342.

Committee on the Judiciary: March 9, to hold an oversight hearing to examine the Department of Homeland Security, 10 a.m., SD–226.

March 10, Full Committee, business meeting to consider S. 193, to extend the sunset of certain provisions of the USA PATRIOT Act, S. 222, to limit investor and homeowner losses in foreclosures, and the nominations of Caitlin Joan Halligan, of New York, to be United States Circuit Judge for the District of Columbia Circuit, Jimmie V. Reyna, of Maryland, to be United States Circuit Judge for the Federal Circuit, John A. Kronstadt, to be United States District Judge for the Central District of California, Vincent L. Briccetti, to be United States District Judge for the Southern District of New York, Arenda L. Wright Allen, to be United States District Judge for the Eastern District of Virginia, and Michael Francis Urbanski, to be United States District Judge for the Western District of Virginia, 10 a.m., SD–226.

Committee on Small Business and Entrepreneurship: March 9, business meeting to mark up the Small Business Innovation Research (SBIR) and Small Business Technology Transfer (STTR) Reauthorization Act of 2011, 10 a.m., SR–428A.

Committee on Veterans' Affairs: March 8, to hold joint hearings to examine the legislative presentation from Veterans of Foreign Wars, 9:30 a.m., 345 Cannon Building.

Select Committee on Intelligence: March 8, to hold closed hearings to examine certain intelligence matters, 2:30 p.m., SH–219.

March 10, Full Committee, to hold closed hearings to examine certain intelligence matters, 2:30 p.m., SH–219.

House Committees

Committee on Agriculture, March 9, full Committee, hearing on H.R. 872, The Reducing Regulatory Burdens Act of 2011, 10 a.m., 1300 Longworth.

March 10, full Committee, hearing to review the impact of EPA regulation on agriculture, 2 p.m., 1300 Longworth.

Committee on Appropriations, March 8, Subcommittee on Interior, Environment, and Related Agencies, on Department of the Interior FY 2012 Budget Oversight Hearing, 1 p.m., 2359 Rayburn.

March 8, Subcommittee on Financial Services and General Government, on FY 2012 Budget—Small Business Administration, 3 p.m., H–309 Capitol.

March 9, Subcommittee on Interior, Environment, and Related Agencies, on National Park Service FY 2012 Budget Oversight, 9:30 a.m., B–308 Rayburn.

March 9, Subcommittee on Defense, on FY 2012 Navy/Marine Corps Budget Overview, 9:30 a.m., H–140 Capitol.

March 9, Subcommittee on Energy and Water Development, and Related Agencies, on Army Corps of Engineers FY 2012 Budget Requests, 2 p.m., 2362–B Rayburn.

March 9, Subcommittee on Homeland Security, on FY 2012 Oversight and Budget, Department of Homeland Security, 9:30 a.m., B–318 Rayburn.

March 9, Subcommittee on Labor, Health and Human Services, Education and Related Agencies, on Department of Health and Human Services FY12 Budget Request, 10:30 a.m., 2358–B Rayburn.

March 9, Subcommittee on Military Construction, Veterans Affairs, and Related Agencies, on Oversight of Veterans Programs, 2 p.m., HT–2 Capitol.

March 9, Subcommittee on State, Foreign Operations and Related Programs, on FY 2012 Budget Request for the Department of the Treasury International Programs, 1:30 p.m., 2359 Rayburn.

March 10, Subcommittee on Interior, Environment, and Related Agencies, on Bureau of Land Management FY 2012 Budget Oversight, 9:30 a.m., B–308 Rayburn.

March 10, Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies, on Department of Agriculture FY 2012 Budget Request, 10 a.m., 2362–A Rayburn.

March 10, Subcommittee on Commerce, Justice, Science, and Related Agencies, on National Science Foundation (NSF) FY 2012 Budget Request, 10 a.m., H–309 Capitol.

March 10, Subcommittee on Financial Services and General Government on Executive Office of the President, 10 a.m., HT–2 Capitol.

March 10, Subcommittee on Energy and Water Development, and Related Agencies, on Bureau of Reclamation FY 2012 Budget Requests, 10 a.m., 2362–B Rayburn.

March 10, Subcommittee on Labor, Health and Human Services, Education and Related Agencies, on Department of Education: FY12 Budget Request, 10 a.m., 2358–B Rayburn.

March 10, Subcommittee on Transportation and Housing and Urban Development, and Related Agencies, on FY 2012 Budget Request, Department of Housing and Urban Development, 10 a.m., 2358–A Rayburn.

March 10, Subcommittee on State, Foreign Operations and Related Agencies, on State Department FY 2012 Budget Request, 10 a.m., 2359 Rayburn.

March 10, Subcommittee on Interior, Environment, and Related Agencies, on Office of Surface Mining FY 2012 Budget Oversight, 11 a.m., B–308 Rayburn.

March 10, Subcommittee on Military Construction, Veterans Affairs, and Related Agencies, on Navy and Marine Corps FY 2012 Budget Request, 2 p.m., H–140 Capitol.

March 10, Subcommittee on Interior, Environment, and Related Agencies, on Major Management Challenges at the Forest Service, 2 p.m., B–308 Rayburn.

March 10, Subcommittee on Department of Homeland Security, on FY 2012 Oversight and Budget, 2 p.m., 2359 Rayburn.

March 11, Subcommittee on Interior, Environment, and Related Agencies, on Forest Service FY12 Budget Oversight Hearing, 9:30 a.m., B–308 Rayburn.

March 11, Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies, on Food and Drug Administration, Department of Health and Human Services FY 2012 Budget Request, 10 a.m., 2362–A Rayburn.

March 11, Subcommittee on Commerce, Justice, Science, and Related Agencies, on Members and Outside Witness Hearing, 10 a.m., H–309 Capitol.

March 11, Subcommittee on Homeland Security, on FY 2012 Oversight & Budget, Department of Homeland Security, 10 a.m., 2359 Rayburn.

March 11, Subcommittee on Labor, Health and Human Services, Education and Related Agencies, on Status of Health Reform Implementation, 10 a.m., 2358–B Rayburn.

March 11, Subcommittee on Legislative Branch, on Library of Congress FY 2012 Budget, 10 a.m., HT–2 Capitol.

March 11, Subcommittee on Legislative Branch on Government Accountability Office FY 2012 Budget, 11 a.m., HT–2 Capitol.

Committee on Armed Services, March 9, Subcommittee on Tactical Air and Land Forces, hearing on Army modernization, 1:30 p.m., 2118 Rayburn.

March 9, Subcommittee on Seapower and Projection Forces, hearing on Navy shipbuilding acquisition programs and budget requirements of the Navy's shipbuilding and construction plan, 3 p.m., 2212 Rayburn.

March 10, Subcommittee on Readiness, hearing on global challenges to readiness and the fiscal year 2012 budget request, 10:30 a.m., 2212 Rayburn.

March 11, Subcommittee on Emerging Threats and Capabilities, hearing on counter proliferation strategy and the fiscal year 2012 national defense authorization budget request for the Defense Threat Reduction Agency and chemical biological defense program, 11:30 a.m., 2212 Rayburn.

Committee on the Budget, March 10, full Committee, hearing entitled "Lifting the Crushing Burden of Debt", 10 a.m., 210 Cannon.

Committee on Education and the Workforce, March 9, full Committee, hearing on The Budget and Policy Proposals of the U.S. Department of Education, 2 p.m., 2175 Rayburn.

March 10, Subcommittee on Health, Employment, Labor and Pensions, hearing on The Pressures of Rising Costs on Employer Provided Health Care, 10 a.m., 2175 Rayburn.

March 11, Subcommittee on Higher Education and Workforce Training, hearing on Education Regulations: Federal Overreach into Academic Affairs, 10 a.m., 2175 Rayburn.

Committee on Energy and Commerce, March 8, Subcommittee on Energy and Power, hearing entitled ''Climate Science and EPA's Greenhouse Gas Regulations'', 10 a.m., 2123 Rayburn.

March 9, Subcommittee on Communications and Technology, hearing on H.J. Res. 37, Disapproving the rule submitted by the Federal Communications Commission with respect to regulating the Internet and broadband industry practices, 10:30 a.m., 2123 Rayburn.

March 9, Subcommittee on Health, hearing entitled ''Setting Fiscal Priorities in Health Care Funding'', 10 a.m., 2322 Rayburn.

March 11, Subcommittee on Energy and Power and the Subcommittee on Environment and the Economy, joint hearing entitled ''The FY 2012 EPA Budget'', 10 a.m., 2123 Rayburn.

Committee on Financial Services, March 10, full Committee, markup of the following: H.R. 839, the HAMP Termination Act of 2011 and H.R. 861, the NSP Termination Act, 10 a.m., 2128 Rayburn.

March 10, Subcommittee on Capital Markets and Government Sponsored Enterprises, hearing entitled ''Oversight of the Securities and Exchange Commission's Operations, Activities, Challenges and FY 2012 Budget Request'', 10 a.m., 2128 Rayburn.

March 10, Subcommittee on International Monetary Policy, hearing entitled ''The Role of the Export-Import Bank in U.S. Competitiveness and Job Creation'', 2 p.m., 2128 Rayburn.

March 11, Subcommittee on Capital Markets & Govt Sponsored Enterprises, hearing entitled ''Legislative Proposals to Create a Covered Bond Market in the United States'', 10 a.m., 2220 Rayburn.

March 11, Subcommittee on Insurance, Housing and Community Opportunity, hearing entitled ''Legislative Proposals to Reform the National Flood Insurance Program'', 10 a.m., 2128 Rayburn.

Committee on Foreign Affairs, March 8, Subcommittee on Africa, Global Health, and Human Rights, The Democratic Republic of the Congo: Securing Peace in the Midst of Tragedy, 1 p.m., 2172 Rayburn.

March 9, Subcommittee on Terrorism, Nonproliferation, and Trade, hearing on China's Indigenous Innovation Trade and Investment Policies: How Great a Threat? 2 p.m., 2172 Rayburn.

March 10, full Committee, hearing on North Korea's Sea of Fire: Bullying, Brinkmanship and Blackmail, 10 a.m., 2172 Rayburn.

March 10, Subcommittee on Europe and Eurasia, Overview of U.S. Relations with Europe and Eurasia, 2:30 p.m., 2200 Rayburn.

March 10, Subcommittee on the Middle East and South Asia, hearing on Assessing U.S. Foreign Policy Priorities and Needs Amidst Economic Challenges in the Middle East, 2 p.m., Rayburn.

Committee on Homeland Security, March 9, Subcommittee on Emergency Preparedness, Response, and Communications, hearing entitled ''Ensuring Effective Preparedness and Response—An Assessment of the Fiscal Year 2012 Budget Request for the Federal Emergency Management Agency'', 9:30 a.m., 311 Cannon.

March 9, Subcommittee on Transportation Security, hearing entitled ''Securing Air Commerce From the Threat of Terrorism'', 2 p.m., 311 Cannon.

March 10, full Committee, hearing entitled ''The Extent of Radicalization in the American Muslim Community and that Community's Response'', 9:30 a.m., 311 Cannon.

Committee on House Administration, March 9, full Committee, markup of a house resolution regarding Committee funding, 1 p.m., 1310 Longworth.

Committee on the Judiciary, March 8, Subcommittee on Courts, Commercial and Administrative Law hearing on H.R. 10, the ''Regulations From the Executive in Need of Scrutiny Act of 2011'', 4 p.m., 2141 Rayburn.

March 9, Subcommittee on Intellectual Property, Competition and the Internet, hearing on Driving American Innovation: Creating Jobs and Boosting Our Economy, 10 a.m., 2141 Rayburn.

March 9, Subcommittee on Crime, Terrorism and Homeland Security, hearing on the Reauthorization of the PATRIOT Act, 1:30 p.m., 2141 Rayburn.

March 10, Subcommittee on Intellectual Property, Competition and the Internet, hearing on Review of Recent Judicial Decisions on Patent Law, 1:30 p.m., 2141 Rayburn.

March 10, Subcommittee on Immigration Policy and Enforcement, hearing on New Jobs in Recession and Recovery: Who Are Getting Them and Who Are Not, 10 a.m., 2141 Rayburn.

March 11, Subcommittee on the Constitution, hearing on a bill regarding lawsuit abuse reduction, 10 a.m., 2141 Rayburn.

Committee on Natural Resources; March 8, Subcommittee on Indian and Alaska Native Affairs, hearing on ''The effectiveness of federal spending on Native American programs, and on the President's FY 2012 budget request for the Bureau of Indian Affairs and the Office of the Special Trustee for American Indians'', 11 a.m., 1334 Longworth.

March 8, Subcommittee on Indian and Alaska Native Affairs, hearing on the effectiveness of federal spending on Native American programs, and on the President's FY 2012 budget request for the Bureau of Indian Affairs and the Office of the Special Trustee for American Indians, 10 a.m., 1324 Longworth.

March 9, Subcommittee on Energy and Mineral Resources, hearing to ''Examine the Spending Priorities and the Missions of the U.S. Geological Survey and the President's FY 2012 Budget Proposal'', 2 p.m., 1324 Longworth.

March 10, Subcommittee on National Parks, Forests and Public Lands, hearing entitled ''Examining the Spending, Priorities and the Missions of National Park Service and the President's FY 2012 Budget Proposal'', 10 a.m., 1324 Longworth.

Committee on Oversight and Government Reform, March 9, Subcommittee on Government Organization, Efficiency and Financial Management, hearing entitled ''A Look at the FY2010 Consolidated Financial Report of the U.S. Government'', 9:30 a.m., 2247 Rayburn.

March 9, Subcommittee on Regulatory Affairs, Stimulus Oversight and Government Spending, hearing entitled ''Assessing the Cumulative Impact of Regulation on U.S. Manufacturers'', 9:30 a.m., 2154 Rayburn.

March 9, Subcommittee on Federal Workforce, U.S. Postal Service and Labor Policy, hearing entitled ''Are Federal Workers Underpaid?'', 1:30 p.m., 2154 Rayburn.

March 10, full Committee, organizational meeting, 9:30 a.m., 2154 Rayburn.

March 10, Subcommittee on TARP, Financial Services and Bailouts of Public and Private Programs and the Subcommittee on Government Organization, Efficiency and Financial Management joint hearing entitled ''Financial Management, Work Force, and Operations at the SEC: Who's Watching Wall Street's Watchdog?'', 1:30 p.m., 2154 Rayburn.

March 11, Subcommittee on Technology, Information Policy, Intergovernmental Relations and Procurement Reform, hearing entitled ''Transparency Through Technology: Evaluating Federal Open-Government Initiatives'', 10 a.m., 2154 Rayburn.

March 11, Subcommittee on Gov't. Organization, Efficiency & Financial Management, hearing entitled ''Red to Black: Improving the Collection of Delinquent Debt Owed to the Government'', 10 a.m., 2247 Rayburn.

Committee on Science, Space, and Technology, March 10, full Committee, An Overview of the Fiscal Year 2012 Research and Development Budget Proposals at the National Oceanic and Atmospheric Administration and the Environmental Protection Agency, 10 a.m., 2318 Rayburn.

March 11, full Committee, An Overview of the Fiscal Year 2012 Budget Proposals at the National Science Foundation and the National Institute of Standards and Technology, 10 a.m., 2318 Rayburn.

Committee on Small Business, March 9, full Committee, hearing on the Views and Estimates on the Small Business Administration's FY 2012 budget request, 1 p.m., 2360 Rayburn.

Committee on Transportation, March 8, Subcommittee on Water Resources and Environment hearing entitled ''Review of the FY 2012 Budget and Priorities of the Army Corps of Engineers, Tennessee Valley Authority, and the Natural Resources Conservation Service: Finding Ways To Do More With Less'', 2 p.m., 2167 Rayburn.

March 10, Subcommittee on Economic Development, Public Buildings, and Emergency Management, hearing on Cutting Spending and Consolidating Federal Office Space: GSA's Capital Investment and Leasing Program, 10 a.m., 2167 Rayburn.

March 11, Subcommittee on Railroads, Pipelines, and Hazardous Materials hearing on Finding Ways to Encourage and Increase Private Sector Participation in Passenger Rail Service, 10 a.m., 2167 Rayburn.

Committee on Veterans' Affairs, March 11, Subcommittee on Health, hearing on Implementation of Caregiver Assistance: Are We Getting It Right?, 10 a.m., 334 Cannon.

Committee on Ways and Means, March 11, Subcommittee on Human Resources, hearing on the use of data matching to improve the administration of government benefit programs, 10 a.m., B–318 Rayburn.

Next Meeting of the SENATE

2 p.m., Monday, March 7

Senate Chamber

Program for Monday: After the transaction of any morning business (not to extend beyond 4:30 p.m.), Senate will begin consideration of the nominations of Anthony J. Battaglia, of California, to be United States District Judge for the Southern District of California, Sue E. Myerscough, of Illinois, to be United States District Judge for the Central District of Illinois, and James E. Shadid, of Illinois, to be United States District Judge for the Central District of Illinois. At 5:30 p.m., the nomination of Sue E. Myerscough, will be confirmed, and Senate vote on confirmation of the nominations of Anthony J. Battaglia and James E. Shadid, to be followed by a vote on the motion to invoke cloture on S. 23, Patent Reform Act. As a reminder, there is a 5 p.m. filing deadline for second-degree amendments to S. 23.

Next Meeting of the HOUSE OF REPRESENTATIVES

2 p.m., Tuesday, March 8

House Chamber

Program for Tuesday, To be announced.

Extensions of Remarks, as inserted in this issue

HOUSE

Clyburn, James E., S.C., E421, E422
Kucinich, Dennis J., Ohio, E422
McCarthy, Carolyn, N.Y., E421
Pallone, Frank, Jr., N.J., E421, E423
Ryan, Tim, Ohio, E422
Wilson, Frederica S., Fla., E422

Congressional Record

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