

111<sup>th</sup> Congress  
1<sup>st</sup> Session

H. RES. \_\_\_\_\_

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Providing for consideration of the Senate amendment to the bill (H.R. 3326) making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; for consideration of the joint resolution (H.J. Res. 64) making further continuing appropriations for fiscal year 2010, and for other purposes; for consideration of the bill (H.R. 4314) to permit continued financing of Government operations; for consideration of the Senate amendment to the bill (H.R. 2847) making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes; and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

December 16, 2009

Ms. Pingree, from the Committee on Rules, reported the following resolution which was referred to the House Calendar and ordered to be printed.

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RESOLUTION

Providing for consideration of the Senate amendment to the bill (H.R. 3326) making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; for consideration of the joint resolution (H.J. Res. 64) making further continuing appropriations for fiscal year 2010, and for other purposes; for consideration of the bill (H.R. 4314) to permit continued financing of Government operations; for consideration of the Senate amendment to the bill (H.R. 2847) making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes; and for other purposes.

*Resolved*, That upon adoption of this resolution it shall be in order to take from the Speaker's table the bill (H.R. 3326) making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes, with the Senate amendment thereto, and to consider in the House, without intervention of any point of order except those arising under clause 10 of rule XXI, a motion offered by the chair of the Committee on Appropriations or his designee that the House concur in the Senate amendment with the amendment printed in part A of the report of the Committee on Rules accompanying this resolution. The Senate amendment and the motion shall be considered as read. The motion shall be debatable for one hour equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations. The previous question shall be considered as ordered on the motion to its adoption without intervening motion.

Sec. 2. Upon the adoption of this resolution it shall be in order to consider in the House the joint resolution (H.J. Res. 64) making further continuing appropriations for fiscal year 2010, and for other purposes. All points of order against consideration of the joint

resolution are waived except those arising under clause 9 or 10 of rule XXI. The joint resolution shall be considered as read. All points of order against provisions in the joint resolution are waived. The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations; and (2) one motion to recommit.

Sec. 3. Upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 4314) to permit continued financing of Government operations. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. The bill shall be considered as read. All points of order against provisions in the bill are waived. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means; and (2) one motion to recommit.

Sec. 4. Upon the adoption of this resolution it shall be in order to take from the Speaker's table the bill (H.R. 2847) making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes, with the Senate amendment thereto, and to consider in the House, without intervention of any point of order except those arising under clause 10 of rule XXI, a motion offered by the chair of the Committee on Appropriations or his designee that the House concur in the Senate amendment with the amendment printed in part B of the report of the Committee on Rules. The Senate amendment and the motion shall be considered as read. The motion shall be debatable for one hour equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations. The previous question shall be considered as ordered on the motion to its adoption without intervening motion.

Sec. 5. In the engrossment of the House amendment to the Senate amendment to H.R. 2847, the Clerk shall --

(a) add the text of H.R. 2920, as passed by the House, as new matter at the end of the text proposed to be inserted by the House amendment;

(b) assign appropriate designations to provisions within the engrossment of the text proposed to be inserted by the House; and

(c) conform provisions for short titles within the engrossment of the text proposed to be inserted by the House.

Sec. 6. It shall be in order at any time during the remainder of the first session of the One Hundred Eleventh Congress for the Speaker to entertain motions that the House suspend the rules. The Speaker or her designee shall consult with the Minority Leader or his designee on the selection of any matter for consideration pursuant to this section.

Sec. 7. The requirement of clause 6(a) of rule XIII for a two-thirds vote to consider a report from the Committee on Rules on the same day it is presented to the House is waived for the remainder of the first session of the One Hundred Eleventh Congress.

Sec. 8. The chair of the Committee on Appropriations may insert in the Congressional Record at any time during the remainder of the first session of the One Hundred Eleventh

Congress such material as he may deem explanatory of the Senate amendments and the motions specified in the first and fourth sections of this resolution.

Sec. 9. On any legislative day of the second session of the One Hundred Eleventh Congress before January 12, 2010, the Speaker at any time may dispense with organizational or legislative business.

Sec. 10. On any legislative day of the second session of the One Hundred Eleventh Congress before January 12, 2010, the Chair at any time may declare the House adjourned or declare the House adjourned pursuant to an applicable concurrent resolution of adjournment.

Sec. 11. (a) On any legislative day of the first session of the One Hundred Eleventh Congress, the Speaker may at any time declare the House adjourned.

(b) When the House adjourns on a motion pursuant to this subsection or a declaration pursuant to subsection (a) on the legislative day of:

(1) Wednesday, December 16, 2009, it shall stand adjourned until 6 p.m. on Saturday, December 19, 2009.

(2) Saturday, December 19, 2009, it shall stand adjourned until noon on Wednesday, December 23, 2009.

(3) Wednesday, December 23, 2009, it shall stand adjourned until 10 a.m. on Saturday, December 26, 2009.

(4) Saturday, December 26, 2009, it shall stand adjourned until noon on Wednesday, December 30, 2009.

(5) Wednesday, December 30, 2009, it shall stand adjourned until 10 a.m. on Saturday, January 2, 2010.

(c) If, during any adjournment addressed by subsection (b), the House has received: (1) confirmation that the President has approved H.R. 3326; (2) a message from the Senate transmitting its passage without amendment of H.R. 4314; and (3) a message from the Senate transmitting its concurrence in an applicable concurrent resolution of adjournment, the House shall stand adjourned pursuant to such concurrent resolution of adjournment.

(d) The Speaker may appoint Members to perform the duties of the Chair for the duration of the period addressed by this section as though under clause 8(a) of rule I.

Providing for consideration of the Senate amendment to the bill (H.R. 3326) making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; for consideration of the joint resolution (H.J. Res. 64) making further continuing appropriations for fiscal year 2010, and for other purposes; for consideration of the bill (H.R. 4314) to permit continued financing of Government operations; for consideration of the Senate amendment to the bill (H.R. 2847) making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes; and for other purposes.

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December 16, 2009. --Referred to the House Calendar and ordered to be printed

Ms. Pingree, from the Committee on Rules submitted the following

REPORT

[To accompany H. Res. \_\_\_\_]

The Committee on Rules, having had under consideration House Resolution \_\_\_\_, by a record vote of 8 to 3, report the same to the House with the recommendation that the resolution be adopted.

SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for consideration of the Senate amendment to H.R. 3326, the Department of Defense Appropriations Act, 2010. The resolution makes in order a motion by the chair of the Committee on Appropriations to concur in the Senate amendment with the House amendment printed in part A of this report. The resolution waives all points of order against consideration of the motion except clause 10 of rule XXI and provides that the Senate amendment and the motion shall be considered as read. The resolution provides one hour of debate on the motion equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations.

The resolution provides for consideration of H.J. Res. 64, making further continuing appropriations for fiscal year 2010, under a closed rule. The resolution provides one hour of debate equally divided among and controlled by the chair and ranking minority member of the Committee on Appropriations. The resolution waives all points of order against consideration of the joint resolution except those arising under clause 9 or 10 of rule XXI and provides that the joint resolution shall be considered as read. The resolution waives all points of order against provisions in the joint resolution and provides one motion to recommit with or without instructions.

The resolution provides for consideration of H.R. 4314, to permit continued financing of Government operations, under a closed rule. The resolution provides one hour of debate equally divided among and controlled by the chair and ranking minority member of the Committee on Ways and Means. The resolution waives all points of order against consideration of the bill except those arising under clause 9 or 10 of rule XXI and provides that the bill shall be considered as read. The resolution waives all points of order against provisions in the bill and provides one motion to recommit with or without instructions.

The resolution provides for consideration of the Senate amendment to H.R. 2847, the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2010. The resolution makes in order a motion by the chair of the Committee on Appropriations to concur in the Senate amendment with the House amendment printed in part B of this report. The resolution waives all points of order against consideration of the motion except clause 10 of rule XXI and provides that the Senate amendment and the motion shall be considered as read. The resolution provides one hour of debate on the motion equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations.

The resolution provides that in the engrossment of the House amendment to the Senate amendment to H.R. 2847, the Clerk shall add the text of H.R. 2920, as passed by the House, as new matter at the end of the text proposed to be inserted by the House.

The resolution provides that measures may be considered under suspension of the rules at any time during the remainder of the first session of the 111th Congress and provides that the Speaker shall consult with the Minority Leader on the designation of any matter for consideration under suspension of the rules pursuant to the resolution.

The resolution waives clause 6(a) of rule XIII (requiring a two-thirds vote to consider a rule on the same day it is reported from the Rules Committee) against any resolutions reported from the Rules Committee for the remainder of the first session of the 111th Congress.

The resolution provides that the chair of the Committee on Appropriations may insert in the Congressional Record at any time during the remainder of the first session of the One Hundred Eleventh Congress such material as he may deem explanatory of the Senate amendments and the motions regarding H.R. 3326 and H.R. 2847.

The resolution provides that on any legislative day of the second session of the One Hundred Eleventh Congress before January 12, 2010, the Speaker at any time may dispense with organizational or legislative business.

The resolution provides that on any legislative day of the second session of the One Hundred Eleventh Congress before January 12, 2010, the Chair at any time may declare the House adjourned or declare the House adjourned pursuant to an applicable concurrent resolution of adjournment.

The resolution provides for pro forma sessions until the House adjourns sine die. Finally, the resolution provides that on any legislative day of the first session of the One Hundred Eleventh Congress, the Speaker may at any time declare the House adjourned.

#### EXPLANATION OF WAIVERS

Although the rule waives all points of order against consideration of the motion for H.R. 3326 (except for clause 10 of rule XXI) the Committee is not aware of any points of order against the motion. The waiver of all points of order against the motion is prophylactic in nature.

Although the rule waives all points of order against consideration of H.J.Res. 64 (except for clauses 9 and 10 of rule XXI) and waives all points of order against the provisions in the joint resolution, the Committee is not aware of any points of order. The waivers of all points of order are prophylactic in nature.

Although the rule waives all points of order against consideration of H.R. 4314 (except for clauses 9 and 10 of rule XXI) and waives all points of order against the provisions in the bill, the Committee is not aware of any points of order. The waivers of all points of order are prophylactic in nature.

Although the rule waives all points of order against consideration of the motion for H.R. 2847 (except for clause 10 of rule XXI) the Committee is not aware of any points of order

against the motion. The waiver of all points of order against the motion is prophylactic in nature.

## COMMITTEE VOTES

The results of each record vote on an amendment or motion to report, together with the names of those voting for and against, are printed below:

### Rules Committee Record Vote No. 304

**Date:** December 16, 2009

**Measure:** Senate amendment to H.R. 3326, and for other purposes.

**Motion By:** Mr. Dreier

**Summary of Motion:** To strike Section 6 from the resolution, which provides blanket suspension authority for the Speaker, and Section 7, which provides blanket martial law authority until the end of this session.

**Results:** Defeated 3-8

#### Vote by Member:

MCGOVERN	NAY
HASTINGS	NAY
MATSUI	NAY
CARDOZA	
ARCURI	NAY
PERLMUTTER	NAY
PINGREE	NAY
POLIS	NAY
DREIER	YEA
DIAZ-BALART	YEA
SESSIONS	
FOXX	YEA
SLAUGHTER	NAY

**Rules Committee Record Vote No. 305**

**Date:** December 16, 2009

**Measure:** Senate amendment to H.R. 3326, and for other purposes.

**Motion By:** Mr. Dreier

**Summary of Motion:** To provide the Minority Leader or his designee an amendment to each item made in order by the rule.

**Results:** Defeated 3-8

**Vote by Member:**

MCGOVERN	NAY
HASTINGS	NAY
MATSUI	NAY
CARDOZA	
ARCURI	NAY
PERLMUTTER	NAY
PINGREE	NAY
POLIS	NAY
DREIER	YEA
DIAZ-BALART	YEA
SESSIONS	
FOXX	YEA
SLAUGHTER	NAY

**Rules Committee Record Vote No. 306**

**Date:** December 16, 2009

**Measure:** Senate amendment to H.R. 3326, and for other purposes.

**Motion By:** Mr. McGovern

**Summary of Motion:** To report the rule.

**Results:** Adopted 8-3

**Vote by Member:**

MCGOVERN	YEA
HASTINGS	YEA
MATSUI	YEA
CARDOZA	
ARCURI	YEA
PERLMUTTER	YEA
PINGREE	YEA
POLIS	YEA
DREIER	NAY
DIAZ-BALART	NAY
SESSIONS	
FOXX	NAY
SLAUGHTER	YEA

## **SUMMARY OF THE HOUSE AMENDMENT TO THE SENATE AMENDMENT TO H.R. 3326 IN PART A**

The amendment provides for a 3.4% military pay increase, provides \$29.2 billion for the Defense Health Program, and \$154 billion for the Defense Operations and Maintenance Account to increase readiness and training. It provides \$5 billion to allow defense personnel, rather than contractors, to perform critical department functions, and \$288 million for the Inspector General to hire additional investigators for oversight of DoD acquisition and contracting. It provides \$1.5 billion for 18 F/A-18E/F Super Hornet Tactical aircraft, \$1.6 billion for 22 EA-18G Growler electronic aircraft, \$6.8 billion for 30 F-35 Lightning Aircraft, \$2.7 billion for V-22 Osprey, \$15 billion for the procurement of 7 Navy ships, \$2.29 billion for Future Combat Systems, and \$3 billion for the Defense Advanced Research Projects Agency (DARPA). It provides \$101.1 billion for ongoing military operations, maintenance and military personnel requirements in Iraq and Afghanistan, and to support preparations to begin withdrawal from Iraq. It provides \$23.36 billion for equipment used by service members in Iraq and Afghanistan, including: \$6.3 billion for the Mine Resistant Ambush Protected (MRAP) Vehicle Fund to procure over 6,600 new MRAP all-terrain vehicles for troop protection; \$1.1 billion for High Mobility Multi-Purpose Wheeled Vehicles (HMMWVs); and \$863 million for the procurement of Family of Medium Tactical Vehicles.

The amendment continues a general provision prohibiting the establishment of permanent bases in Iraq or Afghanistan. It continues a general provision prohibiting the torture of detainees held in U.S. custody. It provides no funds for the closure of the detention facility at Guantanamo Naval base.

It allows the Small Business Administration (SBA) to continue two temporary enhancements to its loan guarantee program through February 28, 2010. The amendment extends through February 28, 2010, the following expiring provisions: the Patriot Act; the National Flood Insurance Program; the Medicare Physician Payments extension; the Surface Transportation Authorization Extension; unemployment insurance; the 65% COBRA health insurance subsidy for individuals who have lost their jobs; the compulsory copyright license used by satellite providers; the Supplemental Nutrition Assistance Program (SNAP); and maintains Department of Health and Human Services (HHS) poverty guidelines at 2009 levels to prevent a reduction in eligibility for certain means-tested programs, including Medicaid, SNAP, and child nutrition.

## **SUMMARY OF THE HOUSE AMENDMENT TO THE SENATE AMENDMENT TO H.R. 2847 IN PART B**

The amendment redirects \$75 billion in Troubled Asset Relief Program (TARP) savings to fund infrastructure and job investments. \$43.8 billion of this funding will go toward infrastructure investments, including \$27.5 billion for highway infrastructure investments, \$8.4 billion for public transportation investments, \$2 billion for clean water programs, \$2 billion for energy innovation loans, \$4.1 billion for school renovation grants, \$1 billion for the National Housing Trust Fund, and \$1 billion for the Public Housing Capital Fund. \$26.7 billion out of the total \$75 billion will go toward public service jobs, including \$23 billion for an Education Jobs Fund, \$1.18 billion for law enforcement jobs, \$500 million for firefighter jobs, \$500 million for summer youth employment, and \$750 million for job training for high growth fields.

The amendment also provides \$79 billion in continuing emergency funding, including \$41 billion to extend unemployment insurance for six months, \$12.3 billion

to extend from nine to 15 months the 65% COBRA health insurance subsidy, \$354 million for small business loan programs, \$23.5 billion to extend FMAP through June 2010, and \$2.3 billion to increase eligibility for the child tax credit.

The amendment also extends certain surface transportation authorization programs until September 30, 2010, restores funding for the Highway Trust Fund, and ends the statute of limitations for USDA civil rights claims and provides funding for remedies, which is offset.

**PART A - TEXT OF THE HOUSE AMENDMENT TO THE SENATE  
AMENDMENT TO H.R. 3326**

**AMENDMENT TO THE SENATE AMENDMENT TO  
H.R. 3326**

In lieu of the matter proposed to be inserted by the amendment of the Senate, insert the following:

**1 SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Department of Defense  
3 Appropriations Act, 2010”.

**4 SEC. 2. TABLE OF CONTENTS.**

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

Sec. 1. Short title.

Sec. 2. Table of contents.

Sec. 3. References.

**DIVISION A—DEPARTMENT OF DEFENSE APPROPRIATIONS**

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—OTHER MATTERS**

**6 SEC. 3. REFERENCES.**

7 Except as expressly provided otherwise, any reference  
8 to “this Act” contained in any division of this Act shall  
9 be treated as referring only to the provisions of that divi-  
10 sion.

1     **DIVISION A—DEPARTMENT OF DEFENSE**  
2                     **APPROPRIATIONS**

3             The following sums are appropriated, out of any  
4 money in the Treasury not otherwise appropriated, for the  
5 fiscal year ending September 30, 2010, for military func-  
6 tions administered by the Department of Defense and for  
7 other purposes, namely:

8                                     **TITLE I**

9                                     **MILITARY PERSONNEL**

10                                    **MILITARY PERSONNEL, ARMY**

11            For pay, allowances, individual clothing, subsistence,  
12 interest on deposits, gratuities, permanent change of sta-  
13 tion travel (including all expenses thereof for organiza-  
14 tional movements), and expenses of temporary duty travel  
15 between permanent duty stations, for members of the  
16 Army on active duty, (except members of reserve compo-  
17 nents provided for elsewhere), cadets, and aviation cadets;  
18 for members of the Reserve Officers' Training Corps; and  
19 for payments pursuant to section 156 of Public Law 97-  
20 377, as amended (42 U.S.C. 402 note), and to the Depart-  
21 ment of Defense Military Retirement Fund,  
22 \$41,005,612,000.

23                                    **MILITARY PERSONNEL, NAVY**

24            For pay, allowances, individual clothing, subsistence,  
25 interest on deposits, gratuities, permanent change of sta-

1 tion travel (including all expenses thereof for organiza-  
2 tional movements), and expenses of temporary duty travel  
3 between permanent duty stations, for members of the  
4 Navy on active duty (except members of the Reserve pro-  
5 vided for elsewhere), midshipmen, and aviation cadets; for  
6 members of the Reserve Officers' Training Corps; and for  
7 payments pursuant to section 156 of Public Law 97-377,  
8 as amended (42 U.S.C. 402 note), and to the Department  
9 of Defense Military Retirement Fund, \$25,289,049,000.

10           MILITARY PERSONNEL, MARINE CORPS

11       For pay, allowances, individual clothing, subsistence,  
12 interest on deposits, gratuities, permanent change of sta-  
13 tion travel (including all expenses thereof for organiza-  
14 tional movements), and expenses of temporary duty travel  
15 between permanent duty stations, for members of the Ma-  
16 rine Corps on active duty (except members of the Reserve  
17 provided for elsewhere); and for payments pursuant to sec-  
18 tion 156 of Public Law 97-377, as amended (42 U.S.C.  
19 402 note), and to the Department of Defense Military Re-  
20 tirement Fund, \$12,799,990,000.

21           MILITARY PERSONNEL, AIR FORCE

22       For pay, allowances, individual clothing, subsistence,  
23 interest on deposits, gratuities, permanent change of sta-  
24 tion travel (including all expenses thereof for organiza-  
25 tional movements), and expenses of temporary duty travel

1 between permanent duty stations, for members of the Air  
2 Force on active duty (except members of reserve compo-  
3 nents provided for elsewhere), cadets, and aviation cadets;  
4 for members of the Reserve Officers' Training Corps; and  
5 for payments pursuant to section 156 of Public Law 97-  
6 377, as amended (42 U.S.C. 402 note), and to the Depart-  
7 ment of Defense Military Retirement Fund,  
8 \$26,174,136,000.

9                                   RESERVE PERSONNEL, ARMY

10       For pay, allowances, clothing, subsistence, gratuities,  
11 travel, and related expenses for personnel of the Army Re-  
12 serve on active duty under sections 10211, 10302, and  
13 3038 of title 10, United States Code, or while serving on  
14 active duty under section 12301(d) of title 10, United  
15 States Code, in connection with performing duty specified  
16 in section 12310(a) of title 10, United States Code, or  
17 while undergoing reserve training, or while performing  
18 drills or equivalent duty or other duty, and expenses au-  
19 thorized by section 16131 of title 10, United States Code;  
20 and for payments to the Department of Defense Military  
21 Retirement Fund, \$4,304,713,000.

22                                   RESERVE PERSONNEL, NAVY

23       For pay, allowances, clothing, subsistence, gratuities,  
24 travel, and related expenses for personnel of the Navy Re-  
25 serve on active duty under section 10211 of title 10,

1 United States Code, or while serving on active duty under  
2 section 12301(d) of title 10, United States Code, in con-  
3 nection with performing duty specified in section 12310(a)  
4 of title 10, United States Code, or while undergoing re-  
5 serve training, or while performing drills or equivalent  
6 duty, and expenses authorized by section 16131 of title  
7 10, United States Code; and for payments to the Depart-  
8 ment of Defense Military Retirement Fund,  
9 \$1,909,301,000.

10 RESERVE PERSONNEL, MARINE CORPS

11 For pay, allowances, clothing, subsistence, gratuities,  
12 travel, and related expenses for personnel of the Marine  
13 Corps Reserve on active duty under section 10211 of title  
14 10, United States Code, or while serving on active duty  
15 under section 12301(d) of title 10, United States Code,  
16 in connection with performing duty specified in section  
17 12310(a) of title 10, United States Code, or while under-  
18 going reserve training, or while performing drills or equiv-  
19 alent duty, and for members of the Marine Corps platoon  
20 leaders class, and expenses authorized by section 16131  
21 of title 10, United States Code; and for payments to the  
22 Department of Defense Military Retirement Fund,  
23 \$613,500,000.

## 1                   RESERVE PERSONNEL, AIR FORCE

2           For pay, allowances, clothing, subsistence, gratuities,  
3 travel, and related expenses for personnel of the Air Force  
4 Reserve on active duty under sections 10211, 10305, and  
5 8038 of title 10, United States Code, or while serving on  
6 active duty under section 12301(d) of title 10, United  
7 States Code, in connection with performing duty specified  
8 in section 12310(a) of title 10, United States Code, or  
9 while undergoing reserve training, or while performing  
10 drills or equivalent duty or other duty, and expenses au-  
11 thorized by section 16131 of title 10, United States Code;  
12 and for payments to the Department of Defense Military  
13 Retirement Fund, \$1,589,412,000.

## 14                   NATIONAL GUARD PERSONNEL, ARMY

15           For pay, allowances, clothing, subsistence, gratuities,  
16 travel, and related expenses for personnel of the Army Na-  
17 tional Guard while on duty under section 10211, 10302,  
18 or 12402 of title 10 or section 708 of title 32, United  
19 States Code, or while serving on duty under section  
20 12301(d) of title 10 or section 502(f) of title 32, United  
21 States Code, in connection with performing duty specified  
22 in section 12310(a) of title 10, United States Code, or  
23 while undergoing training, or while performing drills or  
24 equivalent duty or other duty, and expenses authorized by  
25 section 16131 of title 10, United States Code; and for pay-

1 ments to the Department of Defense Military Retirement  
2 Fund, \$7,546,905,000.

3 NATIONAL GUARD PERSONNEL, AIR FORCE

4 For pay, allowances, clothing, subsistence, gratuities,  
5 travel, and related expenses for personnel of the Air Na-  
6 tional Guard on duty under section 10211, 10305, or  
7 12402 of title 10 or section 708 of title 32, United States  
8 Code, or while serving on duty under section 12301(d) of  
9 title 10 or section 502(f) of title 32, United States Code,  
10 in connection with performing duty specified in section  
11 12310(a) of title 10, United States Code, or while under-  
12 going training, or while performing drills or equivalent  
13 duty or other duty, and expenses authorized by section  
14 16131 of title 10, United States Code; and for payments  
15 to the Department of Defense Military Retirement Fund,  
16 \$2,938,229,000.

17 TITLE II

18 OPERATION AND MAINTENANCE

19 OPERATION AND MAINTENANCE, ARMY

20 For expenses, not otherwise provided for, necessary  
21 for the operation and maintenance of the Army, as author-  
22 ized by law; and not to exceed \$12,478,000 can be used  
23 for emergencies and extraordinary expenses, to be ex-  
24 pended on the approval or authority of the Secretary of  
25 the Army, and payments may be made on his certificate

1 of necessity for confidential military purposes,  
2 \$30,934,550,000.

3 OPERATION AND MAINTENANCE, NAVY

4 For expenses, not otherwise provided for, necessary  
5 for the operation and maintenance of the Navy and the  
6 Marine Corps, as authorized by law; and not to exceed  
7 \$14,657,000 can be used for emergencies and extraor-  
8 dinary expenses, to be expended on the approval or author-  
9 ity of the Secretary of the Navy, and payments may be  
10 made on his certificate of necessity for confidential mili-  
11 tary purposes, \$34,714,396,000.

12 OPERATION AND MAINTENANCE, MARINE CORPS

13 For expenses, not otherwise provided for, necessary  
14 for the operation and maintenance of the Marine Corps,  
15 as authorized by law, \$5,539,117,000.

16 OPERATION AND MAINTENANCE, AIR FORCE

17 For expenses, not otherwise provided for, necessary  
18 for the operation and maintenance of the Air Force, as  
19 authorized by law; and not to exceed \$7,699,000 can be  
20 used for emergencies and extraordinary expenses, to be ex-  
21 pended on the approval or authority of the Secretary of  
22 the Air Force, and payments may be made on his certifi-  
23 cate of necessity for confidential military purposes,  
24 \$33,477,116,000.

1           OPERATION AND MAINTENANCE, DEFENSE-WIDE  
2                           (INCLUDING TRANSFER OF FUNDS)

3           For expenses, not otherwise provided for, necessary  
4 for the operation and maintenance of activities and agen-  
5 cies of the Department of Defense (other than the military  
6 departments), as authorized by law, \$28,115,793,000:  
7 *Provided*, That not more than \$50,000,000 may be used  
8 for the Combatant Commander Initiative Fund authorized  
9 under section 166a of title 10, United States Code: *Pro-*  
10 *vided further*, That not to exceed \$36,000,000 can be used  
11 for emergencies and extraordinary expenses, to be ex-  
12 pended on the approval or authority of the Secretary of  
13 Defense, and payments may be made on his certificate of  
14 necessity for confidential military purposes: *Provided fur-*  
15 *ther*, That of the funds provided under this heading, not  
16 less than \$29,732,000 shall be made available for the Pro-  
17 curement Technical Assistance Cooperative Agreement  
18 Program, of which not less than \$3,600,000 shall be avail-  
19 able for centers defined in 10 U.S.C. 2411(1)(D): *Pro-*  
20 *vided further*, That none of the funds appropriated or oth-  
21 erwise made available by this Act may be used to plan  
22 or implement the consolidation of a budget or appropria-  
23 tions liaison office of the Office of the Secretary of De-  
24 fense, the office of the Secretary of a military department,  
25 or the service headquarters of one of the Armed Forces

1 into a legislative affairs or legislative liaison office: *Pro-*  
2 *vided further*, That \$6,667,000, to remain available until  
3 expended, is available only for expenses relating to certain  
4 classified activities, and may be transferred as necessary  
5 by the Secretary to operation and maintenance appropria-  
6 tions or research, development, test and evaluation appro-  
7 priations, to be merged with and to be available for the  
8 same time period as the appropriations to which trans-  
9 ferred: *Provided further*, That any ceiling on the invest-  
10 ment item unit cost of items that may be purchased with  
11 operation and maintenance funds shall not apply to the  
12 funds described in the preceding proviso: *Provided further*,  
13 That the transfer authority provided under this heading  
14 is in addition to any other transfer authority provided else-  
15 where in this Act.

16 OPERATION AND MAINTENANCE, ARMY RESERVE

17 For expenses, not otherwise provided for, necessary  
18 for the operation and maintenance, including training, or-  
19 ganization, and administration, of the Army Reserve; re-  
20 pair of facilities and equipment; hire of passenger motor  
21 vehicles; travel and transportation; care of the dead; re-  
22 cruiting; procurement of services, supplies, and equip-  
23 ment; and communications, \$2,617,496,000.

1 OPERATION AND MAINTENANCE, NAVY RESERVE

2 For expenses, not otherwise provided for, necessary  
3 for the operation and maintenance, including training, or-  
4 ganization, and administration, of the Navy Reserve; re-  
5 pair of facilities and equipment; hire of passenger motor  
6 vehicles; travel and transportation; care of the dead; re-  
7 cruiting; procurement of services, supplies, and equip-  
8 ment; and communications, \$1,273,701,000.

9 OPERATION AND MAINTENANCE, MARINE CORPS

10 RESERVE

11 For expenses, not otherwise provided for, necessary  
12 for the operation and maintenance, including training, or-  
13 ganization, and administration, of the Marine Corps Re-  
14 serve; repair of facilities and equipment; hire of passenger  
15 motor vehicles; travel and transportation; care of the dead;  
16 recruiting; procurement of services, supplies, and equip-  
17 ment; and communications, \$223,175,000.

18 OPERATION AND MAINTENANCE, AIR FORCE RESERVE

19 For expenses, not otherwise provided for, necessary  
20 for the operation and maintenance, including training, or-  
21 ganization, and administration, of the Air Force Reserve;  
22 repair of facilities and equipment; hire of passenger motor  
23 vehicles; travel and transportation; care of the dead; re-  
24 cruiting; procurement of services, supplies, and equip-  
25 ment; and communications, \$3,131,200,000.

## 1 OPERATION AND MAINTENANCE, ARMY NATIONAL

## 2 GUARD

3 For expenses of training, organizing, and admin-  
4 istering the Army National Guard, including medical and  
5 hospital treatment and related expenses in non-Federal  
6 hospitals; maintenance, operation, and repairs to struc-  
7 tures and facilities; hire of passenger motor vehicles; per-  
8 sonnel services in the National Guard Bureau; travel ex-  
9 penses (other than mileage), as authorized by law for  
10 Army personnel on active duty, for Army National Guard  
11 division, regimental, and battalion commanders while in-  
12 specting units in compliance with National Guard Bureau  
13 regulations when specifically authorized by the Chief, Na-  
14 tional Guard Bureau; supplying and equipping the Army  
15 National Guard as authorized by law; and expenses of re-  
16 pair, modification, maintenance, and issue of supplies and  
17 equipment (including aircraft), \$6,189,713,000.

## 18 OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

19 For expenses of training, organizing, and admin-  
20 istering the Air National Guard, including medical and  
21 hospital treatment and related expenses in non-Federal  
22 hospitals; maintenance, operation, and repairs to struc-  
23 tures and facilities; transportation of things, hire of pas-  
24 senger motor vehicles; supplying and equipping the Air  
25 National Guard, as authorized by law; expenses for repair,

1 modification, maintenance, and issue of supplies and  
2 equipment, including those furnished from stocks under  
3 the control of agencies of the Department of Defense;  
4 travel expenses (other than mileage) on the same basis as  
5 authorized by law for Air National Guard personnel on  
6 active Federal duty, for Air National Guard commanders  
7 while inspecting units in compliance with National Guard  
8 Bureau regulations when specifically authorized by the  
9 Chief, National Guard Bureau, \$5,882,251,000.

10 UNITED STATES COURT OF APPEALS FOR THE ARMED  
11 FORCES

12 For salaries and expenses necessary for the United  
13 States Court of Appeals for the Armed Forces,  
14 \$13,932,000, of which not to exceed \$5,000 may be used  
15 for official representation purposes.

16 ENVIRONMENTAL RESTORATION, ARMY  
17 (INCLUDING TRANSFER OF FUNDS)

18 For the Department of the Army, \$423,364,000, to  
19 remain available until transferred: *Provided*, That the Sec-  
20 retary of the Army shall, upon determining that such  
21 funds are required for environmental restoration, reduc-  
22 tion and recycling of hazardous waste, removal of unsafe  
23 buildings and debris of the Department of the Army, or  
24 for similar purposes, transfer the funds made available by  
25 this appropriation to other appropriations made available

1 to the Department of the Army, to be merged with and  
2 to be available for the same purposes and for the same  
3 time period as the appropriations to which transferred:  
4 *Provided further*, That upon a determination that all or  
5 part of the funds transferred from this appropriation are  
6 not necessary for the purposes provided herein, such  
7 amounts may be transferred back to this appropriation:  
8 *Provided further*, That the transfer authority provided  
9 under this heading is in addition to any other transfer au-  
10 thority provided elsewhere in this Act.

11 ENVIRONMENTAL RESTORATION, NAVY

12 (INCLUDING TRANSFER OF FUNDS)

13 For the Department of the Navy, \$285,869,000, to  
14 remain available until transferred: *Provided*, That the Sec-  
15 retary of the Navy shall, upon determining that such  
16 funds are required for environmental restoration, reduc-  
17 tion and recycling of hazardous waste, removal of unsafe  
18 buildings and debris of the Department of the Navy, or  
19 for similar purposes, transfer the funds made available by  
20 this appropriation to other appropriations made available  
21 to the Department of the Navy, to be merged with and  
22 to be available for the same purposes and for the same  
23 time period as the appropriations to which transferred:  
24 *Provided further*, That upon a determination that all or  
25 part of the funds transferred from this appropriation are

1 not necessary for the purposes provided herein, such  
2 amounts may be transferred back to this appropriation:  
3 *Provided further*, That the transfer authority provided  
4 under this heading is in addition to any other transfer au-  
5 thority provided elsewhere in this Act.

6 ENVIRONMENTAL RESTORATION, AIR FORCE

7 (INCLUDING TRANSFER OF FUNDS)

8 For the Department of the Air Force, \$494,276,000,  
9 to remain available until transferred: *Provided*, That the  
10 Secretary of the Air Force shall, upon determining that  
11 such funds are required for environmental restoration, re-  
12 duction and recycling of hazardous waste, removal of un-  
13 safe buildings and debris of the Department of the Air  
14 Force, or for similar purposes, transfer the funds made  
15 available by this appropriation to other appropriations  
16 made available to the Department of the Air Force, to be  
17 merged with and to be available for the same purposes  
18 and for the same time period as the appropriations to  
19 which transferred: *Provided further*, That upon a deter-  
20 mination that all or part of the funds transferred from  
21 this appropriation are not necessary for the purposes pro-  
22 vided herein, such amounts may be transferred back to  
23 this appropriation: *Provided further*, That the transfer au-  
24 thority provided under this heading is in addition to any  
25 other transfer authority provided elsewhere in this Act.

1 ENVIRONMENTAL RESTORATION, DEFENSE-WIDE

2 (INCLUDING TRANSFER OF FUNDS)

3 For the Department of Defense, \$11,100,000, to re-  
4 main available until transferred: *Provided*, That the Sec-  
5 retary of Defense shall, upon determining that such funds  
6 are required for environmental restoration, reduction and  
7 recycling of hazardous waste, removal of unsafe buildings  
8 and debris of the Department of Defense, or for similar  
9 purposes, transfer the funds made available by this appro-  
10 priation to other appropriations made available to the De-  
11 partment of Defense, to be merged with and to be avail-  
12 able for the same purposes and for the same time period  
13 as the appropriations to which transferred: *Provided fur-*  
14 *ther*, That upon a determination that all or part of the  
15 funds transferred from this appropriation are not nec-  
16 essary for the purposes provided herein, such amounts  
17 may be transferred back to this appropriation: *Provided*  
18 *further*, That the transfer authority provided under this  
19 heading is in addition to any other transfer authority pro-  
20 vided elsewhere in this Act.

21 ENVIRONMENTAL RESTORATION, FORMERLY USED

22 DEFENSE SITES

23 (INCLUDING TRANSFER OF FUNDS)

24 For the Department of the Army, \$292,700,000, to  
25 remain available until transferred: *Provided*, That the Sec-

1 retary of the Army shall, upon determining that such  
2 funds are required for environmental restoration, reduc-  
3 tion and recycling of hazardous waste, removal of unsafe  
4 buildings and debris at sites formerly used by the Depart-  
5 ment of Defense, transfer the funds made available by this  
6 appropriation to other appropriations made available to  
7 the Department of the Army, to be merged with and to  
8 be available for the same purposes and for the same time  
9 period as the appropriations to which transferred: *Pro-*  
10 *vided further*, That upon a determination that all or part  
11 of the funds transferred from this appropriation are not  
12 necessary for the purposes provided herein, such amounts  
13 may be transferred back to this appropriation: *Provided*  
14 *further*, That the transfer authority provided under this  
15 heading is in addition to any other transfer authority pro-  
16 vided elsewhere in this Act.

17 OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

18 For expenses relating to the Overseas Humanitarian,  
19 Disaster, and Civic Aid programs of the Department of  
20 Defense (consisting of the programs provided under sec-  
21 tions 401, 402, 404, 407, 2557, and 2561 of title 10,  
22 United States Code), \$109,869,000, to remain available  
23 until September 30, 2011.

1 COOPERATIVE THREAT REDUCTION ACCOUNT

2 For assistance to the republics of the former Soviet  
3 Union and, with appropriate authorization by the Depart-  
4 ment of Defense and Department of State, to countries  
5 outside of the former Soviet Union, including assistance  
6 provided by contract or by grants, for facilitating the  
7 elimination and the safe and secure transportation and  
8 storage of nuclear, chemical and other weapons; for estab-  
9 lishing programs to prevent the proliferation of weapons,  
10 weapons components, and weapon-related technology and  
11 expertise; for programs relating to the training and sup-  
12 port of defense and military personnel for demilitarization  
13 and protection of weapons, weapons components and  
14 weapons technology and expertise, and for defense and  
15 military contacts, \$424,093,000, to remain available until  
16 September 30, 2012: *Provided*, That of the amounts pro-  
17 vided under this heading, not less than \$15,000,000 shall  
18 be available only to support the dismantling and disposal  
19 of nuclear submarines, submarine reactor components,  
20 and security enhancements for transport and storage of  
21 nuclear warheads in the Russian Far East and North.

22 DEPARTMENT OF DEFENSE ACQUISITION WORKFORCE

23 DEVELOPMENT FUND

24 For the Department of Defense Acquisition Work-  
25 force Development Fund, \$100,000,000.

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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, \$5,093,822,000, to remain available for obligation until September 30, 2012.

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,



## 1                   PROCUREMENT OF AMMUNITION, ARMY

2           For construction, procurement, production, and  
3 modification of ammunition, and accessories therefor; spe-  
4 cialized equipment and training devices; expansion of pub-  
5 lic and private plants, including ammunition facilities, au-  
6 thorized by section 2854 of title 10, United States Code,  
7 and the land necessary therefor, for the foregoing pur-  
8 poses, and such lands and interests therein, may be ac-  
9 quired, and construction prosecuted thereon prior to ap-  
10 proval of title; and procurement and installation of equip-  
11 ment, appliances, and machine tools in public and private  
12 plants; reserve plant and Government and contractor-  
13 owned equipment layaway; and other expenses necessary  
14 for the foregoing purposes, \$2,056,115,000, to remain  
15 available for obligation until September 30, 2012.

## 16                   OTHER PROCUREMENT, ARMY

17           For construction, procurement, production, and  
18 modification of vehicles, including tactical, support, and  
19 non-tracked combat vehicles; the purchase of passenger  
20 motor vehicles for replacement only; and the purchase of  
21 eight vehicles required for physical security of personnel,  
22 notwithstanding price limitations applicable to passenger  
23 vehicles but not to exceed \$250,000 per vehicle; commu-  
24 nications and electronic equipment; other support equip-  
25 ment; spare parts, ordnance, and accessories therefor; spe-

1 cialized equipment and training devices; expansion of pub-  
2 lic and private plants, including the land necessary there-  
3 for, for the foregoing purposes, and such lands and inter-  
4 ests therein, may be acquired, and construction prosecuted  
5 thereon prior to approval of title; and procurement and  
6 installation of equipment, appliances, and machine tools  
7 in public and private plants; reserve plant and Govern-  
8 ment and contractor-owned equipment layaway; and other  
9 expenses necessary for the foregoing purposes,  
10 \$8,582,660,000, to remain available for obligation until  
11 September 30, 2012.

12 AIRCRAFT PROCUREMENT, NAVY

13 For construction, procurement, production, modifica-  
14 tion, and modernization of aircraft, equipment, including  
15 ordnance, spare parts, and accessories therefor; specialized  
16 equipment; expansion of public and private plants, includ-  
17 ing the land necessary therefor, and such lands and inter-  
18 ests therein, may be acquired, and construction prosecuted  
19 thereon prior to approval of title; and procurement and  
20 installation of equipment, appliances, and machine tools  
21 in public and private plants; reserve plant and Govern-  
22 ment and contractor-owned equipment layaway,  
23 \$18,643,221,000, to remain available for obligation until  
24 September 30, 2012.

1 WEAPONS PROCUREMENT, NAVY

2 For construction, procurement, production, modifica-  
3 tion, and modernization of missiles, torpedoes, other weap-  
4 ons, and related support equipment including spare parts,  
5 and accessories therefor; expansion of public and private  
6 plants, including the land necessary therefor, and such  
7 lands and interests therein, may be acquired, and con-  
8 struction prosecuted thereon prior to approval of title; and  
9 procurement and installation of equipment, appliances,  
10 and machine tools in public and private plants; reserve  
11 plant and Government and contractor-owned equipment  
12 layaway, \$3,357,572,000, to remain available for obliga-  
13 tion until September 30, 2012.

14 PROCUREMENT OF AMMUNITION, NAVY AND MARINE  
15 CORPS

16 For construction, procurement, production, and  
17 modification of ammunition, and accessories therefor; spe-  
18 cialized equipment and training devices; expansion of pub-  
19 lic and private plants, including ammunition facilities, au-  
20 thorized by section 2854 of title 10, United States Code,  
21 and the land necessary therefor, for the foregoing pur-  
22 poses, and such lands and interests therein, may be ac-  
23 quired, and construction prosecuted thereon prior to ap-  
24 proval of title; and procurement and installation of equip-  
25 ment, appliances, and machine tools in public and private

1 plants; reserve plant and Government and contractor-  
2 owned equipment layaway; and other expenses necessary  
3 for the foregoing purposes, \$800,651,000, to remain avail-  
4 able for obligation until September 30, 2012.

5 SHIPBUILDING AND CONVERSION, NAVY

6 For expenses necessary for the construction, acquisi-  
7 tion, or conversion of vessels as authorized by law, includ-  
8 ing armor and armament thereof, plant equipment, appli-  
9 ances, and machine tools and installation thereof in public  
10 and private plants; reserve plant and Government and con-  
11 tractor-owned equipment layaway; procurement of critical,  
12 long lead time components and designs for vessels to be  
13 constructed or converted in the future; and expansion of  
14 public and private plants, including land necessary there-  
15 for, and such lands and interests therein, may be acquired,  
16 and construction prosecuted thereon prior to approval of  
17 title, as follows:

18 Carrier Replacement Program, \$739,269,000;  
19 Carrier Replacement Program (AP),  
20 \$484,432,000;  
21 NSSN, \$1,964,317,000;  
22 NSSN (AP), \$1,959,725,000;  
23 CVN Refueling, \$1,563,602,000;  
24 CVN Refuelings (AP), \$211,820,000;  
25 DDG-1000 Program, \$1,382,797,000;

1 DDG-51 Destroyer, \$1,912,267,000;  
2 DDG-51 Destroyer (AP), \$578,996,000;  
3 Littoral Combat Ship, \$1,080,000,000;  
4 LPD-17, \$872,392,000;  
5 LPD-17 (AP), \$184,555,000;  
6 LHA-R (AP), \$170,000,000;  
7 Intratheater Connector, \$177,956,000;  
8 LCAC Service Life Extension Program,  
9 \$63,857,000;  
10 Prior year shipbuilding costs, \$144,950,000;  
11 Service Craft, \$3,694,000; and  
12 For outfitting, post delivery, conversions, and  
13 first destination transportation, \$386,903,000.  
14 In all: \$13,881,532,000, to remain available for obli-  
15 gation until September 30, 2014: *Provided*, That addi-  
16 tional obligations may be incurred after September 30,  
17 2014, for engineering services, tests, evaluations, and  
18 other such budgeted work that must be performed in the  
19 final stage of ship construction: *Provided further*, That  
20 none of the funds provided under this heading for the con-  
21 struction or conversion of any naval vessel to be con-  
22 structed in shipyards in the United States shall be ex-  
23 pended in foreign facilities for the construction of major  
24 components of such vessel: *Provided further*, That none  
25 of the funds provided under this heading shall be used

1 for the construction of any naval vessel in foreign ship-  
2 yards.

3                   OTHER PROCUREMENT, NAVY

4       For procurement, production, and modernization of  
5 support equipment and materials not otherwise provided  
6 for, Navy ordnance (except ordnance for new aircraft, new  
7 ships, and ships authorized for conversion); the purchase  
8 of passenger motor vehicles for replacement only, and the  
9 purchase of seven vehicles required for physical security  
10 of personnel, notwithstanding price limitations applicable  
11 to passenger vehicles but not to exceed \$250,000 per vehi-  
12 cle; expansion of public and private plants, including the  
13 land necessary therefor, and such lands and interests  
14 therein, may be acquired, and construction prosecuted  
15 thereon prior to approval of title; and procurement and  
16 installation of equipment, appliances, and machine tools  
17 in public and private plants; reserve plant and Govern-  
18 ment and contractor-owned equipment layaway,  
19 \$5,441,234,000, to remain available for obligation until  
20 September 30, 2012.

21                   PROCUREMENT, MARINE CORPS

22       For expenses necessary for the procurement, manu-  
23 facture, and modification of missiles, armament, military  
24 equipment, spare parts, and accessories therefor; plant  
25 equipment, appliances, and machine tools, and installation

1 thereof in public and private plants; reserve plant and  
2 Government and contractor-owned equipment layaway; ve-  
3 hicles for the Marine Corps, including the purchase of pas-  
4 senger motor vehicles for replacement only; and expansion  
5 of public and private plants, including land necessary  
6 therefor, and such lands and interests therein, may be ac-  
7 quired, and construction prosecuted thereon prior to ap-  
8 proval of title, \$1,521,505,000, to remain available for ob-  
9 ligation until September 30, 2012.

10 AIRCRAFT PROCUREMENT, AIR FORCE

11 For construction, procurement, and modification of  
12 aircraft and equipment, including armor and armament,  
13 specialized ground handling equipment, and training de-  
14 vices, spare parts, and accessories therefor; specialized  
15 equipment; expansion of public and private plants, Gov-  
16 ernment-owned equipment and installation thereof in such  
17 plants, erection of structures, and acquisition of land, for  
18 the foregoing purposes, and such lands and interests  
19 therein, may be acquired, and construction prosecuted  
20 thereon prior to approval of title; reserve plant and Gov-  
21 ernment and contractor-owned equipment layaway; and  
22 other expenses necessary for the foregoing purposes in-  
23 cluding rents and transportation of things,  
24 \$13,295,474,000, to remain available for obligation until  
25 September 30, 2012; *Provided*, That none of the funds

1 provided in this Act for modification of C-17 aircraft may  
2 be obligated until all C-17 contracts funded with prior  
3 year "Aircraft Procurement, Air Force" appropriated  
4 funds are definitized unless the Secretary of the Air Force  
5 certifies in writing to the congressional defense commit-  
6 tees that each such obligation is necessary to meet the  
7 needs of a warfighting requirement or prevents increased  
8 costs to the taxpayer and provides the reasons for failing  
9 to definitize the prior year contracts along with the pro-  
10 spective contract definitization schedule.

11 MISSILE PROCUREMENT, AIR FORCE

12 For construction, procurement, and modification of  
13 missiles, spacecraft, rockets, and related equipment, in-  
14 cluding spare parts and accessories therefor, ground han-  
15 dling equipment, and training devices; expansion of public  
16 and private plants, Government-owned equipment and in-  
17 stallation thereof in such plants, erection of structures,  
18 and acquisition of land, for the foregoing purposes, and  
19 such lands and interests therein, may be acquired, and  
20 construction prosecuted thereon prior to approval of title;  
21 reserve plant and Government and contractor-owned  
22 equipment layaway; and other expenses necessary for the  
23 foregoing purposes including rents and transportation of  
24 things, \$5,995,544,000, to remain available for obligation  
25 until September 30, 2012.

## 1           PROCUREMENT OF AMMUNITION, AIR FORCE

2           For construction, procurement, production, and  
3 modification of ammunition, and accessories therefor; spe-  
4 cialized equipment and training devices; expansion of pub-  
5 lic and private plants, including ammunition facilities, au-  
6 thorized by section 2854 of title 10, United States Code,  
7 and the land necessary therefor, for the foregoing pur-  
8 poses, and such lands and interests therein, may be ac-  
9 quired, and construction prosecuted thereon prior to ap-  
10 proval of title; and procurement and installation of equip-  
11 ment, appliances, and machine tools in public and private  
12 plants; reserve plant and Government and contractor-  
13 owned equipment layaway; and other expenses necessary  
14 for the foregoing purposes, \$801,550,000, to remain avail-  
15 able for obligation until September 30, 2012.

## 16           OTHER PROCUREMENT, AIR FORCE

17           For procurement and modification of equipment (in-  
18 cluding ground guidance and electronic control equipment,  
19 and ground electronic and communication equipment),  
20 and supplies, materials, and spare parts therefor, not oth-  
21 erwise provided for; the purchase of passenger motor vehi-  
22 cles for replacement only, and the purchase of two vehicles  
23 required for physical security of personnel, notwith-  
24 standing price limitations applicable to passenger vehicles  
25 but not to exceed \$250,000 per vehicle; lease of passenger

1 motor vehicles; and expansion of public and private plants,  
2 Government-owned equipment and installation thereof in  
3 such plants, erection of structures, and acquisition of land,  
4 for the foregoing purposes, and such lands and interests  
5 therein, may be acquired, and construction prosecuted  
6 thereon, prior to approval of title; reserve plant and Gov-  
7 ernment and contractor-owned equipment layaway,  
8 \$17,138,239,000, to remain available for obligation until  
9 September 30, 2012.

10                   PROCUREMENT, DEFENSE-WIDE

11       For expenses of activities and agencies of the Depart-  
12 ment of Defense (other than the military departments)  
13 necessary for procurement, production, and modification  
14 of equipment, supplies, materials, and spare parts there-  
15 for, not otherwise provided for; the purchase of passenger  
16 motor vehicles for replacement only; expansion of public  
17 and private plants, equipment, and installation thereof in  
18 such plants, erection of structures, and acquisition of land  
19 for the foregoing purposes, and such lands and interests  
20 therein, may be acquired, and construction prosecuted  
21 thereon prior to approval of title; reserve plant and Gov-  
22 ernment and contractor-owned equipment layaway,  
23 \$4,050,537,000, to remain available for obligation until  
24 September 30, 2012.

## 1 DEFENSE PRODUCTION ACT PURCHASES

2 For activities by the Department of Defense pursuant  
3 to sections 108, 301, 302, and 303 of the Defense Produc-  
4 tion Act of 1950 (50 U.S.C. App. 2078, 2091, 2092, and  
5 2093), \$150,746,000, to remain available until expended.

## 6 TITLE IV

## 7 RESEARCH, DEVELOPMENT, TEST AND

## 8 EVALUATION

## 9 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,

## 10 ARMY

11 For expenses necessary for basic and applied sci-  
12 entific research, development, test and evaluation, includ-  
13 ing maintenance, rehabilitation, lease, and operation of fa-  
14 cilities and equipment, \$11,474,180,000, to remain avail-  
15 able for obligation until September 30, 2011.

## 16 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,

## 17 NAVY

18 For expenses necessary for basic and applied sci-  
19 entific research, development, test and evaluation, includ-  
20 ing maintenance, rehabilitation, lease, and operation of fa-  
21 cilities and equipment, \$20,003,463,000, to remain avail-  
22 able for obligation until September 30, 2011: *Provided,*  
23 That funds appropriated in this paragraph which are  
24 available for the V-22 may be used to meet unique oper-  
25 ational requirements of the Special Operations Forces:

1 *Provided further*, That funds appropriated in this para-  
2 graph shall be available for the Cobra Judy program.

3 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,

4 AIR FORCE

5 For expenses necessary for basic and applied sci-  
6 entific research, development, test and evaluation, includ-  
7 ing maintenance, rehabilitation, lease, and operation of fa-  
8 cilities and equipment, \$28,121,985,000, to remain avail-  
9 able for obligation until September 30, 2011.

10 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,

11 DEFENSE-WIDE

12 For expenses of activities and agencies of the Depart-  
13 ment of Defense (other than the military departments),  
14 necessary for basic and applied scientific research, devel-  
15 opment, test and evaluation; advanced research projects  
16 as may be designated and determined by the Secretary  
17 of Defense, pursuant to law; maintenance, rehabilitation,  
18 lease, and operation of facilities and equipment,  
19 \$20,747,081,000, to remain available for obligation until  
20 September 30, 2011, of which \$2,500,000 shall be avail-  
21 able only for the Missile Defense Agency to construct a  
22 replacement Patriot launcher pad for the Japanese Min-  
23 istry of Defense.



1 contract that provides for the acquisition of any of the  
2 following major components unless such components are  
3 manufactured in the United States: auxiliary equipment,  
4 including pumps, for all shipboard services; propulsion  
5 system components (engines, reduction gears, and propel-  
6 lers); shipboard cranes; and spreaders for shipboard  
7 cranes: *Provided further*, That the exercise of an option  
8 in a contract awarded through the obligation of previously  
9 appropriated funds shall not be considered to be the award  
10 of a new contract: *Provided further*, That the Secretary  
11 of the military department responsible for such procure-  
12 ment may waive the restrictions in the first proviso on  
13 a case-by-case basis by certifying in writing to the Com-  
14 mittees on Appropriations of the House of Representatives  
15 and the Senate that adequate domestic supplies are not  
16 available to meet Department of Defense requirements on  
17 a timely basis and that such an acquisition must be made  
18 in order to acquire capability for national security pur-  
19 poses.

## 20 TITLE VI

### 21 OTHER DEPARTMENT OF DEFENSE PROGRAMS

#### 22 DEFENSE HEALTH PROGRAM

23 For expenses, not otherwise provided for, for medical  
24 and health care programs of the Department of Defense  
25 as authorized by law, \$29,243,428,000; of which

1 \$27,596,689,000 shall be for operation and maintenance,  
2 of which not to exceed one percent shall remain available  
3 until September 30, 2011, and of which up to  
4 \$15,093,539,000 may be available for contracts entered  
5 into under the TRICARE program; of which  
6 \$366,692,000, to remain available for obligation until Sep-  
7 tember 30, 2012, shall be for procurement; and of which  
8 \$1,280,047,000, to remain available for obligation until  
9 September 30, 2011, shall be for research, development,  
10 test and evaluation: *Provided*, That, notwithstanding any  
11 other provision of law, of the amount made available under  
12 this heading for research, development, test and evalua-  
13 tion, not less than \$10,000,000 shall be available for HIV  
14 prevention educational activities undertaken in connection  
15 with United States military training, exercises, and hu-  
16 manitarian assistance activities conducted primarily in Af-  
17 rican nations.

18 CHEMICAL AGENTS AND MUNITIONS DESTRUCTION,  
19 DEFENSE

20 For expenses, not otherwise provided for, necessary  
21 for the destruction of the United States stockpile of lethal  
22 chemical agents and munitions, to include construction of  
23 facilities, in accordance with the provisions of section 1412  
24 of the Department of Defense Authorization Act, 1986  
25 (50 U.S.C. 1521), and for the destruction of other chem-

1 ical warfare materials that are not in the chemical weapon  
2 stockpile, \$1,560,760,000, of which \$1,146,802,000 shall  
3 be for operation and maintenance, of which no less than  
4 \$84,839,000, shall be for the Chemical Stockpile Emer-  
5 gency Preparedness Program, consisting of \$34,905,000  
6 for activities on military installations and \$49,934,000, to  
7 remain available until September 30, 2011, to assist State  
8 and local governments; \$12,689,000 shall be for procure-  
9 ment, to remain available until September 30, 2012, of  
10 which no less than \$12,689,000 shall be for the Chemical  
11 Stockpile Emergency Preparedness Program to assist  
12 State and local governments; and \$401,269,000, to re-  
13 main available until September 30, 2011, shall be for re-  
14 search, development, test and evaluation, of which  
15 \$398,669,000 shall only be for the Assembled Chemical  
16 Weapons Alternatives (ACWA) program.

17 DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES,  
18 DEFENSE

19 (INCLUDING TRANSFER OF FUNDS)

20 For drug interdiction and counter-drug activities of  
21 the Department of Defense, for transfer to appropriations  
22 available to the Department of Defense for military per-  
23 sonnel of the reserve components serving under the provi-  
24 sions of title 10 and title 32, United States Code; for oper-  
25 ation and maintenance; for procurement; and for research,

1 development, test and evaluation, \$1,158,226,000: *Pro-*  
2 *vided*, That the funds appropriated under this heading  
3 shall be available for obligation for the same time period  
4 and for the same purpose as the appropriation to which  
5 transferred: *Provided further*, That upon a determination  
6 that all or part of the funds transferred from this appro-  
7 priation are not necessary for the purposes provided here-  
8 in, such amounts may be transferred back to this appro-  
9 priation: *Provided further*, That the transfer authority pro-  
10 vided under this heading is in addition to any other trans-  
11 fer authority contained elsewhere in this Act.

12 JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND

13 (INCLUDING TRANSFER OF FUNDS)

14 For the “Joint Improvised Explosive Device Defeat  
15 Fund”, \$121,550,000 for Staff and Infrastructure: *Pro-*  
16 *vided*, That such funds shall be available to the Secretary  
17 of Defense, notwithstanding any other provision of law,  
18 for the purpose of allowing the Director of the Joint Im-  
19 proved Explosive Device Defeat Organization to inves-  
20 tigate, develop and provide equipment, supplies, services,  
21 training, facilities, personnel and funds to assist United  
22 States forces in the defeat of improvised explosive devices:  
23 *Provided further*, That within 60 days of the enactment  
24 of this Act, a plan for the intended management and use  
25 of the amounts provided under this heading shall be sub-

1 mitted to the congressional defense committees: *Provided*  
2 *further*, That the Secretary of Defense shall submit a re-  
3 port not later than 60 days after the end of each fiscal  
4 quarter to the congressional defense committees providing  
5 assessments of the evolving threats, individual service re-  
6 quirements to counter the threats, the current strategy for  
7 predeployment training of members of the Armed Forces  
8 on improvised explosive devices, and details on the execu-  
9 tion of the Fund: *Provided further*, That the Secretary of  
10 Defense may transfer funds provided herein to appropria-  
11 tions for operation and maintenance; procurement; re-  
12 search, development, test and evaluation; and defense  
13 working capital funds to accomplish the purpose provided  
14 herein: *Provided further*, That amounts transferred shall  
15 be merged with and available for the same purposes and  
16 time period as the appropriations to which transferred:  
17 *Provided further*, That this transfer authority is in addi-  
18 tion to any other transfer authority available to the De-  
19 partment of Defense: *Provided further*, That the Secretary  
20 of Defense shall, not fewer than 15 days prior to making  
21 transfers from this appropriation, notify the congressional  
22 defense committees in writing of the details of any such  
23 transfer.

## 1                   OFFICE OF THE INSPECTOR GENERAL

2           For expenses and activities of the Office of the In-  
3 spector General in carrying out the provisions of the In-  
4 spector General Act of 1978, as amended, \$288,100,000,  
5 of which \$287,100,000 shall be for operation and mainte-  
6 nance, of which not to exceed \$700,000 is available for  
7 emergencies and extraordinary expenses to be expended on  
8 the approval or authority of the Inspector General, and  
9 payments may be made on the Inspector General's certifi-  
10 cate of necessity for confidential military purposes; and  
11 of which \$1,000,000, to remain available until September  
12 30, 2012; shall be for procurement.

## 13                   TITLE VII

## 14                   RELATED AGENCIES

15           CENTRAL INTELLIGENCE AGENCY RETIREMENT AND  
16                   DISABILITY SYSTEM FUND

17           For payment to the Central Intelligence Agency Re-  
18 tirement and Disability System Fund, to maintain the  
19 proper funding level for continuing the operation of the  
20 Central Intelligence Agency Retirement and Disability  
21 System, \$290,900,000.

## 22           INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

23           For necessary expenses of the Intelligence Commu-  
24 nity Management Account, \$707,912,000.

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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 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.



1 and in no case where the item for which funds are re-  
2 quested has been denied by the Congress: *Provided further,*  
3 That the Secretary of Defense shall notify the Congress  
4 promptly of all transfers made pursuant to this authority  
5 or any other authority in this Act: *Provided further,* That  
6 no part of the funds in this Act shall be available to pre-  
7 pare or present a request to the Committees on Appropria-  
8 tions for reprogramming of funds, unless for higher pri-  
9 ority items, based on unforeseen military requirements,  
10 than those for which originally appropriated and in no  
11 case where the item for which reprogramming is requested  
12 has been denied by the Congress: *Provided further,* That  
13 a request for multiple reprogrammings of funds using au-  
14 thority provided in this section shall be made prior to June  
15 30, 2010: *Provided further,* That transfers among military  
16 personnel appropriations shall not be taken into account  
17 for purposes of the limitation on the amount of funds that  
18 may be transferred under this section: *Provided further,*  
19 That no obligation of funds may be made pursuant to sec-  
20 tion 1206 of Public Law 109–163 (or any successor provi-  
21 sion) unless the Secretary of Defense has notified the con-  
22 gressional defense committees prior to any such obligation.

23 SEC. 8006. (a) With regard to the list of specific pro-  
24 grams, projects, and activities (and the dollar amounts  
25 and adjustments to budget activities corresponding to

1 such programs, projects, and activities) contained in the  
2 tables titled “Explanation of Project Level Adjustments”  
3 in the explanatory statement regarding this Act, the obli-  
4 gation and expenditure of amounts appropriated or other-  
5 wise made available in this Act for those programs,  
6 projects, and activities for which the amounts appro-  
7 priated exceed the amounts requested are hereby required  
8 by law to be carried out in the manner provided by such  
9 tables to the same extent as if the tables were included  
10 in the text of this Act.

11 (b) Amounts specified in the referenced tables de-  
12 scribed in subsection (a) shall not be treated as subdivi-  
13 sions of appropriations for purposes of section 8005 of this  
14 Act: *Provided*, That section 8005 shall apply when trans-  
15 fers of the amounts described in subsection (a) occur be-  
16 tween appropriation accounts.

17 SEC. 8007. (a) Not later than 60 days after enact-  
18 ment of this Act, the Department of Defense shall submit  
19 a report to the congressional defense committees to estab-  
20 lish the baseline for application of reprogramming and  
21 transfer authorities for fiscal year 2010: *Provided*, That  
22 the report shall include—

23 (1) a table for each appropriation with a sepa-  
24 rate column to display the President’s budget re-  
25 quest, adjustments made by Congress, adjustments

1 due to enacted rescissions, if appropriate, and the  
2 fiscal year enacted level;

3 (2) a delineation in the table for each appro-  
4 priation both by budget activity and program,  
5 project, and activity as detailed in the Budget Ap-  
6 pendix; and

7 (3) an identification of items of special congres-  
8 sional interest.

9 (b) Notwithstanding section 8005 of this Act, none  
10 of the funds provided in this Act shall be available for  
11 reprogramming or transfer until the report identified in  
12 subsection (a) is submitted to the congressional defense  
13 committees, unless the Secretary of Defense certifies in  
14 writing to the congressional defense committees that such  
15 reprogramming or transfer is necessary as an emergency  
16 requirement.

17 SEC. 8008. The Secretaries of the Air Force and the  
18 Army are authorized, using funds available under the  
19 headings "Operation and Maintenance, Air Force" and  
20 "Operation and Maintenance, Army", to complete facility  
21 conversions and phased repair projects which may include  
22 upgrades and additions to Alaskan range infrastructure  
23 and training areas, and improved access to these ranges.

1 (TRANSFER OF FUNDS)

2 SEC. 8009. During the current fiscal year, cash bal-  
3 ances in working capital funds of the Department of De-  
4 fense established pursuant to section 2208 of title 10,  
5 United States Code, may be maintained in only such  
6 amounts as are necessary at any time for cash disburse-  
7 ments to be made from such funds: *Provided*, That trans-  
8 fers may be made between such funds: *Provided further*,  
9 That transfers may be made between working capital  
10 funds and the “Foreign Currency Fluctuations, Defense”  
11 appropriation and the “Operation and Maintenance” ap-  
12 propriation accounts in such amounts as may be deter-  
13 mined by the Secretary of Defense, with the approval of  
14 the Office of Management and Budget, except that such  
15 transfers may not be made unless the Secretary of Defense  
16 has notified the Congress of the proposed transfer. Except  
17 in amounts equal to the amounts appropriated to working  
18 capital funds in this Act, no obligations may be made  
19 against a working capital fund to procure or increase the  
20 value of war reserve material inventory, unless the Sec-  
21 retary of Defense has notified the Congress prior to any  
22 such obligation.

23 SEC. 8010. Funds appropriated by this Act may not  
24 be used to initiate a special access program without prior

1 notification 30 calendar days in advance to the congres-  
2 sional defense committees.

3       SEC. 8011. None of the funds provided in this Act  
4 shall be available to initiate: (1) a multiyear contract that  
5 employs economic order quantity procurement in excess of  
6 \$20,000,000 in any one year of the contract or that in-  
7 cludes an unfunded contingent liability in excess of  
8 \$20,000,000; or (2) a contract for advance procurement  
9 leading to a multiyear contract that employs economic  
10 order quantity procurement in excess of \$20,000,000 in  
11 any one year, unless the congressional defense committees  
12 have been notified at least 30 days in advance of the pro-  
13 posed contract award: *Provided*, That no part of any ap-  
14 propriation contained in this Act shall be available to ini-  
15 tiate a multiyear contract for which the economic order  
16 quantity advance procurement is not funded at least to  
17 the limits of the Government's liability: *Provided further*,  
18 That no part of any appropriation contained in this Act  
19 shall be available to initiate multiyear procurement con-  
20 tracts for any systems or component thereof if the value  
21 of the multiyear contract would exceed \$500,000,000 un-  
22 less specifically provided in this Act: *Provided further*,  
23 That no multiyear procurement contract can be termi-  
24 nated without 10-day prior notification to the congres-  
25 sional defense committees: *Provided further*, That the exe-

1 cution of multiyear authority shall require the use of a  
2 present value analysis to determine lowest cost compared  
3 to an annual procurement: *Provided further*, That none of  
4 the funds provided in this Act may be used for a multiyear  
5 contract executed after the date of the enactment of this  
6 Act unless in the case of any such contract—

7           (1) the Secretary of Defense has submitted to  
8           Congress a report within 30 days of enactment of  
9           this Act that certifies full funding of units to be pro-  
10          cured through the contract and, in the case of a con-  
11          tract for procurement of aircraft, that includes, for  
12          any aircraft unit to be procured through the con-  
13          tract for which procurement funds are identified in  
14          that report for production beyond advance procure-  
15          ment activities in the fiscal year 2010 budget, full  
16          funding of procurement of such unit in that fiscal  
17          year;

18           (2) cancellation provisions in the contract do  
19          not include consideration of recurring manufacturing  
20          costs of the contractor associated with the produc-  
21          tion of unfunded units to be delivered under the con-  
22          tract;

23           (3) the contract provides that payments to the  
24          contractor under the contract shall not be made in  
25          advance of incurred costs on funded units; and

1           (4) the contract does not provide for a price ad-  
2           justment based on a failure to award a follow-on  
3           contract.

4           Funds appropriated in title III of this Act may be  
5           used for a multiyear procurement contract as follows:

6           F-18 aircraft variants.

7           SEC. 8012. Within the funds appropriated for the op-  
8           eration and maintenance of the Armed Forces, funds are  
9           hereby appropriated pursuant to section 401 of title 10,  
10          United States Code, for humanitarian and civic assistance  
11          costs under chapter 20 of title 10, United States Code.  
12          Such funds may also be obligated for humanitarian and  
13          civic assistance costs incidental to authorized operations  
14          and pursuant to authority granted in section 401 of chap-  
15          ter 20 of title 10, United States Code, and these obliga-  
16          tions shall be reported as required by section 401(d) of  
17          title 10, United States Code: *Provided*, That funds avail-  
18          able for operation and maintenance shall be available for  
19          providing humanitarian and similar assistance by using  
20          Civic Action Teams in the Trust Territories of the Pacific  
21          Islands and freely associated states of Micronesia, pursu-  
22          ant to the Compact of Free Association as authorized by  
23          Public Law 99-239: *Provided further*, That upon a deter-  
24          mination by the Secretary of the Army that such action  
25          is beneficial for graduate medical education programs con-

1 ducted at Army medical facilities located in Hawaii, the  
2 Secretary of the Army may authorize the provision of med-  
3 ical services at such facilities and transportation to such  
4 facilities, on a nonreimbursable basis, for civilian patients  
5 from American Samoa, the Commonwealth of the North-  
6 ern Mariana Islands, the Marshall Islands, the Federated  
7 States of Micronesia, Palau, and Guam.

8       SEC. 8013. (a) During fiscal year 2010, the civilian  
9 personnel of the Department of Defense may not be man-  
10 aged on the basis of any end-strength, and the manage-  
11 ment of such personnel during that fiscal year shall not  
12 be subject to any constraint or limitation (known as an  
13 end-strength) on the number of such personnel who may  
14 be employed on the last day of such fiscal year.

15       (b) The fiscal year 2011 budget request for the De-  
16 partment of Defense as well as all justification material  
17 and other documentation supporting the fiscal year 2011  
18 Department of Defense budget request shall be prepared  
19 and submitted to the Congress as if subsections (a) and  
20 (b) of this provision were effective with regard to fiscal  
21 year 2011.

22       (c) Nothing in this section shall be construed to apply  
23 to military (civilian) technicians.

24       SEC. 8014. None of the funds made available by this  
25 Act shall be used in any way, directly or indirectly, to in-

1 fluence congressional action on any legislation or appro-  
2 priation matters pending before the Congress.

3       SEC. 8015. None of the funds appropriated by this  
4 Act shall be available for the basic pay and allowances of  
5 any member of the Army participating as a full-time stu-  
6 dent and receiving benefits paid by the Secretary of Vet-  
7 erans Affairs from the Department of Defense Education  
8 Benefits Fund when time spent as a full-time student is  
9 credited toward completion of a service commitment: *Pro-*  
10 *vided*, That this section shall not apply to those members  
11 who have reenlisted with this option prior to October 1,  
12 1987: *Provided further*, That this section applies only to  
13 active components of the Army.

14       SEC. 8016. (a) None of the funds appropriated by  
15 this Act shall be available to convert to contractor per-  
16 formance an activity or function of the Department of De-  
17 fense that, on or after the date of the enactment of this  
18 Act, is performed by more than 10 Department of Defense  
19 civilian employees unless—

20               (1) the conversion is based on the result of a  
21               public-private competition that includes a most effi-  
22               cient and cost effective organization plan developed  
23               by such activity or function;

24               (2) the Competitive Sourcing Official deter-  
25               mines that, over all performance periods stated in

1 the solicitation of offers for performance of the ac-  
2 tivity or function, the cost of performance of the ac-  
3 tivity or function by a contractor would be less costly  
4 to the Department of Defense by an amount that  
5 equals or exceeds the lesser of—

6 (A) 10 percent of the most efficient organi-  
7 zation's personnel-related costs for performance  
8 of that activity or function by Federal employ-  
9 ees; or

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

11 (3) the contractor does not receive an advan-  
12 tage for a proposal that would reduce costs for the  
13 Department of Defense by—

14 (A) not making an employer-sponsored  
15 health insurance plan available to the workers  
16 who are to be employed in the performance of  
17 that activity or function under the contract; or

18 (B) offering to such workers an employer-  
19 sponsored health benefits plan that requires the  
20 employer to contribute less towards the pre-  
21 mium or subscription share than the amount  
22 that is paid by the Department of Defense for  
23 health benefits for civilian employees under  
24 chapter 89 of title 5, United States Code.

1 (b)(1) The Department of Defense, without regard  
2 to subsection (a) of this section or subsection (a), (b), or  
3 (c) of section 2461 of title 10, United States Code, and  
4 notwithstanding any administrative regulation, require-  
5 ment, or policy to the contrary shall have full authority  
6 to enter into a contract for the performance of any com-  
7 mercial or industrial type function of the Department of  
8 Defense that—

9 (A) is included on the procurement list estab-  
10 lished pursuant to section 2 of the Javits-Wagner-  
11 O'Day Act (41 U.S.C. 47);

12 (B) is planned to be converted to performance  
13 by a qualified nonprofit agency for the blind or by  
14 a qualified nonprofit agency for other severely handi-  
15 capped individuals in accordance with that Act; or

16 (C) is planned to be converted to performance  
17 by a qualified firm under at least 51 percent owner-  
18 ship by an Indian tribe, as defined in section 4(e)  
19 of the Indian Self-Determination and Education As-  
20 sistance Act (25 U.S.C. 450b(e)), or a Native Ha-  
21 waiian Organization, as defined in section 8(a)(15)  
22 of the Small Business Act (15 U.S.C. 637(a)(15)).

23 (2) This section shall not apply to depot contracts  
24 or contracts for depot maintenance as provided in sections  
25 2469 and 2474 of title 10, United States Code.

1 (c) The conversion of any activity or function of the  
2 Department of Defense under the authority provided by  
3 this section shall be credited toward any competitive or  
4 outsourcing goal, target, or measurement that may be es-  
5 tablished by statute, regulation, or policy and is deemed  
6 to be awarded under the authority of, and in compliance  
7 with, subsection (h) of section 2304 of title 10, United  
8 States Code, for the competition or outsourcing of com-  
9 mercial activities.

10 (TRANSFER OF FUNDS)

11 SEC. 8017. Funds appropriated in title III of this Act  
12 for the Department of Defense Pilot Mentor-Protege Pro-  
13 gram may be transferred to any other appropriation con-  
14 tained in this Act solely for the purpose of implementing  
15 a Mentor-Protege Program developmental assistance  
16 agreement pursuant to section 831 of the National De-  
17 fense Authorization Act for Fiscal Year 1991 (Public Law  
18 101-510; 10 U.S.C. 2302 note), as amended, under the  
19 authority of this provision or any other transfer authority  
20 contained in this Act.

21 SEC. 8018. None of the funds in this Act may be  
22 available for the purchase by the Department of Defense  
23 (and its departments and agencies) of welded slipboard  
24 anchor and mooring chain 4 inches in diameter and under  
25 unless the anchor and mooring chain are manufactured

1 in the United States from components which are substan-  
2 tially manufactured in the United States: *Provided*, That  
3 for the purpose of this section, the term “manufactured”  
4 shall include cutting, heat treating, quality control, testing  
5 of chain and welding (including the forging and shot blast-  
6 ing process): *Provided further*, That for the purpose of this  
7 section substantially all of the components of anchor and  
8 mooring chain shall be considered to be produced or manu-  
9 factured in the United States if the aggregate cost of the  
10 components produced or manufactured in the United  
11 States exceeds the aggregate cost of the components pro-  
12 duced or manufactured outside the United States: *Pro-*  
13 *vided further*, That when adequate domestic supplies are  
14 not available to meet Department of Defense requirements  
15 on a timely basis, the Secretary of the service responsible  
16 for the procurement may waive this restriction on a case-  
17 by-case basis by certifying in writing to the Committees  
18 on Appropriations that such an acquisition must be made  
19 in order to acquire capability for national security pur-  
20 poses.

21       SEC. 8019. None of the funds available to the De-  
22 partment of Defense may be used to demilitarize or dis-  
23 pose of M-1 Carbines, M-1 Garand rifles, M-14 rifles,  
24 .22 caliber rifles, .30 caliber rifles, or M-1911 pistols, or  
25 to demilitarize or destroy small arms ammunition or am-

1 munition components that are not otherwise prohibited  
2 from commercial sale under Federal law, unless the small  
3 arms ammunition or ammunition components are certified  
4 by the Secretary of the Army or designee as unserviceable  
5 or unsafe for further use.

6       SEC. 8020. No more than \$500,000 of the funds ap-  
7 propriated or made available in this Act shall be used dur-  
8 ing a single fiscal year for any single relocation of an orga-  
9 nization, unit, activity or function of the Department of  
10 Defense into or within the National Capital Region: *Pro-*  
11 *vided*, That the Secretary of Defense may waive this re-  
12 striction on a case-by-case basis by certifying in writing  
13 to the congressional defense committees that such a relo-  
14 cation is required in the best interest of the Government.

15       SEC. 8021. In addition to the funds provided else-  
16 where in this Act, \$15,000,000 is appropriated only for  
17 incentive payments authorized by section 504 of the In-  
18 dian Financing Act of 1974 (25 U.S.C. 1544): *Provided*,  
19 That a prime contractor or a subcontractor at any tier  
20 that makes a subcontract award to any subcontractor or  
21 supplier as defined in section 1544 of title 25, United  
22 States Code, or a small business owned and controlled by  
23 an individual or individuals defined under section 4221(9)  
24 of title 25, United States Code, shall be considered a con-  
25 tractor for the purposes of being allowed additional com-

1 pension under section 504 of the Indian Financing Act  
2 of 1974 (25 U.S.C. 1544) whenever the prime contract  
3 or subcontract amount is over \$500,000 and involves the  
4 expenditure of funds appropriated by an Act making Ap-  
5 propriations for the Department of Defense with respect  
6 to any fiscal year: *Provided further*, That notwithstanding  
7 section 430 of title 41, United States Code, this section  
8 shall be applicable to any Department of Defense acquisi-  
9 tion of supplies or services, including any contract and any  
10 subcontract at any tier for acquisition of commercial items  
11 produced or manufactured, in whole or in part by any sub-  
12 contractor or supplier defined in section 1544 of title 25,  
13 United States Code, or a small business owned and con-  
14 trolled by an individual or individuals defined under sec-  
15 tion 4221(9) of title 25, United States Code.

16       SEC. 8022. Funds appropriated by this Act for the  
17 Defense Media Activity shall not be used for any national  
18 or international political or psychological activities.

19       SEC. 8023. None of the funds appropriated by this  
20 Act shall be available to perform any cost study pursuant  
21 to the provisions of OMB Circular A-76 if the study being  
22 performed exceeds the period permitted by section 322 of  
23 the National Defense Authorization Act for Fiscal Year  
24 2010 (Public Law 111-84).

1       SEC. 8024. During the current fiscal year, the De-  
2 partment of Defense is authorized to incur obligations of  
3 not to exceed \$350,000,000 for purposes specified in sec-  
4 tion 2350j(c) of title 10, United States Code, in anticipa-  
5 tion of receipt of contributions, only from the Government  
6 of Kuwait, under that section: *Provided*, That upon re-  
7 ceipt, such contributions from the Government of Kuwait  
8 shall be credited to the appropriations or fund which in-  
9 curred such obligations.

10       SEC. 8025. (a) Of the funds made available in this  
11 Act, not less than \$33,756,000 shall be available for the  
12 Civil Air Patrol Corporation, of which—

13               (1) \$26,433,000 shall be available from “Oper-  
14 ation and Maintenance, Air Force” to support Civil  
15 Air Patrol Corporation operation and maintenance,  
16 readiness, counterdrug activities, and drug demand  
17 reduction activities involving youth programs;

18               (2) \$6,426,000 shall be available from “Aircraft  
19 Procurement, Air Force”; and

20               (3) \$897,000 shall be available from “Other  
21 Procurement, Air Force” for vehicle procurement.

22       (b) The Secretary of the Air Force should waive reim-  
23 bursement for any funds used by the Civil Air Patrol for  
24 counter-drug activities in support of Federal, State, and  
25 local government agencies.

1           SEC. 8026. (a) None of the funds appropriated in this  
2 Act are available to establish a new Department of De-  
3 fense (department) federally funded research and develop-  
4 ment center (FFRDC), either as a new entity, or as a  
5 separate entity administrated by an organization man-  
6 aging another FFRDC, or as a nonprofit membership cor-  
7 poration consisting of a consortium of other FFRDCs and  
8 other nonprofit entities.

9           (b) No member of a Board of Directors, Trustees,  
10 Overseers, Advisory Group, Special Issues Panel, Visiting  
11 Committee, or any similar entity of a defense FFRDC,  
12 and no paid consultant to any defense FFRDC, except  
13 when acting in a technical advisory capacity, may be com-  
14 pensated for his or her services as a member of such enti-  
15 ty, or as a paid consultant by more than one FFRDC in  
16 a fiscal year: *Provided*, That a member of any such entity  
17 referred to previously in this subsection shall be allowed  
18 travel expenses and per diem as authorized under the Fed-  
19 eral Joint Travel Regulations, when engaged in the per-  
20 formance of membership duties.

21           (c) Notwithstanding any other provision of law, none  
22 of the funds available to the department from any source  
23 during fiscal year 2010 may be used by a defense FFRDC,  
24 through a fee or other payment mechanism, for construc-  
25 tion of new buildings, for payment of cost sharing for

1 projects funded by Government grants, for absorption of  
2 contract overruns, or for certain charitable contributions,  
3 not to include employee participation in community service  
4 and/or development.

5 (d) Notwithstanding any other provision of law, of  
6 the funds available to the department during fiscal year  
7 2010, not more than 5,600 staff years of technical effort  
8 (staff years) may be funded for defense FFRDCs: *Pro-*  
9 *vided*, That of the specific amount referred to previously  
10 in this subsection, not more than 1,100 staff years may  
11 be funded for the defense studies and analysis FFRDCs:  
12 *Provided further*, That this subsection shall not apply to  
13 staff years funded in the National Intelligence Program  
14 (NIP) and the Military Intelligence Program (MIP).

15 (e) The Secretary of Defense shall, with the submis-  
16 sion of the department's fiscal year 2011 budget request,  
17 submit a report presenting the specific amounts of staff  
18 years of technical effort to be allocated for each defense  
19 FFRDC during that fiscal year and the associated budget  
20 estimates.

21 (f) Notwithstanding any other provision of this Act,  
22 the total amount appropriated in this Act for FFRDCs  
23 is hereby reduced by \$125,200,000.

24 SEC. 8027. None of the funds appropriated or made  
25 available in this Act shall be used to procure carbon, alloy

1 or armor steel plate for use in any Government-owned fa-  
2 cility or property under the control of the Department of  
3 Defense which were not melted and rolled in the United  
4 States or Canada: *Provided*, That these procurement re-  
5 strictions shall apply to any and all Federal Supply Class  
6 9515, American Society of Testing and Materials (ASTM)  
7 or American Iron and Steel Institute (AISI) specifications  
8 of carbon, alloy or armor steel plate: *Provided further*,  
9 That the Secretary of the military department responsible  
10 for the procurement may waive this restriction on a case-  
11 by-case basis by certifying in writing to the Committees  
12 on Appropriations of the House of Representatives and the  
13 Senate that adequate domestic supplies are not available  
14 to meet Department of Defense requirements on a timely  
15 basis and that such an acquisition must be made in order  
16 to acquire capability for national security purposes: *Pro-*  
17 *vided further*, That these restrictions shall not apply to  
18 contracts which are in being as of the date of the enact-  
19 ment of this Act.

20 SEC. 8028. For the purposes of this Act, the term  
21 “congressional defense committees” means the Armed  
22 Services Committee of the House of Representatives, the  
23 Armed Services Committee of the Senate, the Sub-  
24 committee on Defense of the Committee on Appropriations  
25 of the Senate, and the Subcommittee on Defense of the

1 Committee on Appropriations of the House of Representa-  
2 tives.

3 SEC. 8029. During the current fiscal year, the De-  
4 partment of Defense may acquire the modification, depot  
5 maintenance and repair of aircraft, vehicles and vessels  
6 as well as the production of components and other De-  
7 fense-related articles, through competition between De-  
8 partment of Defense depot maintenance activities and pri-  
9 vate firms: *Provided*, That the Senior Acquisition Execu-  
10 tive of the military department or Defense Agency con-  
11 cerned, with power of delegation, shall certify that success-  
12 ful bids include comparable estimates of all direct and in-  
13 direct costs for both public and private bids: *Provided fur-*  
14 *ther*, That Office of Management and Budget Circular A-  
15 76 shall not apply to competitions conducted under this  
16 section.

17 SEC. 8030. (a)(1) If the Secretary of Defense, after  
18 consultation with the United States Trade Representative,  
19 determines that a foreign country which is party to an  
20 agreement described in paragraph (2) has violated the  
21 terms of the agreement by discriminating against certain  
22 types of products produced in the United States that are  
23 covered by the agreement, the Secretary of Defense shall  
24 rescind the Secretary's blanket waiver of the Buy Amer-

1 ican Act with respect to such types of products produced  
2 in that foreign country.

3 (2) An agreement referred to in paragraph (1) is any  
4 reciprocal defense procurement memorandum of under-  
5 standing, between the United States and a foreign country  
6 pursuant to which the Secretary of Defense has prospec-  
7 tively waived the Buy American Act for certain products  
8 in that country.

9 (b) The Secretary of Defense shall submit to the Con-  
10 gress a report on the amount of Department of Defense  
11 purchases from foreign entities in fiscal year 2010. Such  
12 report shall separately indicate the dollar value of items  
13 for which the Buy American Act was waived pursuant to  
14 any agreement described in subsection (a)(2), the Trade  
15 Agreement Act of 1979 (19 U.S.C. 2501 et seq.), or any  
16 international agreement to which the United States is a  
17 party.

18 (c) For purposes of this section, the term "Buy  
19 American Act" means title III of the Act entitled "An Act  
20 making appropriations for the Treasury and Post Office  
21 Departments for the fiscal year ending June 30, 1934,  
22 and for other purposes", approved March 3, 1933 (41  
23 U.S.C. 10a et seq.).

24 SEC. 8031. During the current fiscal year, amounts  
25 contained in the Department of Defense Overseas Military

1 Facility Investment Recovery Account established by sec-  
2 tion 2921(c)(1) of the National Defense Authorization Act  
3 of 1991 (Public Law 101-510; 10 U.S.C. 2687 note) shall  
4 be available until expended for the payments specified by  
5 section 2921(c)(2) of that Act.

6 SEC. 8032. (a) Notwithstanding any other provision  
7 of law, the Secretary of the Air Force may convey at no  
8 cost to the Air Force, without consideration, to Indian  
9 tribes located in the States of Nevada, Idaho, North Da-  
10 kota, South Dakota, Montana, Oregon, and Minnesota  
11 relocatable military housing units located at Grand Forks  
12 Air Force Base, Malmstrom Air Force Base, Mountain  
13 Home Air Force Base, Ellsworth Air Force Base, and  
14 Minot Air Force Base that are excess to the needs of the  
15 Air Force.

16 (b) The Secretary of the Air Force shall convey, at  
17 no cost to the Air Force, military housing units under sub-  
18 section (a) in accordance with the request for such units  
19 that are submitted to the Secretary by the Operation  
20 Walking Shield Program on behalf of Indian tribes located  
21 in the States of Nevada, Idaho, North Dakota, South Da-  
22 kota, Montana, Oregon, and Minnesota.

23 (c) The Operation Walking Shield Program shall re-  
24 solve any conflicts among requests of Indian tribes for  
25 housing units under subsection (a) before submitting re-

1    quests to the Secretary of the Air Force under subsection  
2    (b).

3           (d) In this section, the term “Indian tribe” means  
4    any recognized Indian tribe included on the current list  
5    published by the Secretary of the Interior under section  
6    104 of the Federally Recognized Indian Tribe Act of 1994  
7    (Public Law 103–454; 108 Stat. 4792; 25 U.S.C. 479a–  
8    1).

9           SEC. 8033. During the current fiscal year, appropria-  
10   tions which are available to the Department of Defense  
11   for operation and maintenance may be used to purchase  
12   items having an investment item unit cost of not more  
13   than \$250,000.

14          SEC. 8034. (a) During the current fiscal year, none  
15   of the appropriations or funds available to the Department  
16   of Defense Working Capital Funds shall be used for the  
17   purchase of an investment item for the purpose of acquir-  
18   ing a new inventory item for sale or anticipated sale dur-  
19   ing the current fiscal year or a subsequent fiscal year to  
20   customers of the Department of Defense Working Capital  
21   Funds if such an item would not have been chargeable  
22   to the Department of Defense Business Operations Fund  
23   during fiscal year 1994 and if the purchase of such an  
24   investment item would be chargeable during the current

1 fiscal year to appropriations made to the Department of  
2 Defense for procurement.

3 (b) The fiscal year 2011 budget request for the De-  
4 partment of Defense as well as all justification material  
5 and other documentation supporting the fiscal year 2011  
6 Department of Defense budget shall be prepared and sub-  
7 mitted to the Congress on the basis that any equipment  
8 which was classified as an end item and funded in a pro-  
9 curement appropriation contained in this Act shall be  
10 budgeted for in a proposed fiscal year 2011 procurement  
11 appropriation and not in the supply management business  
12 area or any other area or category of the Department of  
13 Defense Working Capital Funds.

14 SEC. 8035. None of the funds appropriated by this  
15 Act for programs of the Central Intelligence Agency shall  
16 remain available for obligation beyond the current fiscal  
17 year, except for funds appropriated for the Reserve for  
18 Contingencies, which shall remain available until Sep-  
19 tember 30, 2011: *Provided*, That funds appropriated,  
20 transferred, or otherwise credited to the Central Intel-  
21 ligence Agency Central Services Working Capital Fund  
22 during this or any prior or subsequent fiscal year shall  
23 remain available until expended: *Provided further*, That  
24 any funds appropriated or transferred to the Central Intel-  
25 ligence Agency for advanced research and development ac-

1 quision, for agent operations, and for covert action pro-  
2 grams authorized by the President under section 503 of  
3 the National Security Act of 1947, as amended, shall re-  
4 main available until September 30, 2011.

5 SEC. 8036. Notwithstanding any other provision of  
6 law, funds made available in this Act for the Defense In-  
7 telligence Agency may be used for the design, develop-  
8 ment, and deployment of General Defense Intelligence  
9 Program intelligence communications and intelligence in-  
10 formation systems for the Services, the Unified and Speci-  
11 fied Commands, and the component commands.

12 SEC. 8037. Of the funds appropriated to the Depart-  
13 ment of Defense under the heading "Operation and Main-  
14 tenance, Defense-Wide", not less than \$12,000,000 shall  
15 be made available only for the mitigation of environmental  
16 impacts, including training and technical assistance to  
17 tribes, related administrative support, the gathering of in-  
18 formation, documenting of environmental damage, and de-  
19 veloping a system for prioritization of mitigation and cost  
20 to complete estimates for mitigation, on Indian lands re-  
21 sulting from Department of Defense activities.

22 SEC. 8038. (a) None of the funds appropriated in this  
23 Act may be expended by an entity of the Department of  
24 Defense unless the entity, in expending the funds, com-  
25 plies with the Buy American Act. For purposes of this

1 subsection, the term “Buy American Act” means title III  
2 of the Act entitled “An Act making appropriations for the  
3 Treasury and Post Office Departments for the fiscal year  
4 ending June 30, 1934, and for other purposes”, approved  
5 March 3, 1933 (41 U.S.C. 10a et seq.).

6 (b) If the Secretary of Defense determines that a per-  
7 son has been convicted of intentionally affixing a label  
8 bearing a “Made in America” inscription to any product  
9 sold in or shipped to the United States that is not made  
10 in America, the Secretary shall determine, in accordance  
11 with section 2410f of title 10, United States Code, wheth-  
12 er the person should be debarred from contracting with  
13 the Department of Defense.

14 (c) In the case of any equipment or products pur-  
15 chased with appropriations provided under this Act, it is  
16 the sense of the Congress that any entity of the Depart-  
17 ment of Defense, in expending the appropriation, purchase  
18 only American-made equipment and products, provided  
19 that American-made equipment and products are cost-  
20 competitive, quality-competitive, and available in a timely  
21 fashion.

22 SEC. 8039. None of the funds appropriated by this  
23 Act shall be available for a contract for studies, analysis,  
24 or consulting services entered into without competition on

1 the basis of an unsolicited proposal unless the head of the  
2 activity responsible for the procurement determines—

3 (1) as a result of thorough technical evaluation,  
4 only one source is found fully qualified to perform  
5 the proposed work;

6 (2) the purpose of the contract is to explore an  
7 unsolicited proposal which offers significant sci-  
8 entific or technological promise, represents the prod-  
9 uct of original thinking, and was submitted in con-  
10 fidence by one source; or

11 (3) the purpose of the contract is to take ad-  
12 vantage of unique and significant industrial accom-  
13 plishment by a specific concern, or to insure that a  
14 new product or idea of a specific concern is given fi-  
15 nancial support: *Provided*, That this limitation shall  
16 not apply to contracts in an amount of less than  
17 \$25,000, contracts related to improvements of equip-  
18 ment that is in development or production, or con-  
19 tracts as to which a civilian official of the Depart-  
20 ment of Defense, who has been confirmed by the  
21 Senate, determines that the award of such contract  
22 is in the interest of the national defense.

23 SEC. 8040. (a) Except as provided in subsections (b)  
24 and (c), none of the funds made available by this Act may  
25 be used—

1 (1) to establish a field operating agency; or

2 (2) to pay the basic pay of a member of the  
3 Armed Forces or civilian employee of the depart-  
4 ment who is transferred or reassigned from a head-  
5 quarters activity if the member or employee's place  
6 of duty remains at the location of that headquarters.

7 (b) The Secretary of Defense or Secretary of a mili-  
8 tary department may waive the limitations in subsection  
9 (a), on a case-by-case basis, if the Secretary determines,  
10 and certifies to the Committees on Appropriations of the  
11 House of Representatives and Senate that the granting  
12 of the waiver will reduce the personnel requirements or  
13 the financial requirements of the department.

14 (c) This section does not apply to—

15 (1) field operating agencies funded within the  
16 National Intelligence Program; or

17 (2) an Army field operating agency established  
18 to eliminate, mitigate, or counter the effects of im-  
19 proved explosive devices, and, as determined by the  
20 Secretary of the Army, other similar threats.

21 SEC. 8041. The Secretary of Defense, notwith-  
22 standing any other provision of law, acting through the  
23 Office of Economic Adjustment of the Department of De-  
24 fense, may use funds made available in this Act under the  
25 heading "Operation and Maintenance, Defense-Wide" to

1 make grants and supplement other Federal funds in ac-  
2 cordance with the guidance provided in the explanatory  
3 statement regarding this Act.

4 (RESCISSIONS)

5 SEC. 8042. Of the funds appropriated in Department  
6 of Defense Appropriations Acts, the following funds are  
7 hereby rescinded from the following accounts and pro-  
8 grams in the specified amounts:

9 "Research, Development, Test and Evaluation,  
10 Navy, 2009/2010", \$20,000,000;

11 "Research, Development, Test and Evaluation,  
12 Air Force, 2009/2010", \$98,430,000;

13 "Research, Development, Test and Evaluation,  
14 Defense-Wide, 2009/2010", \$154,457,000;

15 "Procurement of Weapons and Tracked Combat  
16 Vehicles, Army, 2009/2011", \$41,087,000;

17 "Other Procurement, Army, 2009/2011",  
18 \$138,239,000;

19 "Other Procurement, Navy, 2009/2011",  
20 \$84,844,000;

21 "Aircraft Procurement, Air Force, 2009/2011",  
22 \$628,900,000;

23 "Missile Procurement, Air Force, 2009/2011",  
24 \$60,000,000;

1           “Other Procurement, Air Force, 2009/2011”,  
2       \$10,900,000;  
3           “Procurement, Defense-Wide, 2009/2011”,  
4       \$5,200,000; and  
5           “Procurement, Defense-Wide, 2008/2010”,  
6       \$2,000,000.

7       SEC. 8043. None of the funds available in this Act  
8 may be used to reduce the authorized positions for mili-  
9 tary (civilian) technicians of the Army National Guard,  
10 Air National Guard, Army Reserve and Air Force Reserve  
11 for the purpose of applying any administratively imposed  
12 civilian personnel ceiling, freeze, or reduction on military  
13 (civilian) technicians, unless such reductions are a direct  
14 result of a reduction in military force structure.

15       SEC. 8044. None of the funds appropriated or other-  
16 wise made available in this Act may be obligated or ex-  
17 pended for assistance to the Democratic People’s Republic  
18 of Korea unless specifically appropriated for that purpose.

19       SEC. 8045. Funds appropriated in this Act for oper-  
20 ation and maintenance of the Military Departments, Com-  
21 batant Commands and Defense Agencies shall be available  
22 for reimbursement of pay, allowances and other expenses  
23 which would otherwise be incurred against appropriations  
24 for the National Guard and Reserve when members of the  
25 National Guard and Reserve provide intelligence or coun-

1 terintelligence support to Combatant Commands, Defense  
2 Agencies and Joint Intelligence Activities, including the  
3 activities and programs included within the National Intel-  
4 ligence Program and the Military Intelligence Program:  
5 *Provided*, That nothing in this section authorizes deviation  
6 from established Reserve and National Guard personnel  
7 and training procedures.

8 SEC. 8046. During the current fiscal year, none of  
9 the funds appropriated in this Act may be used to reduce  
10 the civilian medical and medical support personnel as-  
11 signed to military treatment facilities below the September  
12 30, 2003, level: *Provided*, That the Service Surgeons Gen-  
13 eral may waive this section by certifying to the congres-  
14 sional defense committees that the beneficiary population  
15 is declining in some catchment areas and civilian strength  
16 reductions may be consistent with responsible resource  
17 stewardship and capitation-based budgeting.

18 SEC. 8047. (a) None of the funds available to the  
19 Department of Defense for any fiscal year for drug inter-  
20 diction or counter-drug activities may be transferred to  
21 any other department or agency of the United States ex-  
22 cept as specifically provided in an appropriations law.

23 (b) None of the funds available to the Central Intel-  
24 ligence Agency for any fiscal year for drug interdiction  
25 and counter-drug activities may be transferred to any

1 other department or agency of the United States except  
2 as specifically provided in an appropriations law.

3       SEC. 8048. None of the funds appropriated by this  
4 Act may be used for the procurement of ball and roller  
5 bearings other than those produced by a domestic source  
6 and of domestic origin: *Provided*, That the Secretary of  
7 the military department responsible for such procurement  
8 may waive this restriction on a case-by-case basis by certi-  
9 fying in writing to the Committees on Appropriations of  
10 the House of Representatives and the Senate, that ade-  
11 quate domestic supplies are not available to meet Depart-  
12 ment of Defense requirements on a timely basis and that  
13 such an acquisition must be made in order to acquire ca-  
14 pability for national security purposes: *Provided further*,  
15 That this restriction shall not apply to the purchase of  
16 “commercial items”, as defined by section 4(12) of the  
17 Office of Federal Procurement Policy Act, except that the  
18 restriction shall apply to ball or roller bearings purchased  
19 as end items.

20       SEC. 8049. None of the funds in this Act may be  
21 used to purchase any supercomputer which is not manu-  
22 factured in the United States, unless the Secretary of De-  
23 fense certifies to the congressional defense committees  
24 that such an acquisition must be made in order to acquire

1 capability for national security purposes that is not avail-  
2 able from United States manufacturers.

3 SEC. 8050. None of the funds made available in this  
4 or any other Act may be used to pay the salary of any  
5 officer or employee of the Department of Defense who ap-  
6 proves or implements the transfer of administrative re-  
7 sponsibilities or budgetary resources of any program,  
8 project, or activity financed by this Act to the jurisdiction  
9 of another Federal agency not financed by this Act with-  
10 out the express authorization of Congress: *Provided*, That  
11 this limitation shall not apply to transfers of funds ex-  
12 pressly provided for in Defense Appropriations Acts, or  
13 provisions of Acts providing supplemental appropriations  
14 for the Department of Defense.

15 SEC. 8051. (a) Notwithstanding any other provision  
16 of law, none of the funds available to the Department of  
17 Defense for the current fiscal year may be obligated or  
18 expended to transfer to another nation or an international  
19 organization any defense articles or services (other than  
20 intelligence services) for use in the activities described in  
21 subsection (b) unless the congressional defense commit-  
22 tees, the Committee on Foreign Affairs of the House of  
23 Representatives, and the Committee on Foreign Relations  
24 of the Senate are notified 15 days in advance of such  
25 transfer.

1 (b) This section applies to—

2 (1) any international peacekeeping or peace-en-  
3 forcement operation under the authority of chapter  
4 VI or chapter VII of the United Nations Charter  
5 under the authority of a United Nations Security  
6 Council resolution; and

7 (2) any other international peacekeeping, peace-  
8 enforcement, or humanitarian assistance operation.

9 (c) A notice under subsection (a) shall include the  
10 following—

11 (1) A description of the equipment, supplies, or  
12 services to be transferred.

13 (2) A statement of the value of the equipment,  
14 supplies, or services to be transferred.

15 (3) In the case of a proposed transfer of equip-  
16 ment or supplies—

17 (A) a statement of whether the inventory  
18 requirements of all elements of the Armed  
19 Forces (including the reserve components) for  
20 the type of equipment or supplies to be trans-  
21 ferred have been met; and

22 (B) a statement of whether the items pro-  
23 posed to be transferred will have to be replaced  
24 and, if so, how the President proposes to pro-  
25 vide funds for such replacement.

1       SEC. 8052. None of the funds available to the De-  
2       partment of Defense under this Act shall be obligated or  
3       expended to pay a contractor under a contract with the  
4       Department of Defense for costs of any amount paid by  
5       the contractor to an employee when—

6               (1) such costs are for a bonus or otherwise in  
7       excess of the normal salary paid by the contractor  
8       to the employee; and

9               (2) such bonus is part of restructuring costs as-  
10      sociated with a business combination.

11                       (INCLUDING TRANSFER OF FUNDS)

12      SEC. 8053. During the current fiscal year, no more  
13      than \$30,000,000 of appropriations made in this Act  
14      under the heading “Operation and Maintenance, Defense-  
15      Wide” may be transferred to appropriations available for  
16      the pay of military personnel, to be merged with, and to  
17      be available for the same time period as the appropriations  
18      to which transferred, to be used in support of such per-  
19      sonnel in connection with support and services for eligible  
20      organizations and activities outside the Department of De-  
21      fense pursuant to section 2012 of title 10, United States  
22      Code.

23      SEC. 8054. During the current fiscal year, in the case  
24      of an appropriation account of the Department of Defense  
25      for which the period of availability for obligation has ex-

1 pired or which has closed under the provisions of section  
2 1552 of title 31, United States Code, and which has a  
3 negative unliquidated or unexpended balance, an obliga-  
4 tion or an adjustment of an obligation may be charged  
5 to any current appropriation account for the same purpose  
6 as the expired or closed account if—

7 (1) the obligation would have been properly  
8 chargeable (except as to amount) to the expired or  
9 closed account before the end of the period of avail-  
10 ability or closing of that account;

11 (2) the obligation is not otherwise properly  
12 chargeable to any current appropriation account of  
13 the Department of Defense; and

14 (3) in the case of an expired account, the obli-  
15 gation is not chargeable to a current appropriation  
16 of the Department of Defense under the provisions  
17 of section 1405(b)(8) of the National Defense Au-  
18 thorization Act for Fiscal Year 1991, Public Law  
19 101-510, as amended (31 U.S.C. 1551 note): *Pro-*  
20 *vided*, That in the case of an expired account, if sub-  
21 sequent review or investigation discloses that there  
22 was not in fact a negative unliquidated or unex-  
23 pended balance in the account, any charge to a cur-  
24 rent account under the authority of this section shall  
25 be reversed and recorded against the expired ac-

1 count: *Provided further*, That the total amount  
2 charged to a current appropriation under this sec-  
3 tion may not exceed an amount equal to 1 percent  
4 of the total appropriation for that account.

5 SEC. 8055. (a) IN GENERAL.—Service as a member  
6 of the Alaska Territorial Guard during World War II of  
7 any individual who was honorably discharged therefrom  
8 under section 8147 of the Department of Defense Appro-  
9 priations Act, 2001 (Public Law 106–259; 114 Stat. 705)  
10 shall be treated as active service for purposes of the com-  
11 putation under chapter 61, 71, 371, 571, 871, or 1223  
12 of title 10, United States Code, as applicable, of the re-  
13 tired pay to which such individual may be entitled under  
14 title 10, United States Code.

15 (b) APPLICABILITY.—Subsection (a) shall apply with  
16 respect to amounts of retired pay payable under title 10,  
17 United States Code, for months beginning on or after the  
18 date of the enactment of this Act. No retired pay shall  
19 be paid to any individual by reason of subsection (a) for  
20 any period before that date.

21 (c) WORLD WAR II DEFINED.—In this section, the  
22 term “World War II” has the meaning given that term  
23 in section 101(8) of title 38, United States Code.

24 SEC. 8056. (a) Notwithstanding any other provision  
25 of law, the Chief of the National Guard Bureau may per-

1 mit the use of equipment of the National Guard Distance  
2 Learning Project by any person or entity on a space-avail-  
3 able, reimbursable basis. The Chief of the National Guard  
4 Bureau shall establish the amount of reimbursement for  
5 such use on a case-by-case basis.

6 (b) Amounts collected under subsection (a) shall be  
7 credited to funds available for the National Guard Dis-  
8 tance Learning Project and be available to defray the costs  
9 associated with the use of equipment of the project under  
10 that subsection. Such funds shall be available for such  
11 purposes without fiscal year limitation.

12 SEC. 8057. Using funds available by this Act or any  
13 other Act, the Secretary of the Air Force, pursuant to a  
14 determination under section 2690 of title 10, United  
15 States Code, may implement cost-effective agreements for  
16 required heating facility modernization in the  
17 Kaiserslautern Military Community in the Federal Repub-  
18 lic of Germany: *Provided*, That in the City of  
19 Kaiserslautern such agreements will include the use of  
20 United States anthracite as the base load energy for mu-  
21 nicipal district heat to the United States Defense installa-  
22 tions: *Provided further*, That at Landstuhl Army Regional  
23 Medical Center and Ramstein Air Base, furnished heat  
24 may be obtained from private, regional or municipal serv-

1 ices, if provisions are included for the consideration of  
2 United States coal as an energy source.

3 SEC. 8058. None of the funds appropriated in title  
4 IV of this Act may be used to procure end-items for deliv-  
5 ery to military forces for operational training, operational  
6 use or inventory requirements: *Provided*, That this restric-  
7 tion does not apply to end-items used in development,  
8 prototyping, and test activities preceding and leading to  
9 acceptance for operational use: *Provided further*, That this  
10 restriction does not apply to programs funded within the  
11 National Intelligence Program: *Provided further*, That the  
12 Secretary of Defense may waive this restriction on a case-  
13 by-case basis by certifying in writing to the Committees  
14 on Appropriations of the House of Representatives and the  
15 Senate that it is in the national security interest to do  
16 so.

17 SEC. 8059. None of the funds made available in this  
18 Act may be used to approve or license the sale of the F-  
19 22A advanced tactical fighter to any foreign government:  
20 *Provided*, That the Department of Defense may conduct  
21 or participate in studies, research, design and other activi-  
22 ties to define and develop a future export version of the  
23 F-22A that protects classified and sensitive information,  
24 technologies and U.S. warfighting capabilities.

1           SEC. 8060. (a) The Secretary of Defense may, on a  
2 case-by-case basis, waive with respect to a foreign country  
3 each limitation on the procurement of defense items from  
4 foreign sources provided in law if the Secretary determines  
5 that the application of the limitation with respect to that  
6 country would invalidate cooperative programs entered  
7 into between the Department of Defense and the foreign  
8 country, or would invalidate reciprocal trade agreements  
9 for the procurement of defense items entered into under  
10 section 2531 of title 10, United States Code, and the  
11 country does not discriminate against the same or similar  
12 defense items produced in the United States for that coun-  
13 try.

14           (b) Subsection (a) applies with respect to—

15                 (1) contracts and subcontracts entered into on  
16 or after the date of the enactment of this Act; and

17                 (2) options for the procurement of items that  
18 are exercised after such date under contracts that  
19 are entered into before such date if the option prices  
20 are adjusted for any reason other than the applica-  
21 tion of a waiver granted under subsection (a).

22           (c) Subsection (a) does not apply to a limitation re-  
23 garding construction of public vessels, ball and roller bear-  
24 ings, food, and clothing or textile materials as defined by  
25 section 11 (chapters 50–65) of the Harmonized Tariff

1 Schedule and products classified under headings 4010,  
2 4202, 4203, 6401 through 6406, 6505, 7019, 7218  
3 through 7229, 7304.41 through 7304.49, 7306.40, 7502  
4 through 7508, 8105, 8108, 8109, 8211, 8215, and 9404.

5       SEC. 8061. (a) None of the funds made available by  
6 this Act may be used to support any training program in-  
7 volving a unit of the security forces of a foreign country  
8 if the Secretary of Defense has received credible informa-  
9 tion from the Department of State that the unit has com-  
10 mitted a gross violation of human rights, unless all nec-  
11 essary corrective steps have been taken.

12       (b) The Secretary of Defense, in consultation with the  
13 Secretary of State, shall ensure that prior to a decision  
14 to conduct any training program referred to in subsection  
15 (a), full consideration is given to all credible information  
16 available to the Department of State relating to human  
17 rights violations by foreign security forces.

18       (c) The Secretary of Defense, after consultation with  
19 the Secretary of State, may waive the prohibition in sub-  
20 section (a) if he determines that such waiver is required  
21 by extraordinary circumstances.

22       (d) Not more than 15 days after the exercise of any  
23 waiver under subsection (c), the Secretary of Defense shall  
24 submit a report to the congressional defense committees  
25 describing the extraordinary circumstances, the purpose

1 and duration of the training program, the United States  
2 forces and the foreign security forces involved in the train-  
3 ing program, and the information relating to human rights  
4 violations that necessitates the waiver.

5       SEC. 8062. None of the funds appropriated or made  
6 available in this Act to the Department of the Navy shall  
7 be used to develop, lease or procure the T-AKE class of  
8 ships unless the main propulsion diesel engines and  
9 propulsors are manufactured in the United States by a  
10 domestically operated entity: *Provided*, That the Secretary  
11 of Defense may waive this restriction on a case-by-case  
12 basis by certifying in writing to the Committees on Appro-  
13 priations of the House of Representatives and the Senate  
14 that adequate domestic supplies are not available to meet  
15 Department of Defense requirements on a timely basis  
16 and that such an acquisition must be made in order to  
17 acquire capability for national security purposes or there  
18 exists a significant cost or quality difference.

19       SEC. 8063. None of the funds appropriated or other-  
20 wise made available by this or other Department of De-  
21 fense Appropriations Acts may be obligated or expended  
22 for the purpose of performing repairs or maintenance to  
23 military family housing units of the Department of De-  
24 fense, including areas in such military family housing

1 units that may be used for the purpose of conducting offi-  
2 cial Department of Defense business.

3 SEC. 8064. Notwithstanding any other provision of  
4 law, funds appropriated in this Act under the heading  
5 “Research, Development, Test and Evaluation, Defense-  
6 Wide” for any new start advanced concept technology  
7 demonstration project or joint capability demonstration  
8 project may only be obligated 30 days after a report, in-  
9 cluding a description of the project, the planned acquisi-  
10 tion and transition strategy and its estimated annual and  
11 total cost, has been provided in writing to the congress-  
12 sional defense committees: *Provided*, That the Secretary  
13 of Defense may waive this restriction on a case-by-case  
14 basis by certifying to the congressional defense committees  
15 that it is in the national interest to do so.

16 SEC. 8065. The Secretary of Defense shall provide  
17 a classified quarterly report beginning 30 days after enact-  
18 ment of this Act, to the House and Senate Appropriations  
19 Committees, Subcommittees on Defense on certain mat-  
20 ters as directed in the classified annex accompanying this  
21 Act.

22 SEC. 8066. During the current fiscal year, none of  
23 the funds available to the Department of Defense may be  
24 used to provide support to another department or agency  
25 of the United States if such department or agency is more

1 than 90 days in arrears in making payment to the Depart-  
2 ment of Defense for goods or services previously provided  
3 to such department or agency on a reimbursable basis:  
4 *Provided*, That this restriction shall not apply if the de-  
5 partment is authorized by law to provide support to such  
6 department or agency on a nonreimbursable basis, and is  
7 providing the requested support pursuant to such author-  
8 ity: *Provided further*, That the Secretary of Defense may  
9 waive this restriction on a case-by-case basis by certifying  
10 in writing to the Committees on Appropriations of the  
11 House of Representatives and the Senate that it is in the  
12 national security interest to do so.

13 SEC. 8067. Notwithstanding section 12310(b) of title  
14 10, United States Code, a Reserve who is a member of  
15 the National Guard serving on full-time National Guard  
16 duty under section 502(f) of title 32, United States Code,  
17 may perform duties in support of the ground-based ele-  
18 ments of the National Ballistic Missile Defense System.

19 SEC. 8068. None of the funds provided in this Act  
20 may be used to transfer to any nongovernmental entity  
21 ammunition held by the Department of Defense that has  
22 a center-fire cartridge and a United States military no-  
23 menclature designation of “armor penetrator”, “armor  
24 piercing (AP)”, “armor piercing incendiary (API)”, or  
25 “armor-piercing incendiary-tracer (API-T)”, except to an

1 entity performing demilitarization services for the Depart-  
2 ment of Defense under a contract that requires the entity  
3 to demonstrate to the satisfaction of the Department of  
4 Defense that armor piercing projectiles are either: (1) ren-  
5 dered incapable of reuse by the demilitarization process;  
6 or (2) used to manufacture ammunition pursuant to a con-  
7 tract with the Department of Defense or the manufacture  
8 of ammunition for export pursuant to a License for Per-  
9 manent Export of Unclassified Military Articles issued by  
10 the Department of State.

11 SEC. 8069. Notwithstanding any other provision of  
12 law, the Chief of the National Guard Bureau, or his des-  
13 ignee, may waive payment of all or part of the consider-  
14 ation that otherwise would be required under section 2667  
15 of title 10, United States Code, in the case of a lease of  
16 personal property for a period not in excess of 1 year to  
17 any organization specified in section 508(d) of title 32,  
18 United States Code, or any other youth, social, or fra-  
19 ternal nonprofit organization as may be approved by the  
20 Chief of the National Guard Bureau, or his designee, on  
21 a case-by-case basis.

22 SEC. 8070. None of the funds appropriated by this  
23 Act shall be used for the support of any nonappropriated  
24 funds activity of the Department of Defense that procures  
25 malt beverages and wine with nonappropriated funds for

1 resale (including such alcoholic beverages sold by the  
2 drink) on a military installation located in the United  
3 States unless such malt beverages and wine are procured  
4 within that State, or in the case of the District of Colum-  
5 bia, within the District of Columbia, in which the military  
6 installation is located: *Provided*, That in a case in which  
7 the military installation is located in more than one State,  
8 purchases may be made in any State in which the installa-  
9 tion is located: *Provided further*, That such local procure-  
10 ment requirements for malt beverages and wine shall  
11 apply to all alcoholic beverages only for military installa-  
12 tions in States which are not contiguous with another  
13 State: *Provided further*, That alcoholic beverages other  
14 than wine and malt beverages, in contiguous States and  
15 the District of Columbia shall be procured from the most  
16 competitive source, price and other factors considered.

17       SEC. 8071. Funds available to the Department of De-  
18 fense for the Global Positioning System during the current  
19 fiscal year may be used to fund civil requirements associ-  
20 ated with the satellite and ground control segments of  
21 such system's modernization program.

22                               (INCLUDING TRANSFER OF FUNDS)

23       SEC. 8072. Of the amounts appropriated in this Act  
24 under the heading "Operation and Maintenance, Army",  
25 \$106,754,000 shall remain available until expended: *Pro-*

1 *vided*, That notwithstanding any other provision of law,  
2 the Secretary of Defense is authorized to transfer such  
3 funds to other activities of the Federal Government: *Pro-*  
4 *vided further*, That the Secretary of Defense is authorized  
5 to enter into and carry out contracts for the acquisition  
6 of real property, construction, personal services, and oper-  
7 ations related to projects carrying out the purposes of this  
8 section: *Provided further*, That contracts entered into  
9 under the authority of this section may provide for such  
10 indemnification as the Secretary determines to be nec-  
11 essary: *Provided further*, That projects authorized by this  
12 section shall comply with applicable Federal, State, and  
13 local law to the maximum extent consistent with the na-  
14 tional security, as determined by the Secretary of Defense.

15       SEC. 8073. Section 8106 of the Department of De-  
16 fense Appropriations Act, 1997 (titles I through VIII of  
17 the matter under subsection 101(b) of Public Law 104-  
18 208; 110 Stat. 3009-111; 10 U.S.C. 113 note) shall con-  
19 tinue in effect to apply to disbursements that are made  
20 by the Department of Defense in fiscal year 2010.

21       SEC. 8074. In addition to amounts provided else-  
22 where in this Act, \$3,750,000 is hereby appropriated to  
23 the Department of Defense, to remain available for obliga-  
24 tion until expended: *Provided*, That notwithstanding any  
25 other provision of law, these funds shall be available only

1 for a grant to the Fisher House Foundation, Inc., only  
2 for the construction and furnishing of additional Fisher  
3 Houses to meet the needs of military family members  
4 when confronted with the illness or hospitalization of an  
5 eligible military beneficiary.

6 (INCLUDING TRANSFER OF FUNDS)

7 SEC. 8075. Of the amounts appropriated in this Act  
8 under the heading "Research, Development, Test and  
9 Evaluation, Defense-Wide", \$202,434,000 shall be for the  
10 Israeli Cooperative Programs: *Provided*, That of this  
11 amount, \$80,092,000 shall be for the Short Range Bal-  
12 listic Missile Defense (SRBMD) program, including cruise  
13 missile defense research and development under the  
14 SRBMD program, \$50,036,000 shall be available for an  
15 upper-tier component to the Israeli Missile Defense Archi-  
16 tecture, and \$72,306,000 shall be for the Arrow Missile  
17 Defense Program, of which \$25,000,000 shall be for pro-  
18 ducing Arrow missile components in the United States and  
19 Arrow missile components in Israel to meet Israel's de-  
20 fense requirements, consistent with each nation's laws,  
21 regulations and procedures: *Provided further*, That funds  
22 made available under this provision for production of mis-  
23 siles and missile components may be transferred to appro-  
24 priations available for the procurement of weapons and  
25 equipment, to be merged with and to be available for the

1 same time period and the same purposes as the appropria-  
2 tion to which transferred: *Provided further*, That the  
3 transfer authority provided under this provision is in addi-  
4 tion to any other transfer authority contained in this Act.

5 (INCLUDING TRANSFER OF FUNDS)

6 SEC. 8076. Of the amounts appropriated in this Act  
7 under the heading “Shipbuilding and Conversion, Navy”,  
8 \$144,950,000 shall be available until September 30, 2010,  
9 to fund prior year shipbuilding cost increases: *Provided*,  
10 That upon enactment of this Act, the Secretary of the  
11 Navy shall transfer such funds to the following appropria-  
12 tions in the amounts specified: *Provided further*, That the  
13 amounts transferred shall be merged with and be available  
14 for the same purposes as the appropriations to which  
15 transferred:

16 To:

17 Under the heading “Shipbuilding and Con-  
18 version, Navy, 2004/2010”:

19 New SSN, \$26,906,000; and

20 LPD-17 Amphibious Transport Dock  
21 Program, \$16,844,000.

22 Under the heading “Shipbuilding and Con-  
23 version, Navy, 2005/2010”:

24 New SSN, \$18,702,000; and

1                   LPD-17 Amphibious Transport Dock  
2                   Program, \$16,498,000.

3                   Under the heading "Shipbuilding and Con-  
4                   version, Navy, 2008/2012":

5                   LPD-17 Amphibious Transport Dock  
6                   Program, \$66,000,000.

7           SEC. 8077. None of the funds available to the De-  
8   partment of Defense may be obligated to modify command  
9   and control relationships to give Fleet Forces Command  
10   administrative and operational control of U.S. Navy forces  
11   assigned to the Pacific fleet: *Provided*, That the command  
12   and control relationships which existed on October 1,  
13   2004, shall remain in force unless changes are specifically  
14   authorized in a subsequent Act.

15           SEC. 8078. Notwithstanding any other provision of  
16   law or regulation, the Secretary of Defense may exercise  
17   the provisions of section 7403(g) of title 38, United States  
18   Code, for occupations listed in section 7403(a)(2) of title  
19   38, United States Code, as well as the following:

20                   Pharmacists, Audiologists, Psychologists, Social  
21                   Workers, Othotists/Prosthetists, Occupational  
22                   Therapists, Physical Therapists, Rehabilitation  
23                   Therapists, Respiratory Therapists, Speech Patholo-  
24                   gists, Dietitian/Nutritionists, Industrial Hygienists,  
25                   Psychology Technicians, Social Service Assistants,

1 Practical Nurses, Nursing Assistants, and Dental  
2 Hygienists:

3 (A) The requirements of section  
4 7403(g)(1)(A) of title 38, United States Code,  
5 shall apply.

6 (B) The limitations of section  
7 7403(g)(1)(B) of title 38, United States Code,  
8 shall not apply.

9 SEC. 8079. Funds appropriated by this Act, or made  
10 available by the transfer of funds in this Act, for intel-  
11 ligence activities are deemed to be specifically authorized  
12 by the Congress for purposes of section 504 of the Na-  
13 tional Security Act of 1947 (50 U.S.C. 414) during fiscal  
14 year 2010 until the enactment of the Intelligence Author-  
15 ization Act for Fiscal Year 2010.

16 SEC. 8080. None of the funds provided in this Act  
17 shall be available for obligation or expenditure through a  
18 reprogramming of funds that creates or initiates a new  
19 program, project, or activity unless such program, project,  
20 or activity must be undertaken immediately in the interest  
21 of national security and only after written prior notifica-  
22 tion to the congressional defense committees.

23 SEC. 8081. In addition to funds made available else-  
24 where in this Act, \$5,500,000 is hereby appropriated and  
25 shall remain available until expended to provide assist-

1 ance, by grant or otherwise (such as the provision of funds  
2 for information technology and textbook purchases, pro-  
3 fessional development for educators, and student transi-  
4 tion support) to public schools in states that are consid-  
5 ered overseas assignments with unusually high concentra-  
6 tions of special needs military dependents enrolled: *Pro-*  
7 *vided*, That up to 2 percent of the total appropriated funds  
8 under this section shall be available for the administration  
9 and execution of the programs and/or events that promote  
10 the purpose of this appropriation: *Provided further*, That  
11 up to 5 percent of the total appropriated funds under this  
12 section shall be available to public schools that have en-  
13 tered into a military partnership: *Provided further*, That  
14 \$1,000,000 shall be available for a nonprofit trust fund  
15 to assist in the public-private funding of public school re-  
16 pair and maintenance projects: *Provided further*, That  
17 \$500,000 shall be available to fund an ongoing special  
18 education support program in public schools with unusu-  
19 ally high concentrations of active duty military dependents  
20 enrolled: *Provided further*, That to the extent a Federal  
21 agency provides this assistance by contract, grant, or oth-  
22 erwise, it may accept and expend non-Federal funds in  
23 combination with these Federal funds to provide assist-  
24 ance for the authorized purpose.

1           SEC. 8082. (a) In addition to the amounts provided  
2 elsewhere in this Act, \$3,000,000 is hereby appropriated  
3 to the Department of Defense for “Operation and Mainte-  
4 nance, Army National Guard”. Such amount shall be  
5 made available to the Secretary of the Army only to make  
6 a grant in the amount of \$3,000,000 to the entity speci-  
7 fied in subsection (b) to facilitate access by veterans to  
8 opportunities for skilled employment in the construction  
9 industry.

10           (b) The entity referred to in subsection (a) is the  
11 Center for Military Recruitment, Assessment and Vet-  
12 erans Employment, a nonprofit labor-management co-  
13 operation committee provided for by section 302(c)(9) of  
14 the Labor-Management Relations Act, 1947 (29 U.S.C.  
15 186(e)(9)), for the purposes set forth in section 6(b) of  
16 the Labor Management Cooperation Act of 1978 (29  
17 U.S.C. 175a note).

18           SEC. 8083. The budget of the President for fiscal  
19 year 2011 submitted to the Congress pursuant to section  
20 1105 of title 31, United States Code, shall include sepa-  
21 rate budget justification documents for costs of United  
22 States Armed Forces’ participation in contingency oper-  
23 ations for the Military Personnel accounts, the Operation  
24 and Maintenance accounts, and the Procurement ac-  
25 counts: *Provided*, That these documents shall include a de-

1 description of the funding requested for each contingency op-  
2 eration, for each military service, to include all Active and  
3 Reserve components, and for each appropriations account:  
4 *Provided further*, That these documents shall include esti-  
5 mated costs for each element of expense or object class,  
6 a reconciliation of increases and decreases for each contin-  
7 gency operation, and programmatic data including, but  
8 not limited to, troop strength for each Active and Reserve  
9 component, and estimates of the major weapons systems  
10 deployed in support of each contingency: *Provided further*,  
11 That these documents shall include budget exhibits OP-  
12 5 and OP-32 (as defined in the Department of Defense  
13 Financial Management Regulation) for all contingency op-  
14 erations for the budget year and the two preceding fiscal  
15 years.

16 SEC. 8084. None of the funds in this Act may be  
17 used for research, development, test, evaluation, procure-  
18 ment or deployment of nuclear armed interceptors of a  
19 missile defense system.

20 SEC. 8085. In addition to the amounts appropriated  
21 or otherwise made available elsewhere in this Act,  
22 \$110,640,000 is hereby appropriated to the Department  
23 of Defense: *Provided*, That the Secretary of Defense shall  
24 make grants in the amounts specified as follows:  
25 \$15,000,000 to the United Service Organizations;

1 \$22,500,000 to the Red Cross; \$6,000,000 to the SOAR  
2 Virtual School District; \$5,000,000 to The Presidio Herit-  
3 age Center; \$5,000,000 to the Paralympics Military Pro-  
4 gram; \$3,840,000 to the Arrest Deterioration of Ford Is-  
5 land Aviation Control Tower, Pearl Harbor, Hawaii;  
6 \$1,500,000 to the Go For Broke program; \$800,000 to  
7 Our Military Kids; \$3,000,000 to the New Jersey Tech-  
8 nology Center; \$1,600,000 to the Women in Military Serv-  
9 ice for America Memorial; \$500,000 to the Marshall Leg-  
10 acy Institute; \$1,000,000 to the Vietnam Veterans Memo-  
11 rial Fund for Demining Activities; \$18,900,000 to the Ed-  
12 ward M. Kennedy Institute for the Senate; \$5,000,000 to  
13 the U.S.S. Missouri Memorial Association; \$20,000,000 to  
14 the National World War II Museum; and \$1,000,000 for  
15 the Riverside General Hospital in Houston, Texas, for the  
16 treatment of psychological health issues.

17       SEC. 8086. None of the funds appropriated or made  
18 available in this Act shall be used to reduce or disestablish  
19 the operation of the 53rd Weather Reconnaissance Squad-  
20 ron of the Air Force Reserve, if such action would reduce  
21 the WC-130 Weather Reconnaissance mission below the  
22 levels funded in this Act: *Provided*, That the Air Force  
23 shall allow the 53rd Weather Reconnaissance Squadron to  
24 perform other missions in support of national defense re-  
25 quirements during the non-hurricane season.

1           SEC. 8087. None of the funds provided in this Act  
2 shall be available for integration of foreign intelligence in-  
3 formation unless the information has been lawfully col-  
4 lected and processed during the conduct of authorized for-  
5 eign intelligence activities: *Provided*, That information  
6 pertaining to United States persons shall only be handled  
7 in accordance with protections provided in the Fourth  
8 Amendment of the United States Constitution as imple-  
9 mented through Executive Order No. 12333.

10           SEC. 8088. (a) At the time members of reserve com-  
11 ponents of the Armed Forces are called or ordered to ac-  
12 tive duty under section 12302(a) of title 10, United States  
13 Code, each member shall be notified in writing of the ex-  
14 pected period during which the member will be mobilized.

15           (b) The Secretary of Defense may waive the require-  
16 ments of subsection (a) in any case in which the Secretary  
17 determines that it is necessary to do so to respond to a  
18 national security emergency or to meet dire operational  
19 requirements of the Armed Forces.

20   (INCLUDING TRANSFER OF FUNDS)

21           SEC. 8089. The Secretary of Defense may transfer  
22 funds from any available Department of the Navy appro-  
23 priation to any available Navy ship construction appro-  
24 priation for the purpose of liquidating necessary changes  
25 resulting from inflation, market fluctuations, or rate ad-

1 justments for any ship construction program appropriated  
2 in law: *Provided*, That the Secretary may transfer not to  
3 exceed \$100,000,000 under the authority provided by this  
4 section: *Provided further*, That the Secretary may not  
5 transfer any funds until 30 days after the proposed trans-  
6 fer has been reported to the Committees on Appropria-  
7 tions of the House of Representatives and the Senate, un-  
8 less a response from the Committees is received sooner:  
9 *Provided further*, That the transfer authority provided by  
10 this section is in addition to any other transfer authority  
11 contained elsewhere in this Act.

12 SEC. 8090. For purposes of section 612 of title 41,  
13 United States Code, any subdivision of appropriations  
14 made under the heading “Shipbuilding and Conversion,  
15 Navy” that is not closed at the time reimbursement is  
16 made shall be available to reimburse the Judgment Fund  
17 and shall be considered for the same purposes as any sub-  
18 division under the heading “Shipbuilding and Conversion,  
19 Navy” appropriations in the current fiscal year or any  
20 prior fiscal year.

21 SEC. 8091. (a) None of the funds appropriated by  
22 this Act may be used to transfer research and develop-  
23 ment, acquisition, or other program authority relating to  
24 current tactical unmanned aerial vehicles (TUAVs) from  
25 the Army.

1 (b) The Army shall retain responsibility for and oper-  
2 ational control of the MQ-1C Sky Warrior Unmanned  
3 Aerial Vehicle (UAV) in order to support the Secretary  
4 of Defense in matters relating to the employment of un-  
5 manned aerial vehicles.

6 SEC. 8092. Of the funds provided in this Act,  
7 \$10,000,000 shall be available for the operations and de-  
8 velopment of training and technology for the Joint Inter-  
9 agency Training and Education Center and the affiliated  
10 Center for National Response at the Memorial Tunnel and  
11 for providing homeland defense/security and traditional  
12 warfighting training to the Department of Defense, other  
13 Federal agencies, and State and local first responder per-  
14 sonnel at the Joint Interagency Training and Education  
15 Center.

16 SEC. 8093. Notwithstanding any other provision of  
17 law or regulation, the Secretary of Defense may adjust  
18 wage rates for civilian employees hired for certain health  
19 care occupations as authorized for the Secretary of Vet-  
20 erans Affairs by section 7455 of title 38, United States  
21 Code.

22 SEC. 8094. Up to \$16,000,000 of the funds appro-  
23 priated under the heading "Operation and Maintenance,  
24 Navy" may be made available for the Asia Pacific Re-  
25 gional Initiative Program for the purpose of enabling the

1 Pacific Command to execute Theater Security Cooperation  
2 activities such as humanitarian assistance, and payment  
3 of incremental and personnel costs of training and exer-  
4 cising with foreign security forces: *Provided*, That funds  
5 made available for this purpose may be used, notwith-  
6 standing any other funding authorities for humanitarian  
7 assistance, security assistance or combined exercise ex-  
8 penses: *Provided further*, That funds may not be obligated  
9 to provide assistance to any foreign country that is other-  
10 wise prohibited from receiving such type of assistance  
11 under any other provision of law.

12 SEC. 8095. None of the funds appropriated by this  
13 Act for programs of the Office of the Director of National  
14 Intelligence shall remain available for obligation beyond  
15 the current fiscal year, except for funds appropriated for  
16 research and technology, which shall remain available until  
17 September 30, 2011.

18 SEC. 8096. For purposes of section 1553(b) of title  
19 31, United States Code, any subdivision of appropriations  
20 made in this Act under the heading "Shipbuilding and  
21 Conversion, Navy" shall be considered to be for the same  
22 purpose as any subdivision under the heading "Ship-  
23 building and Conversion, Navy" appropriations in any  
24 prior fiscal year, and the 1 percent limitation shall apply  
25 to the total amount of the appropriation.

1           SEC. 8097. Notwithstanding any other provision of  
2 this Act, to reflect savings from revised economic assump-  
3 tions, the total amount appropriated in title II of this Act  
4 is hereby reduced by \$194,000,000, the total amount ap-  
5 propriated in title III of this Act is hereby reduced by  
6 \$322,000,000, the total amount appropriated in title IV  
7 of this Act is hereby reduced by \$336,000,000, and the  
8 total amount appropriated in title V of this Act is hereby  
9 reduced by \$9,000,000: *Provided*, That the Secretary of  
10 Defense shall allocate this reduction proportionally to each  
11 budget activity, activity group, subactivity group, and each  
12 program, project, and activity, within each appropriation  
13 account.

14           SEC. 8098. Notwithstanding any other provision of  
15 law, that not more than 35 percent of funds provided in  
16 this Act for environmental remediation may be obligated  
17 under indefinite delivery/indefinite quantity contracts with  
18 a total contract value of \$130,000,000 or higher.

19           SEC. 8099. The Secretary of Defense shall create a  
20 major force program category for space for the Future  
21 Years Defense Program of the Department of Defense.  
22 The Secretary of Defense shall designate an official in the  
23 Office of the Secretary of Defense to provide overall super-  
24 vision of the preparation and justification of program rec-

1 ommendations and budget proposals to be included in such  
2 major force program category.

3 SEC. 8100. The Director of National Intelligence  
4 shall include the budget exhibits identified in paragraphs  
5 (1) and (2) as described in the Department of Defense  
6 Financial Management Regulation with the congressional  
7 budget justification books.

8 (1) For procurement programs requesting more  
9 than \$20,000,000 in any fiscal year, the P-1, Pro-  
10 curement Program; P-5, Cost Analysis; P-5a, Pro-  
11 curement History and Planning; P-21, Production  
12 Schedule; and P-40, Budget Item Justification.

13 (2) For research, development, test and evalua-  
14 tion projects requesting more than \$10,000,000 in  
15 any fiscal year, the R-1, RDT&E Program; R-2,  
16 RDT&E Budget Item Justification; R-3, RDT&E  
17 Project Cost Analysis; and R-4, RDT&E Program  
18 Schedule Profile.

19 SEC. 8101. Notwithstanding any other provision of  
20 law, none of the funds made available in this Act may be  
21 used to pay negotiated indirect cost rates on a contract,  
22 grant, or cooperative agreement (or similar arrangement)  
23 entered into by the Department of Defense and an entity  
24 in excess of 35 percent of the total cost of the contract,  
25 grant, or agreement (or similar arrangement): *Provided,*

1 That this limitation shall apply only to contracts, grants,  
2 or cooperative agreements entered into after the date of  
3 enactment of this Act using funds made available in this  
4 Act for basic research.

5 SEC. 8102. The Secretary of Defense shall maintain  
6 on the homepage of the Internet website of the Depart-  
7 ment of Defense a direct link to the Internet website of  
8 the Office of Inspector General of the Department of De-  
9 fense.

10 SEC. 8103. (a) Not later than 60 days after enact-  
11 ment of this Act, the Office of the Director of National  
12 Intelligence shall submit a report to the congressional in-  
13 telligence committees to establish the baseline for applica-  
14 tion of reprogramming and transfer authorities for fiscal  
15 year 2010: *Provided*, That the report shall include—

16 (1) a table for each appropriation with a sepa-  
17 rate column to display the President's budget re-  
18 quest, adjustments made by Congress, adjustments  
19 due to enacted rescissions, if appropriate, and the  
20 fiscal year enacted level;

21 (2) a delineation in the table for each appro-  
22 priation by Expenditure Center and project; and

23 (3) an identification of items of special congres-  
24 sional interest.

1 (b) None of the funds provided for the National Intel-  
2 ligence Program in this Act shall be available for re-  
3 programming or transfer until the report identified in sub-  
4 section (a) is submitted to the congressional intelligence  
5 committees, unless the Director of National Intelligence  
6 certifies in writing to the congressional intelligence com-  
7 mittees that such reprogramming or transfer is necessary  
8 as an emergency requirement.

9 SEC. 8104. The Director of National Intelligence  
10 shall submit to Congress each year, at or about the time  
11 that the President's budget is submitted to Congress that  
12 year under section 1105(a) of title 31, United States  
13 Code, a future-years intelligence program (including asso-  
14 ciated annexes) reflecting the estimated expenditures and  
15 proposed appropriations included in that budget. Any such  
16 future-years intelligence program shall cover the fiscal  
17 year with respect to which the budget is submitted and  
18 at least the four succeeding fiscal years.

19 SEC. 8105. For the purposes of this Act, the term  
20 "congressional intelligence committees" means the Perma-  
21 nent Select Committee on Intelligence of the House of  
22 Representatives, the Select Committee on Intelligence of  
23 the Senate, the Subcommittee on Defense of the Com-  
24 mittee on Appropriations of the House of Representatives,

1 and the Subcommittee on Defense of the Committee on  
2 Appropriations of the Senate.

3 SEC. 8106. The Department of Defense shall con-  
4 tinue to report incremental contingency operations costs  
5 for Operation Iraqi Freedom and Operation Enduring  
6 Freedom on a monthly basis in the Cost of War Execution  
7 Report as prescribed in the Department of Defense Finan-  
8 cial Management Regulation Department of Defense In-  
9 struction 7000.14, Volume 12, Chapter 23 "Contingency  
10 Operations", Annex 1, dated September 2005.

11 SEC. 8107. The amounts appropriated in title II of  
12 this Act are hereby reduced by \$400,000,000 to reflect  
13 excess cash balances in Department of Defense Working  
14 Capital Funds, as follows:

15 (1) From "Operation and Maintenance, Army",  
16 \$150,000,000; and

17 (2) From "Operation and Maintenance, Air  
18 Force", \$250,000,000.

19 (INCLUDING TRANSFER OF FUNDS)

20 SEC. 8108. (a) CONTINUATION OF STOP-LOSS SPE-  
21 CIAL PAY.—Funds appropriated by this Act, or made  
22 available by the transfer of funds in this Act, shall be  
23 made available to the Secretaries of the military depart-  
24 ments only to provide special pay during fiscal year 2010  
25 to members of the Army, Navy, Air Force, and Marine

1 Corps, including members of their reserve components,  
2 who, at any time during fiscal year 2010, serve on active  
3 duty while the members' enlistment or period of obligated  
4 service is extended, or whose eligibility for retirement is  
5 suspended, pursuant to section 123 or 12305 of title 10,  
6 United States Code, or any other provision of law (com-  
7 monly referred to as a "stop-loss authority") authorizing  
8 the President to extend an enlistment or period of obli-  
9 gated service, or suspend an eligibility for retirement, of  
10 a member of the uniformed services in time of war or of  
11 national emergency declared by Congress or the President.

12 (b) SPECIAL PAY AMOUNT.—The amount of the spe-  
13 cial pay paid under subsection (a) to or on behalf of an  
14 eligible member shall be \$500 per month for each month  
15 or portion of a month during fiscal year 2010 that the  
16 member is retained on active duty as a result of applica-  
17 tion of the stop-loss authority.

18 (c) TREATMENT OF DECEASED MEMBERS.—If an eli-  
19 gible member described in subsection (a) dies before the  
20 payment required by this section is made, the Secretary  
21 of the military department concerned shall make the pay-  
22 ment in accordance with section 2771 of title 10, United  
23 States Code.

24 (d) CLARIFICATION OF RETROACTIVE STOP-LOSS  
25 SPECIAL PAY AUTHORITY.—Section 310 of the Supple-

1 mental Appropriations Act, 2009 (Public Law 111-32;  
2 123 Stat. 1870) is amended by adding at the end the fol-  
3 lowing new subsection:

4 “(i) EFFECT OF SUBSEQUENT REENLISTMENT OF  
5 VOLUNTARY EXTENSION OF SERVICE.—Members of the  
6 Armed Forces, retired members, and former members oth-  
7 erwise described in subsection (a) are not eligible for a  
8 payment under this section if the members—

9 “(1) voluntarily reenlisted or extended their  
10 service after their enlistment or period of obligated  
11 service was extended, or after their eligibility for re-  
12 tirement was suspended, pursuant to a stop-loss au-  
13 thority; and

14 “(2) received a bonus for such reenlistment or  
15 extension of service.”

16 (INCLUDING TRANSFER OF FUNDS)

17 SEC. 8109. During the current fiscal year, not to ex-  
18 ceed \$11,000,000 from each of the appropriations made  
19 in title II of this Act for “Operation and Maintenance,  
20 Army”, “Operation and Maintenance, Navy”, and “Oper-  
21 ation and Maintenance, Air Force” may be transferred by  
22 the military department concerned to its central fund es-  
23 tablished for Fisher Houses and Suites pursuant to sec-  
24 tion 2493(d) of title 10, United States Code.

1 (INCLUDING TRANSFER OF FUNDS)

2 SEC. 8110. Of the funds appropriated in the Intel-  
3 ligence Community Management Account for the Program  
4 Manager for the Information Sharing Environment,  
5 \$24,000,000 is available for transfer by the Director of  
6 National Intelligence to other departments and agencies  
7 for purposes of Government-wide information sharing ac-  
8 tivities: *Provided*, That funds transferred under this provi-  
9 sion are to be merged with and available for the same pur-  
10 poses and time period as the appropriation to which trans-  
11 ferred: *Provided further*, That the Office of Management  
12 and Budget must approve any transfers made under this  
13 provision.

14 SEC. 8111. Funds appropriated by this Act for oper-  
15 ation and maintenance may be available for the purpose  
16 of making remittances to the Defense Acquisition Work-  
17 force Development Fund in accordance with the require-  
18 ments of section 1705 of title 10, United States Code.

19 SEC. 8112. (a) HIGH PRIORITY NATIONAL GUARD  
20 COUNTERDRUG PROGRAMS.—Of the amount appropriated  
21 or otherwise made available by title VI under the heading  
22 “Drug Interdiction and Counter-Drug Activities, De-  
23 fense”, up to \$15,000,000 shall be available for the pur-  
24 pose of High Priority National Guard Counterdrug Pro-  
25 grams.

1 (b) SUPPLEMENT NOT SUPPLANT.—The amount  
2 made available by subsection (a) for the purpose specified  
3 in that subsection is in addition to any other amounts  
4 made available by this Act for that purpose.

5 APOLOGY TO NATIVE PEOPLES OF THE UNITED STATES

6 SEC. 8113. (a) ACKNOWLEDGMENT AND APOLOGY.—

7 The United States, acting through Congress—

8 (1) recognizes the special legal and political re-  
9 lationship Indian tribes have with the United States  
10 and the solemn covenant with the land we share;

11 (2) commends and honors Native Peoples for  
12 the thousands of years that they have stewarded and  
13 protected this land;

14 (3) recognizes that there have been years of of-  
15 ficial depredations, ill-conceived policies, and the  
16 breaking of covenants by the Federal Government  
17 regarding Indian tribes;

18 (4) apologizes on behalf of the people of the  
19 United States to all Native Peoples for the many in-  
20 stances of violence, maltreatment, and neglect in-  
21 flicted on Native Peoples by citizens of the United  
22 States;

23 (5) expresses its regret for the ramifications of  
24 former wrongs and its commitment to build on the  
25 positive relationships of the past and present to

1       move toward a brighter future where all the people  
2       of this land live reconciled as brothers and sisters,  
3       and harmoniously steward and protect this land to-  
4       gether;

5           (6) urges the President to acknowledge the  
6       wrongs of the United States against Indian tribes in  
7       the history of the United States in order to bring  
8       healing to this land; and

9           (7) commends the State governments that have  
10      begun reconciliation efforts with recognized Indian  
11      tribes located in their boundaries and encourages all  
12      State governments similarly to work toward recon-  
13      ciling relationships with Indian tribes within their  
14      boundaries.

15      (b) DISCLAIMER.—Nothing in this section—

16           (1) authorizes or supports any claim against  
17      the United States; or

18           (2) serves as a settlement of any claim against  
19      the United States.

20      SEC. 8114. (a) Any agency receiving funds made  
21      available in this Act, shall, subject to subsections (b) and  
22      (c), post on the public website of that agency any report  
23      required to be submitted by the Congress in this or any  
24      other Act, upon the determination by the head of the agen-  
25      cy that it shall serve the national interest.

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

2 (1) the public posting of the report com-  
3 promises national security; or

4 (2) the report contains proprietary information.

5 (c) The head of the agency posting such report shall  
6 do so only after such report has been made available to  
7 the requesting Committee or Committees of Congress for  
8 no less than 45 days.

9 SEC. 8115. (a) It is the sense of Congress that—

10 (1) All of the National Nuclear Security Admin-  
11 istration sites, including the Nevada Test Site can  
12 play an effective and essential role in developing and  
13 demonstrating—

14 (A) innovative and effective methods for  
15 treaty verification and the detection of nuclear  
16 weapons and other materials; and

17 (B) related threat reduction technologies;  
18 and

19 (2) the Administrator for Nuclear Security  
20 should expand the mission of the Nevada Test Site  
21 to carry out the role described in paragraph (1), in-  
22 cluding by—

23 (A) fully utilizing the inherent capabilities  
24 and uniquely secure location of the Site;

1 (B) continuing to support the Nation's nu-  
2 clear weapons program and other national secu-  
3 rity programs; and

4 (C) renaming the Site to reflect the ex-  
5 panded mission of the Site.

6 (b) Not later than one year after the date of the en-  
7 actment of this Act, the Administrator for Nuclear Secu-  
8 rity shall submit to the congressional defense committees  
9 and the Subcommittees on Energy and Water Develop-  
10 ment of the Committees on Appropriations a plan for im-  
11 proving the infrastructure of the Nevada Test Site of the  
12 National Nuclear Security Administration and, if the Ad-  
13 ministrator deems appropriate, all other sites under the  
14 jurisdiction of the National Nuclear Security Administra-  
15 tion—

16 (1) to fulfill the expanded mission of the Site  
17 described in subsection (a); and

18 (2) to make the Site available to support the  
19 threat reduction programs of the entire national se-  
20 curity community, including threat reduction pro-  
21 grams of the National Nuclear Security Administra-  
22 tion, the Defense Threat Reduction Agency, the De-  
23 partment of Homeland Security, and other agencies  
24 as appropriate.

1       SEC. 8116. (a) None of the funds appropriated or  
2 otherwise made available by this Act may be expended for  
3 any Federal contract for an amount in excess of  
4 \$1,000,000 that is awarded more than 60 days after the  
5 effective date of this Act, unless the contractor agrees not  
6 to:

7           (1) enter into any agreement with any of its  
8 employees or independent contractors that requires,  
9 as a condition of employment, that the employee or  
10 independent contractor agree to resolve through ar-  
11 bitration any claim under title VII of the Civil  
12 Rights Act of 1964 or any tort related to or arising  
13 out of sexual assault or harassment, including as-  
14 sult and battery, intentional infliction of emotional  
15 distress, false imprisonment, or negligent hiring, su-  
16 pervision, or retention; or

17           (2) take any action to enforce any provision of  
18 an existing agreement with an employee or inde-  
19 pendent contractor that mandates that the employee  
20 or independent contractor resolve through arbitra-  
21 tion any claim under title VII of the Civil Rights Act  
22 of 1964 or any tort related to or arising out of sex-  
23 ual assault or harassment, including assault and  
24 battery, intentional infliction of emotional distress,

1 false imprisonment, or negligent hiring, supervision,  
2 or retention.

3 (b) None of the funds appropriated or otherwise  
4 made available by this Act may be expended for any Fed-  
5 eral contract awarded more than 180 days after the effec-  
6 tive date of this Act unless the contractor certifies that  
7 it requires each covered subcontractor to agree not to  
8 enter into, and not to take any action to enforce any provi-  
9 sion of, any agreement as described in paragraphs (1) and  
10 (2) of subsection (a), with respect to any employee or inde-  
11 pendent contractor performing work related to such sub-  
12 contract. For purposes of this subsection, a “covered sub-  
13 contractor” is an entity that has a subcontract in excess  
14 of \$1,000,000 on a contract subject to subsection (a).

15 (c) The prohibitions in this section do not apply with  
16 respect to a contractor’s or subcontractor’s agreements  
17 with employees or independent contractors that may not  
18 be enforced in a court of the United States.

19 (d) The Secretary of Defense may waive the applica-  
20 tion of subsection (a) or (b) to a particular contractor or  
21 subcontractor for the purposes of a particular contract or  
22 subcontract if the Secretary or the Deputy Secretary per-  
23 sonally determines that the waiver is necessary to avoid  
24 harm to national security interests of the United States,  
25 and that the term of the contract or subcontract is not

1 longer than necessary to avoid such harm. The determina-  
2 tion shall set forth with specificity the grounds for the  
3 waiver and for the contract or subcontract term selected,  
4 and shall state any alternatives considered in lieu of a  
5 waiver and the reasons each such alternative would not  
6 avoid harm to national security interests of the United  
7 States. The Secretary of Defense shall transmit to Con-  
8 gress, and simultaneously make public, any determination  
9 under this subsection not less than 15 business days be-  
10 fore the contract or subcontract addressed in the deter-  
11 mination may be awarded.

12       SEC. 8117. (a) PROHIBITION ON CONVERSION OF  
13 FUNCTIONS PERFORMED BY FEDERAL EMPLOYEES TO  
14 CONTRACTOR PERFORMANCE.—None of the funds appro-  
15 priated or otherwise made available by this Act, or that  
16 remain available for obligation for the Department of De-  
17 fense from the Consolidated Security, Disaster Assistance,  
18 and Continuing Appropriations Act, 2009 (Public Law  
19 110–329), the American Recovery and Reinvestment Act  
20 of 2009 (Public Law 111–5), and the Supplemental Ap-  
21 propriations Act, 2009 (Public Law 111–32), may be used  
22 to begin or announce the competition to award to a con-  
23 tractor or convert to performance by a contractor any  
24 functions performed by Federal employees pursuant to a

1 study conducted under Office of Management and Budget  
2 (OMB) Circular A-76.

3 (b) EXCEPTION.—The prohibition in subsection (a)  
4 shall not apply to the award of a function to a contractor  
5 or the conversion of a function to performance by a con-  
6 tractor pursuant to a study conducted under Office of  
7 Management and Budget (OMB) Circular A-76 once all  
8 reporting and certifications required by section 325 of the  
9 National Defense Authorization Act for Fiscal Year 2010  
10 (Public Law 111-84) have been satisfactorily completed.

11 SEC. 8118. (a)(1) No National Intelligence Program  
12 funds appropriated in this Act may be used for a mission  
13 critical or mission essential business management infor-  
14 mation technology system that is not registered with the  
15 Director of National Intelligence. A system shall be con-  
16 sidered to be registered with that officer upon the fur-  
17 nishing notice of the system, together with such informa-  
18 tion concerning the system as the Director of the Business  
19 Transformation Office may prescribe.

20 (2) During the current fiscal year no funds may be  
21 obligated or expended for a financial management auto-  
22 mated information system, a mixed information system  
23 supporting financial and non-financial systems, or a busi-  
24 ness system improvement of more than \$3,000,000, within

1 the Intelligence Community without the approval of the  
2 Business Transformation Investment Review Board.

3 (b) The Director of the Business Transformation Of-  
4 fice shall provide the congressional intelligence committees  
5 a semi-annual report of approvals under paragraph (1) no  
6 later than March 30 and September 30 of each year. The  
7 report shall include the results of the Business Trans-  
8 formation Investment Review Board's semi-annual activi-  
9 ties, and each report shall certify that the following steps  
10 have been taken for systems approved under paragraph  
11 (1):

12 (1) Business process reengineering.

13 (2) An analysis of alternatives and an economic  
14 analysis that includes a calculation of the return on  
15 investment.

16 (3) Assurance the system is compatible with the  
17 enterprise-wide business architecture.

18 (4) Performance measures.

19 (5) An information assurance strategy con-  
20 sistent with the Chief Information Officer of the In-  
21 telligence Community.

22 (c) This section shall not apply to any programmatic  
23 or analytic systems or programmatic or analytic system  
24 improvements.

1 (INCLUDING TRANSFER OF FUNDS)

2 SEC. 8119. In addition to funds made available else-  
3 where in this Act, there is hereby appropriated  
4 \$291,715,000, to remain available until transferred: *Pro-*  
5 *vided*, That these funds are appropriated to the “Tanker  
6 Replacement Transfer Fund” (referred to as “the Fund”  
7 elsewhere in this section): *Provided further*, That the Sec-  
8 retary of the Air Force may transfer amounts in the Fund  
9 to “Operation and Maintenance, Air Force”, “Aircraft  
10 Procurement, Air Force”, and “Research, Development,  
11 Test and Evaluation, Air Force”, only for the purposes  
12 of proceeding with a tanker acquisition program: *Provided*  
13 *further*, That funds transferred shall be merged with and  
14 be available for the same purposes and for the same time  
15 period as the appropriations or fund to which transferred:  
16 *Provided further*, That this transfer authority is in addi-  
17 tion to any other transfer authority available to the De-  
18 partment of Defense: *Provided further*, That the Secretary  
19 of the Air Force shall, not fewer than 15 days prior to  
20 making transfers using funds provided in this section, no-  
21 tify the congressional defense committees in writing of the  
22 details of any such transfer: *Provided further*, That the  
23 Secretary shall submit a report no later than 30 days after  
24 the end of each fiscal quarter to the congressional defense

1 committees summarizing the details of the transfer of  
2 funds from this appropriation.

3       SEC. 8120. (a) RESETTLEMENT SUPPORT AND  
4 OTHER PUBLIC BENEFITS FOR CERTAIN IRAQI REFU-  
5 GEES.—Section 1244(g) of the Refugee Crisis in Iraq Act  
6 of 2007 (subtitle C of title XII of division A of Public  
7 Law 110–181; 122 Stat. 398) is amended by striking “for  
8 a period not to exceed eight months” and inserting “to  
9 the same extent, and for the same periods of time, as such  
10 refugees”.

11       (b) RESETTLEMENT SUPPORT AND OTHER PUBLIC  
12 BENEFITS FOR CERTAIN AFGHAN ALLIES.—Section  
13 602(b)(8) of the Afghan Allies Protection Act of 2009  
14 (title VI of division F of Public Law 111–8; 123 Stat.  
15 809) is amended by striking “for a period not to exceed  
16 8 months” and inserting “to the same extent, and for the  
17 same periods of time, as such refugees”.

18       SEC. 8121. (a) Each congressionally directed spend-  
19 ing item specified in this Act or the explanatory statement  
20 regarding this Act that is also identified in Senate Report  
21 111–74 and intended for award to a for-profit entity shall  
22 be subject to acquisition regulations for full and open com-  
23 petition on the same basis as each spending item intended  
24 for a for-profit entity that is contained in the budget re-  
25 quest of the President.

1 (b) EXCEPTIONS.—Subsection (a) shall not apply to  
2 any contract awarded—

3 (1) by a means that is required by Federal stat-  
4 ute, including for a purchase made under a man-  
5 dated preferential program;

6 (2) pursuant to the Small Business Act (15  
7 U.S.C. 631 et seq.); or

8 (3) in an amount less than the simplified acqui-  
9 sition threshold described in section 302A(a) of the  
10 Federal Property and Administrative Services Act of  
11 1949 (41 U.S.C. 252a(a)).

12 (c) Any congressionally directed spending item speci-  
13 fied in this Act or the explanatory statement regarding  
14 this Act that is intended for award to a for-profit entity  
15 and is not covered by the competition requirement speci-  
16 fied in subsection (a), shall be awarded under full and  
17 open competition, except that any contract previously  
18 awarded under full and open competition that remains in  
19 effect during fiscal year 2010 shall be considered to have  
20 satisfied the conditions of full and open competition.

21 (d) In this section, the term “congressionally directed  
22 spending item” means the following:

23 (1) A congressionally directed spending item, as  
24 defined in Rule XLIV of the Standing Rules of the  
25 Senate.

1           (2) A congressional earmark for purposes of  
2 rule XXI of the House of Representatives.

3       SEC. 8122. None of the funds appropriated or other-  
4 wise made available by this Act may be used to award  
5 to a contractor or convert to performance by a contractor  
6 any functions pursuant to a study conducted under Office  
7 of Management and Budget (OMB) Circular A-76 or as  
8 part of a utility privatization authorized under section  
9 2688 of title 10, United States Code or under any other  
10 provision of law, that are performed by Federal employees  
11 at the United States Military Academy, West Point, as  
12 of the date of enactment of this Act.

13       SEC. 8123. None of the funds made available under  
14 this Act may be distributed to the Association of Commu-  
15 nity Organizations for Reform Now (ACORN) or its sub-  
16 sidiaries.

17       SEC. 8124. The explanatory statement regarding this  
18 Act printed in the House of Representatives section of the  
19 Congressional Record on or about December 16, 2010, by  
20 the Chairman of the Subcommittee on Defense of the  
21 Committee on Appropriations of the House of Representa-  
22 tives shall have the same effect with respect to the alloca-  
23 tion of funds and implementation of this Act as if it were  
24 a joint explanatory statement of a committee of con-  
25 ference.

1 TITLE IX

2 OVERSEAS CONTINGENCY OPERATIONS

3 MILITARY PERSONNEL

4 MILITARY PERSONNEL, ARMY

5 For an additional amount for "Military Personnel,  
6 Army", \$9,958,840,000.

7 MILITARY PERSONNEL, NAVY

8 For an additional amount for "Military Personnel,  
9 Navy", \$1,388,601,000.

10 MILITARY PERSONNEL, MARINE CORPS

11 For an additional amount for "Military Personnel,  
12 Marine Corps", \$778,722,000.

13 MILITARY PERSONNEL, AIR FORCE

14 For an additional amount for "Military Personnel,  
15 Air Force", \$1,667,376,000.

16 RESERVE PERSONNEL, ARMY

17 For an additional amount for "Reserve Personnel,  
18 Army", \$293,137,000.

19 RESERVE PERSONNEL, NAVY

20 For an additional amount for "Reserve Personnel,  
21 Navy", \$37,040,000.

22 RESERVE PERSONNEL, MARINE CORPS

23 For an additional amount for "Reserve Personnel,  
24 Marine Corps", \$31,337,000.

1 RESERVE PERSONNEL, AIR FORCE

2 For an additional amount for "Reserve Personnel,  
3 Air Force", \$19,822,000.

4 NATIONAL GUARD PERSONNEL, ARMY

5 For an additional amount for "National Guard Per-  
6 sonnel, Army", \$824,966,000.

7 NATIONAL GUARD PERSONNEL, AIR FORCE

8 For an additional amount for "National Guard Per-  
9 sonnel, Air Force", \$9,500,000.

10 OPERATION AND MAINTENANCE

11 OPERATION AND MAINTENANCE, ARMY

12 For an additional amount for "Operation and Main-  
13 tenance, Army", \$47,821,154,000.

14 OPERATION AND MAINTENANCE, NAVY

15 For an additional amount for "Operation and Main-  
16 tenance, Navy", \$5,475,925,000.

17 OPERATION AND MAINTENANCE, MARINE CORPS

18 For an additional amount for "Operation and Main-  
19 tenance, Marine Corps", \$3,430,258,000.

20 OPERATION AND MAINTENANCE, AIR FORCE

21 For an additional amount for "Operation and Main-  
22 tenance, Air Force", \$9,216,319,000.

23 OPERATION AND MAINTENANCE, DEFENSE-WIDE

24 For an additional amount for "Operation and Main-  
25 tenance, Defense-Wide", \$7,490,900,000, of which:

1           (1) Not to exceed \$12,500,000 for the Combat-  
2           ant Commander Initiative Fund, to be used in sup-  
3           port of Operation Iraqi Freedom and Operation En-  
4           during Freedom; and

5           (2) Not to exceed \$1,570,000,000, to remain  
6           available until expended, for payments to reimburse  
7           key cooperating nations for logistical, military, and  
8           other support, including access provided to United  
9           States military operations in support of Operation  
10          Iraqi Freedom and Operation Enduring Freedom,  
11          notwithstanding any other provision of law: *Pro-*  
12          *vided*, That such reimbursement payments may be  
13          made in such amounts as the Secretary of Defense,  
14          with the concurrence of the Secretary of State, and  
15          in consultation with the Director of the Office of  
16          Management and Budget, may determine, in his dis-  
17          cretion, based on documentation determined by the  
18          Secretary of Defense to adequately account for the  
19          support provided, and such determination is final  
20          and conclusive upon the accounting officers of the  
21          United States, and 15 days following notification to  
22          the appropriate congressional committees: *Provided*  
23          *further*, That these funds may be used for the pur-  
24          pose of providing specialized training and procuring  
25          supplies and specialized equipment and providing

1       such supplies and loaning such equipment on a non-  
2       reimbursable basis to coalition forces supporting  
3       United States military operations in Iraq and Af-  
4       ghanistan, and 15 days following notification to the  
5       appropriate congressional committees: *Provided fur-*  
6       *ther*, That the Secretary of Defense shall provide  
7       quarterly reports to the congressional defense com-  
8       mittees on the use of funds provided in this para-  
9       graph.

10       OPERATION AND MAINTENANCE, ARMY RESERVE

11       For an additional amount for “Operation and Main-  
12       tenance, Army Reserve”, \$204,326,000.

13       OPERATION AND MAINTENANCE, NAVY RESERVE

14       For an additional amount for “Operation and Main-  
15       tenance, Navy Reserve”, \$68,059,000.

16       OPERATION AND MAINTENANCE, MARINE CORPS

17                               RESERVE

18       For an additional amount for “Operation and Main-  
19       tenance, Marine Corps Reserve”, \$86,667,000.

20       OPERATION AND MAINTENANCE, AIR FORCE RESERVE

21       For an additional amount for “Operation and Main-  
22       tenance, Air Force Reserve”, \$125,925,000.

1 OPERATION AND MAINTENANCE, ARMY NATIONAL  
2 GUARD

3 For an additional amount for "Operation and Main-  
4 tenance, Army National Guard", \$321,646,000.

5 OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

6 For an additional amount for "Operation and Main-  
7 tenance, Air National Guard", \$289,862,000.

8 OVERSEAS CONTINGENCY OPERATIONS TRANSFER FUND  
9 (INCLUDING TRANSFER OF FUNDS)

10 For an additional amount for expenses directly relat-  
11 ing to overseas contingency operations by United States  
12 military forces, \$5,000,000,000, to remain available for  
13 obligation until expended: *Provided*, That of the funds  
14 made available under this heading, the Secretary of De-  
15 fense may transfer these funds only to military personnel  
16 accounts, operation and maintenance accounts, the de-  
17 fense health program appropriation, the Mine Resistant  
18 Ambush Protected Vehicle Fund, and working capital  
19 funds accounts: *Provided further*, That the funds trans-  
20 ferred shall be merged with and shall be available for the  
21 same purposes and for the same time period, as the appro-  
22 priation to which transferred: *Provided further*, That the  
23 Secretary shall notify the congressional defense commit-  
24 tees 15 days prior to such transfer: *Provided further*, That  
25 the transfer authority provided under this heading is in

1 addition to any other transfer authority available to the  
2 Department of Defense.

3           AFGHANISTAN SECURITY FORCES FUND

4       For the “Afghanistan Security Forces Fund”,  
5 \$6,562,769,000, to remain available until September 30,  
6 2011: *Provided*, That such funds shall be available to the  
7 Secretary of Defense, notwithstanding any other provision  
8 of law, for the purpose of allowing the Commander, Com-  
9 bined Security Transition Command—Afghanistan, or the  
10 Secretary’s designee, to provide assistance, with the con-  
11 currence of the Secretary of State, to the security forces  
12 of Afghanistan, including the provision of equipment, sup-  
13 plies, services, training, facility and infrastructure repair,  
14 renovation, and construction, and funding: *Provided fur-*  
15 *ther*, That the authority to provide assistance under this  
16 heading is in addition to any other authority to provide  
17 assistance to foreign nations: *Provided further*, That con-  
18 tributions of funds for the purposes provided herein from  
19 any person, foreign government, or international organiza-  
20 tion may be credited to this Fund and used for such pur-  
21 poses: *Provided further*, That the Secretary of Defense  
22 shall notify the congressional defense committees in writ-  
23 ing upon the receipt and upon the obligation of any con-  
24 tribution, delineating the sources and amounts of the  
25 funds received and the specific use of such contributions:



## 1 OTHER PROCUREMENT, ARMY

2 For an additional amount for "Other Procurement,  
3 Army", \$5,800,516,000, to remain available until Sep-  
4 tember 30, 2012.

## 5 AIRCRAFT PROCUREMENT, NAVY

6 For an additional amount for "Aircraft Procurement,  
7 Navy", \$853,297,000, to remain available until September  
8 30, 2012.

## 9 WEAPONS PROCUREMENT, NAVY

10 For an additional amount for "Weapons Procure-  
11 ment, Navy", \$50,700,000, to remain available until Sep-  
12 tember 30, 2012.

13 PROCUREMENT OF AMMUNITION, NAVY AND MARINE  
14 CORPS

15 For an additional amount for "Procurement of Am-  
16 muniton, Navy and Marine Corps", \$675,957,000, to re-  
17 main available until September 30, 2012.

## 18 OTHER PROCUREMENT, NAVY

19 For an additional amount for "Other Procurement,  
20 Navy", \$241,018,000, to remain available until September  
21 30, 2012.

## 22 PROCUREMENT, MARINE CORPS

23 For an additional amount for "Procurement, Marine  
24 Corps", \$893,197,000, to remain available until Sep-  
25 tember 30, 2012.

1 AIRCRAFT PROCUREMENT, AIR FORCE

2 For an additional amount for "Aircraft Procurement,  
3 Air Force", \$736,501,000, to remain available until Sep-  
4 tember 30, 2012.

5 MISSILE PROCUREMENT, AIR FORCE

6 For an additional amount for "Missile Procurement,  
7 Air Force", \$36,625,000, to remain available until Sep-  
8 tember 30, 2012.

9 PROCUREMENT OF AMMUNITION, AIR FORCE

10 For an additional amount for "Procurement of Am-  
11 munition, Air Force", \$256,819,000, to remain available  
12 until September 30, 2012.

13 OTHER PROCUREMENT, AIR FORCE

14 For an additional amount for "Other Procurement,  
15 Air Force", \$2,583,421,000, to remain available until  
16 September 30, 2012.

17 PROCUREMENT, DEFENSE-WIDE

18 For an additional amount for "Procurement, De-  
19 fense-Wide", \$480,780,000, to remain available until Sep-  
20 tember 30, 2012.

21 NATIONAL GUARD AND RESERVE EQUIPMENT

22 For procurement of aircraft, missiles, tracked combat  
23 vehicles, ammunition, other weapons and other procure-  
24 ment for the reserve components of the Armed Forces,  
25 \$950,000,000, to remain available for obligation until Sep-

1 tember 30, 2012, of which \$575,000,000 shall be available  
2 only for the Army National Guard: *Provided*, That the  
3 Chiefs of National Guard and Reserve components shall,  
4 not later than 30 days after the enactment of this Act,  
5 individually submit to the congressional defense commit-  
6 tees the modernization priority assessment for their re-  
7 spective National Guard or Reserve component.

8 MINE RESISTANT AMBUSH PROTECTED VEHICLE FUND  
9 (INCLUDING TRANSFER OF FUNDS)

10 For the Mine Resistant Ambush Protected Vehicle  
11 Fund, \$6,281,000,000, to remain available until Sep-  
12 tember 30, 2011: *Provided*, That such funds shall be avail-  
13 able to the Secretary of Defense, notwithstanding any  
14 other provision of law, to procure, sustain, transport, and  
15 field Mine Resistant Ambush Protected vehicles: *Provided*  
16 *further*, That the Secretary shall transfer such funds only  
17 to appropriations made available in this or any other Act  
18 for operation and maintenance; procurement; research, de-  
19 velopment, test and evaluation; and defense working cap-  
20 ital funds to accomplish the purpose provided herein: *Pro-*  
21 *vided further*, That such transferred funds shall be merged  
22 with and be available for the same purposes and the same  
23 time period as the appropriation to which transferred:  
24 *Provided further*, That this transfer authority is in addi-  
25 tion to any other transfer authority available to the De-

1 partment of Defense: *Provided further*, That the Secretary  
2 shall, not fewer than 10 days prior to making transfers  
3 from this appropriation, notify the congressional defense  
4 committees in writing of the details of any such transfer.

5 RESEARCH, DEVELOPMENT, TEST AND  
6 EVALUATION

7 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,  
8 ARMY

9 For an additional amount for “Research, Develop-  
10 ment, Test and Evaluation, Army”, \$57,962,000, to re-  
11 main available until September 30, 2011.

12 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,  
13 NAVY

14 For an additional amount for “Research, Develop-  
15 ment, Test and Evaluation, Navy”, \$58,660,000, to re-  
16 main available until September 30, 2011.

17 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,  
18 AIR FORCE

19 For an additional amount for “Research, Develop-  
20 ment, Test and Evaluation, Air Force”, \$39,286,000, to  
21 remain available until September 30, 2011.

22 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,  
23 DEFENSE-WIDE

24 For an additional amount for “Research, Develop-  
25 ment, Test and Evaluation, Defense-Wide”,

1 \$112,196,000, to remain available until September 30,  
2 2011.

3 REVOLVING AND MANAGEMENT FUNDS

4 DEFENSE WORKING CAPITAL FUNDS

5 For an additional amount for "Defense Working  
6 Capital Funds", \$412,215,000.

7 OTHER DEPARTMENT OF DEFENSE PROGRAMS

8 DEFENSE HEALTH PROGRAM

9 For an additional amount for "Defense Health Pro-  
10 gram", \$1,256,675,000, which shall be for operation and  
11 maintenance.

12 DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES

13 (INCLUDING TRANSFER OF FUNDS)

14 For an additional amount for "Drug Interdiction and  
15 Counter-Drug Activities", \$346,603,000, to remain avail-  
16 able until September 30, 2011.

17 JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND

18 (INCLUDING TRANSFER OF FUNDS)

19 For an additional amount for "Joint Improvised Ex-  
20 plosive Device Defeat Fund", \$1,762,010,000, to remain  
21 available until September 30, 2012.

22 OFFICE OF THE INSPECTOR GENERAL

23 For an additional amount for the "Office of the In-  
24 spector General", \$8,876,000.

## 1           GENERAL PROVISIONS—THIS TITLE

2           SEC. 9001. Notwithstanding any other provision of  
3 law, funds made available in this title are in addition to  
4 amounts appropriated or otherwise made available for the  
5 Department of Defense for fiscal year 2010.

6                           (INCLUDING TRANSFER OF FUNDS)

7           SEC. 9002. Upon the determination of the Secretary  
8 of Defense that such action is necessary in the national  
9 interest, the Secretary may, with the approval of the Of-  
10 fice of Management and Budget, transfer up to  
11 \$4,000,000,000 between the appropriations or funds made  
12 available to the Department of Defense in this title: *Pro-*  
13 *vided*, That the Secretary shall notify the Congress  
14 promptly of each transfer made pursuant to the authority  
15 in this section: *Provided further*, That the authority pro-  
16 vided in this section is in addition to any other transfer  
17 authority available to the Department of Defense and is  
18 subject to the same terms and conditions as the authority  
19 provided in the Department of Defense Appropriations  
20 Act, 2010: *Provided further*, That the amount in this sec-  
21 tion is designated as being for overseas deployments and  
22 other activities pursuant to sections 401(c)(4) and  
23 423(a)(1) of S. Con. Res. 13 (111th Congress), the con-  
24 current resolution on the budget for fiscal year 2010.

1           SEC. 9003. Supervision and administration costs as-  
2 sociated with a construction project funded with appro-  
3 priations available for operation and maintenance or the  
4 “Afghanistan Security Forces Fund” provided in this Act  
5 and executed in direct support of overseas contingency op-  
6 erations in Afghanistan, may be obligated at the time a  
7 construction contract is awarded: *Provided*, That for the  
8 purpose of this section, supervision and administration  
9 costs include all in-house Government costs.

10          SEC. 9004. From funds made available in this title,  
11 the Secretary of Defense may purchase for use by military  
12 and civilian employees of the Department of Defense in  
13 Iraq and Afghanistan: (a) passenger motor vehicles up to  
14 a limit of \$75,000 per vehicle and (b) heavy and light ar-  
15 mored vehicles for the physical security of personnel or  
16 for force protection purposes up to a limit of \$250,000  
17 per vehicle, notwithstanding price or other limitations ap-  
18 plicable to the purchase of passenger carrying vehicles.

19          SEC. 9005. Not to exceed \$1,200,000,000 of the  
20 amount appropriated in this title under the heading “Op-  
21 eration and Maintenance, Army” may be used, notwith-  
22 standing any other provision of law, to fund the Com-  
23 mander’s Emergency Response Program, for the purpose  
24 of enabling military commanders in Iraq and Afghanistan  
25 to respond to urgent humanitarian relief and reconstruc-

1 tion requirements within their areas of responsibility: *Pro-*  
2 *vided*, That not later than 45 days after the end of each  
3 fiscal year quarter, the Secretary of Defense shall submit  
4 to the congressional defense committees a report regard-  
5 ing the source of funds and the allocation and use of funds  
6 during that quarter that were made available pursuant to  
7 the authority provided in this section or under any other  
8 provision of law for the purposes described herein: *Pro-*  
9 *vided further*, That, of the funds provided, \$500,000,000  
10 shall not be available until 5 days after the Secretary of  
11 Defense has completed a thorough review of the Com-  
12 mander's Emergency Response Program and provided a  
13 report on his findings to the congressional defense com-  
14 mittees.

15       SEC. 9006. Funds available to the Department of De-  
16 fense for operation and maintenance may be used, not-  
17 withstanding any other provision of law, to provide sup-  
18 plies, services, transportation, including airlift and sealift,  
19 and other logistical support to coalition forces supporting  
20 military and stability operations in Iraq and Afghanistan:  
21 *Provided*, That the Secretary of Defense shall provide  
22 quarterly reports to the congressional defense committees  
23 regarding support provided under this section.

24       SEC. 9007. Each amount in this title is designated  
25 as being for overseas deployments and other activities pur-

1 suant to section 401(c)(4) and 423(a)(1) of S. Con. Res.  
2 13 (111th Congress), the concurrent resolution on the  
3 budget for fiscal year 2010.

4 SEC. 9008. None of the funds appropriated or other-  
5 wise made available by this or any other Act shall be obli-  
6 gated or expended by the United States Government for  
7 a purpose as follows:

8 (1) To establish any military installation or  
9 base for the purpose of providing for the permanent  
10 stationing of United States Armed Forces in Iraq.

11 (2) To exercise United States control over any  
12 oil resource of Iraq.

13 (3) To establish any military installation or  
14 base for the purpose of providing for the permanent  
15 stationing of United States Armed Forces in Af-  
16 ghanistan.

17 SEC. 9009. None of the funds made available in this  
18 Act may be used in contravention of the following laws  
19 enacted or regulations promulgated to implement the  
20 United Nations Convention Against Torture and Other  
21 Cruel, Inhuman or Degrading Treatment or Punishment  
22 (done at New York on December 10, 1984):

23 (1) Section 2340A of title 18, United States  
24 Code.

1           (2) Section 2242 of the Foreign Affairs Reform  
2           and Restructuring Act of 1998 (division G of Public  
3           Law 105-277; 112 Stat. 2681-822; 8 U.S.C. 1231  
4           note) and regulations prescribed thereto, including  
5           regulations under part 208 of title 8, Code of Fed-  
6           eral Regulations, and part 95 of title 22, Code of  
7           Federal Regulations.

8           (3) Sections 1002 and 1003 of the Department  
9           of Defense, Emergency Supplemental Appropriations  
10          to Address Hurricanes in the Gulf of Mexico, and  
11          Pandemic Influenza Act, 2006 (Public Law 109-  
12          148).

13          SEC. 9010. (a) The Director of the Office of Manage-  
14          ment and Budget, in consultation with the Secretary of  
15          Defense; the Commander of the United States Central  
16          Command; the Commander, Multi-National Security  
17          Transition Command—Iraq; and the Commander, Com-  
18          bined Security Transition Command—Afghanistan, shall  
19          submit to the congressional defense committees not later  
20          than 45 days after the end of each fiscal quarter a report  
21          on the proposed use of all funds appropriated by this or  
22          any prior Act under each of the headings “Iraq Security  
23          Forces Fund”, “Afghanistan Security Forces Fund”, and  
24          “Pakistan Counterinsurgency Fund” on a project-by-  
25          project basis, for which the obligation of funds is antici-

1 pated during the 3-month period from such date, including  
2 estimates by the commanders referred to in this section  
3 of the costs required to complete each such project.

4 (b) The report required by this subsection shall in-  
5 clude the following:

6 (1) The use of all funds on a project-by-project  
7 basis for which funds appropriated under the head-  
8 ings referred to in subsection (a) were obligated  
9 prior to the submission of the report, including esti-  
10 mates by the commanders referred to in subsection  
11 (a) of the costs to complete each project.

12 (2) The use of all funds on a project-by-project  
13 basis for which funds were appropriated under the  
14 headings referred to in subsection (a) in prior appro-  
15 priations Acts, or for which funds were made avail-  
16 able by transfer, reprogramming, or allocation from  
17 other headings in prior appropriations Acts, includ-  
18 ing estimates by the commanders referred to in sub-  
19 section (a) of the costs to complete each project.

20 (3) An estimated total cost to train and equip  
21 the Iraq, Afghanistan, and Pakistan security forces,  
22 disaggregated by major program and sub-elements  
23 by force, arrayed by fiscal year.

24 (c) The Secretary of Defense shall notify the congres-  
25 sional defense committees of any proposed new projects

1 or transfers of funds between sub-activity groups in excess  
2 of \$20,000,000 using funds appropriated by this or any  
3 prior Act under the headings “Iraq Security Forces  
4 Fund”, “Afghanistan Security Forces Fund”, and “Paki-  
5 stan Counterinsurgency Fund”.

6 SEC. 9011. (a) None of the funds made available in  
7 this or any other Act may be used to release an individual  
8 who is detained, as of June 24, 2009, at Naval Station,  
9 Guantanamo Bay, Cuba, into the continental United  
10 States, Alaska, Hawaii, or the District of Columbia, into  
11 any of the United States territories of Guam, American  
12 Samoa (AS), the United States Virgin Islands (USVI), the  
13 Commonwealth of Puerto Rico and the Commonwealth of  
14 the Northern Mariana Islands (CNMI).

15 (b) None of the funds made available in this or any  
16 other Act may be used to transfer an individual who is  
17 detained, as of June 24, 2009, at Naval Station, Guanta-  
18 namo Bay, Cuba, into the continental United States, Alas-  
19 ka, Hawaii, or the District of Columbia, into any of the  
20 United States territories of Guam, American Samoa (AS),  
21 the United States Virgin Islands (USVI), the Common-  
22 wealth of Puerto Rico and the Commonwealth of the  
23 Northern Mariana Islands (CNMI), for the purpose of de-  
24 tention, except as provided in subsection (c).

1 (c) None of the funds made available in this or any  
2 other Act may be used to transfer an individual who is  
3 detained, as of June 24, 2009, at Naval Station, Guanta-  
4 namo Bay, Cuba, into the continental United States, Alas-  
5 ka, Hawaii, or the District of Columbia, into any of the  
6 United States territories of Guam, American Samoa (AS),  
7 the United States Virgin Islands (USVI), the Common-  
8 wealth of Puerto Rico and the Commonwealth of the  
9 Northern Mariana Islands (CNMI), for the purposes of  
10 prosecuting such individual, or detaining such individual  
11 during legal proceedings, until 45 days after the plan de-  
12 scribed in subsection (d) is received.

13 (d) The President shall submit to Congress, in classi-  
14 fied form, a plan regarding the proposed disposition of any  
15 individual covered by subsection (c) who is detained as of  
16 June 24, 2009. Such plan shall include, at a minimum,  
17 each of the following for each such individual:

18 (1) A determination of the risk that the indi-  
19 vidual might instigate an act of terrorism within the  
20 continental United States, Alaska, Hawaii, the Dis-  
21 trict of Columbia, or the United States territories if  
22 the individual were so transferred.

23 (2) A determination of the risk that the indi-  
24 vidual might advocate, coerce, or incite violent extre-  
25 mism, ideologically motivated criminal activity, or

1 acts of terrorism, among inmate populations at in-  
2 carceration facilities within the continental United  
3 States, Alaska, Hawaii, the District of Columbia, or  
4 the United States territories if the individual were  
5 transferred to such a facility.

6 (3) The costs associated with transferring the  
7 individual in question.

8 (4) The legal rationale and associated court de-  
9 mands for transfer.

10 (5) A plan for mitigation of any risks described  
11 in paragraphs (1), (2), and (7).

12 (6) A copy of a notification to the Governor of  
13 the State to which the individual will be transferred,  
14 to the Mayor of the District of Columbia if the indi-  
15 vidual will be transferred to the District of Colum-  
16 bia, or to any United States territories with a certifi-  
17 cation by the Attorney General of the United States  
18 in classified form at least 14 days prior to such  
19 transfer (together with supporting documentation  
20 and justification) that the individual poses little or  
21 no security risk to the United States.

22 (7) An assessment of any risk to the national  
23 security of the United States or its citizens, includ-  
24 ing members of the Armed Services of the United

1 States, that is posed by such transfer and the ac-  
2 tions taken to mitigate such risk.

3 (e) None of the funds made available in this or any  
4 other Act may be used to transfer or release an individual  
5 detained at Naval Station, Guantanamo Bay, Cuba, as of  
6 June 24, 2009, to the country of such individual's nation-  
7 ality or last habitual residence or to any other country  
8 other than the United States or to a freely associated  
9 State, unless the President submits to the Congress, in  
10 classified form, at least 15 days prior to such transfer or  
11 release, the following information:

12 (1) The name of any individual to be trans-  
13 ferred or released and the country or the freely asso-  
14 ciated State to which such individual is to be trans-  
15 ferred or released.

16 (2) An assessment of any risk to the national  
17 security of the United States or its citizens, includ-  
18 ing members of the Armed Services of the United  
19 States, that is posed by such transfer or release and  
20 the actions taken to mitigate such risk.

21 (3) The terms of any agreement with the coun-  
22 try or the freely associated State for the acceptance  
23 of such individual, including the amount of any fi-  
24 nancial assistance related to such agreement.

1 (f) In this section, the term “freely associated States”  
2 means the Federated States of Micronesia (FSM), the Re-  
3 public of the Marshall Islands (RMI), and the Republic  
4 of Palau.

5 (g) Prior to the termination of detention operations  
6 at Naval Station, Guantanamo Bay, Cuba, the President  
7 shall submit to the Congress a report in classified form  
8 describing the disposition or legal status of each individual  
9 detained at the facility as of the date of enactment of this  
10 Act.

11 SEC. 9012. (a) FUNDING FOR OUTREACH AND RE-  
12 INTEGRATION SERVICES UNDER YELLOW RIBBON RE-  
13 INTEGRATION PROGRAM.—Of the amounts appropriated  
14 or otherwise made available by title IX, up to \$20,000,000  
15 may be available for outreach and reintegration services  
16 under the Yellow Ribbon Reintegration Program under  
17 section 582(h) of the National Defense Authorization Act  
18 for Fiscal Year 2008 (Public Law 110–181; 122 Stat.  
19 125; 10 U.S.C. 10101 note).

20 (b) SUPPLEMENT NOT SUPPLANT.—The amount  
21 made available by subsection (a) for the services described  
22 in that subsection is in addition to any other amounts  
23 available in this Act for such services.

24 This division may be cited as the “Department of De-  
25 fense Appropriations Act, 2010”.

1           **DIVISION B—OTHER MATTERS**

2           SEC. 1001. There are hereby appropriated such sums  
3 as may be necessary, for an additional amount for “Food  
4 and Nutrition Service—Supplemental Nutrition Assist-  
5 ance Program” for necessary current year expenses to  
6 carry out the Food and Nutrition Act of 2008 (7 U.S.C.  
7 2011 et seq.): *Provided*, That such amount shall be used  
8 only in such amounts and at such times as may become  
9 necessary to carry out program operations: *Provided fur-*  
10 *ther*, That amounts so appropriated are designated as  
11 emergency requirements and necessary to meet emergency  
12 needs pursuant to sections 403 and 423(b) of S. Con. Res.  
13 13 (111th Congress), the concurrent resolution on the  
14 budget for fiscal year 2010.

15           SEC. 1002. (a) IN GENERAL.—For the costs of State  
16 administrative expenses associated with administering the  
17 supplemental nutrition assistance program established  
18 under the Food and Nutrition Act of 2008 (7 U.S.C. 2011  
19 et seq.), there are hereby appropriated \$400,000,000,  
20 which shall remain available until September 30, 2011.

21           (b) ALLOCATION OF FUNDS.—Funds described in  
22 subsection (a) shall be made available as grants to State  
23 agencies as follows—

24           (1) 75 percent of the amounts available shall be  
25 allocated to States based on the share of each State

1 of households that participate in the supplemental  
2 nutrition assistance program as reported to the De-  
3 partment of Agriculture for the most recent 12-  
4 month period for which data are available, adjusted  
5 by the Secretary (as of the date of enactment) for  
6 participation in disaster programs under section  
7 5(h) of the Food and Nutrition Act of 2008 (7  
8 U.S.C. 2014(h));

9 (2) 25 percent of the amounts available shall be  
10 allocated to States based on the increase in the num-  
11 ber of households that participate in the supple-  
12 mental nutrition assistance program as reported to  
13 the Department of Agriculture over the most recent  
14 12-month period for which data are available, ad-  
15 justed by the Secretary (as of the date of enact-  
16 ment) for participation in disaster programs under  
17 section 5(h) of the Food and Nutrition Act of 2008  
18 (7 U.S.C. 2014(h)); and

19 (3) Not later than 60 days after the date of en-  
20 actment of this Act, the Secretary shall make avail-  
21 able to States amounts based on paragraphs (1) and  
22 (2) of this subparagraph.

23 (c) REALLOCATION OF FUNDS.—Funds unobligated  
24 at the State level in fiscal year 2010 may be recovered  
25 and reallocated to the States in fiscal year 2011.

1 (d) EMERGENCY DESIGNATION.—Amounts in this  
2 section are designated as emergency requirements and  
3 necessary to meet emergency needs pursuant to sections  
4 403 and 423(b) of S. Con. Res. 13 (111th Congress), the  
5 concurrent resolution on the budget for fiscal year 2010.

6 SEC. 1003. (a) AMENDMENTS TO SECTION 119 OF  
7 TITLE 17, UNITED STATES CODE.—

8 (1) IN GENERAL.—Section 119 of title 17,  
9 United States Code, is amended—

10 (A) in subsection (c)(1)(E), by striking  
11 “December 31, 2009” and inserting “February  
12 28, 2010”; and

13 (B) in subsection (e), by striking “Decem-  
14 ber 31, 2009” and inserting “February 28,  
15 2010”.

16 (2) TERMINATION OF LICENSE.—

17 (A) TERMINATION.—Section 119 of title  
18 17, United States Code, as amended by para-  
19 graph (1), shall cease to be effective on Feb-  
20 ruary 28, 2010.

21 (B) CONFORMING AMENDMENT.—Section  
22 4(a) of the Satellite Home Viewer Act of 1994  
23 (17 U.S.C. 119 note; Public Law 103–369) is  
24 repealed.

1 (b) AMENDMENTS TO COMMUNICATIONS ACT OF  
2 1934.—Section 325(b) of the Communications Act of  
3 1934 (47 U.S.C. 325(b)) is amended—

4 (1) in paragraph (2)(C), by striking “December  
5 31, 2009” and inserting “February 28, 2010”; and

6 (2) in paragraph (3)(C), by striking “January  
7 1, 2010” each place it appears in clauses (ii) and  
8 (iii) and inserting “March 1, 2010”.

9 (c) EMERGENCY DESIGNATION.—Amounts in this  
10 section are designated as emergency requirements and  
11 necessary to meet emergency needs pursuant to sections  
12 403 and 423(b) of S. Con. Res. 13 (111th Congress), the  
13 concurrent resolution on the budget for fiscal year 2010.

14 SEC. 1004. (a) USA PATRIOT IMPROVEMENT AND  
15 REAUTHORIZATION ACT OF 2005.—Section 102(b)(1) of  
16 the USA PATRIOT Improvement and Reauthorization  
17 Act of 2005 (Public Law 109–177; 120 Stat. 195) is  
18 amended by striking “December 31, 2009” and inserting  
19 “February 28, 2010”.

20 (b) INTELLIGENCE REFORM AND TERRORISM PRE-  
21 VENTION ACT OF 2004.—Section 6001(b)(1) of the Intel-  
22 ligence Reform and Terrorism Prevention Act of 2004  
23 (Public Law 108–458; 118 Stat. 3742; 50 U.S.C. 1801  
24 note) is amended by striking “December 31, 2009” and  
25 inserting “February 28, 2010”.

1           SEC. 1005. Section 129 of the Continuing Appropria-  
2 tions Resolution, 2010 (Public Law 111-68) is amended  
3 by striking “by substituting” and all that follows through  
4 the period at the end, and inserting “by substituting Feb-  
5 ruary 28, 2010 for the date specified in each such sec-  
6 tion.”.

7           SEC. 1006. (a) There is hereby appropriated  
8 \$125,000,000, for an additional amount for “Small Busi-  
9 ness Administration—Business Loans Program Account”  
10 for fee reductions and eliminations under section 501 of  
11 division A of the American Recovery and Reinvestment  
12 Act of 2009 (Public Law 111-5) and for the cost of guar-  
13 anteed loans under section 502 of such division: *Provided,*  
14 That such cost shall be as defined in section 502 of the  
15 Congressional Budget Act of 1974.

16           (b) Section 502(f) of division A of the American Re-  
17 covery and Reinvestment Act of 2009 is amended by strik-  
18 ing “the date 12 months after the date of enactment of  
19 this Act” and inserting “February 28, 2010”.

20           (c) Amounts in this section are designated as emer-  
21 gency requirements and necessary to meet emergency  
22 needs pursuant to sections 403 and 423(b) of S. Con. Res.  
23 13 (111th Congress), the concurrent resolution on the  
24 budget for fiscal year 2010.

1           SEC. 1007. (a) PAYMENT.—The Secretary of the In-  
2           terior may make a payment to Swain County, North Caro-  
3           lina, in an amount of \$12,800,000, in connection with the  
4           non-construction of the North Shore Road: *Provided*, That  
5           \$4,000,000 shall be available for obligation upon enact-  
6           ment of this Act: *Provided further*, That remaining  
7           amounts shall not be available for obligation until 120  
8           days following signature of an agreement between the Sec-  
9           retary of the Interior, Swain County, the State of North  
10          Carolina, and the Tennessee Valley Authority that super-  
11          sedes the agreement of July 30, 1943, related to the con-  
12          struction of North Shore Road between the Secretary, the  
13          County, the State, and the Authority. For this payment,  
14          there is hereby appropriated \$6,800,000, to remain avail-  
15          able until expended, and an amount of \$6,000,000 from  
16          unobligated balances available to the Department of the  
17          Interior from prior appropriations to the “Construction”  
18          account for the National Park Service.

19          (b) RESCISSION.—Of the funds appropriated in the  
20          Department of Transportation and Related Agencies Ap-  
21          propriations Act, 2001 (Public Law 106–346), in section  
22          378 for construction of, and improvements to, North  
23          Shore Road in Swain County, North Carolina, \$6,800,000  
24          is hereby permanently rescinded.

1           SEC. 1008. (a) For purposes of the continued exten-  
2 sion of surface transportation programs and related au-  
3 thority to make expenditures from the Highway Trust  
4 Fund and other trust funds under sections 157 through  
5 162 of the Continuing Appropriations Resolution, 2010,  
6 the date specified in section 106(3) of such resolution shall  
7 be deemed to be February 28, 2010.

8           (b) Section 158(c) is amended by striking the period  
9 at the end and inserting “except for the rescission made  
10 by section 123 of division I of the Omnibus Appropriations  
11 Act, 2009. The amount made available for each of the ap-  
12 portioned Federal-aid highway programs under subsection  
13 (a) shall be reduced by an amount equaling \$33,401,492  
14 multiplied by the amount calculated under subsection (a)  
15 and divided by \$23,941,505,262”.

16           SEC. 1009. (a)(1) Section 4007 of the Supplemental  
17 Appropriations Act, 2008 (Public Law 110-252; 26  
18 U.S.C. 3304 note) is amended—

19           (A) by striking “December 31, 2009” each  
20 place it appears and inserting “February 28, 2010”;

21           (B) in the heading for subsection (b)(2), by  
22 striking “DECEMBER 31, 2009” and inserting “FEB-  
23 RUARY 28, 2010”; and

24           (C) in subsection (b)(3), by striking “May 31,  
25 2010” and inserting “July 31, 2010”.

1           (2) Section 2002(e) of the Assistance for Unemployed  
2 Workers and Struggling Families Act, as contained in  
3 Public Law 111-5 (26 U.S.C. 3304 note; 123 Stat. 438),  
4 is amended—

5           (A) in paragraph (1)(B), by striking “before  
6 January 1, 2010” and inserting “on or before Feb-  
7 ruary 28, 2010”;

8           (B) in the heading for paragraph (2), by strik-  
9 ing “JANUARY 1, 2010” and inserting “FEBRUARY  
10 28, 2010”; and

11           (C) in paragraph (3), by striking “June 30,  
12 2010” and inserting “August 31, 2010”.

13           (3) Section 2005 of the Assistance for Unemployed  
14 Workers and Struggling Families Act, as contained in  
15 Public Law 111-5 (26 U.S.C. 3304 note; 123 Stat. 444),  
16 is amended—

17           (A) by striking “January 1, 2010” each place  
18 it appears and inserting “February 28, 2010”; and

19           (B) in subsection (c), by striking “June 1,  
20 2010” and inserting “July 31, 2010”.

21           (4) Section 5 of the Unemployment Compensation  
22 Extension Act of 2008 (Public Law 110-449; 26 U.S.C.  
23 3304 note) is amended by striking “May 30, 2010” and  
24 inserting “July 31, 2010”.

1 (b) Section 4004(e)(1) of the Supplemental Appro-  
2 priations Act, 2008 (Public Law 110–252; 26 U.S.C.  
3 3304 note) is amended by striking “by reason of” and all  
4 that follows and inserting the following: “by reason of—

5 “(A) the amendments made by section  
6 2001(a) of the Assistance for Unemployed  
7 Workers and Struggling Families Act;

8 “(B) the amendments made by sections 2  
9 through 4 of the Worker, Homeownership, and  
10 Business Assistance Act of 2009; and

11 “(C) the amendments made by section  
12 1009 of the Department of Defense Appropria-  
13 tions Act, 2010; and”.

14 (c) Amounts in this section are designated as emer-  
15 gency requirements and necessary to meet emergency  
16 needs pursuant to sections 403 and 423(b) of S. Con. Res.  
17 13 (111th Congress), the concurrent resolution on the  
18 budget for fiscal year 2010.

19 SEC. 1010. (a) EXTENSION OF ELIGIBILITY PE-  
20 RIOD.—Subsection (a)(3)(A) of section 3001 of division  
21 B of the American Recovery and Reinvestment Act of  
22 2009 (Public Law 111–5) is amended by striking “Decem-  
23 ber 31, 2009” and inserting “February 28, 2010”.

24 (b) EXTENSION OF MAXIMUM DURATION OF ASSIST-  
25 ANCE.—Subsection (a)(2)(A)(ii)(I) of such section is

1 amended by striking “9 months” and inserting “15  
2 months”.

3 (c) RULES RELATED TO 2009 EXTENSION.—Sub-  
4 section (a) of such section is further amended by adding  
5 at the end the following:

6 “(16) RULES RELATED TO 2009 EXTENSION.—

7 “(A) ELECTION TO PAY PREMIUMS RETRO-  
8 ACTIVELY AND MAINTAIN COBRA COVERAGE.—

9 In the case of any premium for a period of cov-  
10 erage during an assistance eligible individual’s  
11 transition period, such individual shall be treat-  
12 ed for purposes of any COBRA continuation  
13 provision as having timely paid the amount of  
14 such premium if—

15 “(i) such individual was covered under  
16 the COBRA continuation coverage to  
17 which such premium relates for the period  
18 of coverage immediately preceding such  
19 transition period, and

20 “(ii) such individual pays, not later  
21 than 60 days after the date of the enact-  
22 ment of this paragraph (or, if later, 30  
23 days after the date of provision of the noti-  
24 fication required under subparagraph

1 (D)(ii)), the amount of such premium,  
2 after the application of paragraph (1)(A).

3 “(B) REFUNDS AND CREDITS FOR RETRO-  
4 ACTIVE PREMIUM ASSISTANCE ELIGIBILITY.—In  
5 the case of an assistance eligible individual who  
6 pays, with respect to any period of COBRA  
7 continuation coverage during such individual’s  
8 transition period, the premium amount for such  
9 coverage without regard to paragraph (1)(A),  
10 rules similar to the rules of paragraph (12)(E)  
11 shall apply.

12 “(C) TRANSITION PERIOD.—

13 “(i) IN GENERAL.—For purposes of  
14 this paragraph, the term ‘transition period’  
15 means, with respect to any assistance eligi-  
16 ble individual, any period of coverage if—

17 “(I) such period begins before  
18 the date of the enactment of this  
19 paragraph, and

20 “(II) paragraph (1)(A) applies to  
21 such period by reason of the amend-  
22 ment made by section 1010(b) of the  
23 Department of Defense Appropria-  
24 tions Act, 2010.

1           “(ii) CONSTRUCTION.—Any period  
2           during the period described in subclauses  
3           (I) and (II) of clause (i) for which the ap-  
4           plicable premium has been paid pursuant  
5           to subparagraph (A) shall be treated as a  
6           period of coverage referred to in such para-  
7           graph, irrespective of any failure to timely  
8           pay the applicable premium (other than  
9           pursuant to subparagraph (A)) for such  
10          period.

11          “(D) NOTIFICATION.—

12           “(i) IN GENERAL.—In the case of an  
13          individual who was an assistance eligible  
14          individual at any time on or after October  
15          31, 2009, or experiences a qualifying event  
16          (consisting of termination of employment)  
17          relating to COBRA continuation coverage  
18          on or after such date, the administrator of  
19          the group health plan (or other entity) in-  
20          volved shall provide an additional notifica-  
21          tion with information regarding the  
22          amendments made by section 1010 of the  
23          Department of Defense Appropriations  
24          Act, 2010, within 60 days after the date of  
25          the enactment of such Act or, in the case

1 of a qualifying event occurring after such  
2 date of enactment, consistent with the tim-  
3 ing of notifications under paragraph  
4 (7)(A).

5 “(ii) TO INDIVIDUALS WHO LOST AS-  
6 SISTANCE.—In the case of an assistance el-  
7 igible individual described in subparagraph  
8 (A)(i) who did not timely pay the premium  
9 for any period of coverage during such in-  
10 dividual’s transition period or paid the pre-  
11 mium for such period without regard to  
12 paragraph (1)(A), the administrator of the  
13 group health plan (or other entity) involved  
14 shall provide to such individual, within the  
15 first 60 days of such individual’s transition  
16 period, an additional notification with in-  
17 formation regarding the amendments made  
18 by section 1010 of the Department of De-  
19 fense Appropriations Act, 2010, including  
20 information on the ability under subpara-  
21 graph (A) to make retroactive premium  
22 payments with respect to the transition pe-  
23 riod of the individual in order to maintain  
24 COBRA continuation coverage.

1                   “(iii) APPLICATION OF RULES.—Rules  
2                   similar to the rules of paragraph (7) shall  
3                   apply with respect to notifications under  
4                   this subparagraph.”.

5           (d) CLARIFICATION THAT ELIGIBILITY AND NOTICE  
6 IS BASED ON TIMING OF QUALIFYING EVENT.—Sub-  
7 section (a) of such section is amended—

8           (1) in paragraph (3)(A)—

9                   (A) by striking “at any time” and insert-  
10                   ing “such qualified beneficiary is eligible for  
11                   COBRA continuation coverage related to a  
12                   qualifying event occurring”; and

13                   (B) by striking “, such qualified bene-  
14                   ficiary is eligible for COBRA continuation cov-  
15                   erage”; and

16           (2) in paragraph (7)(A), by striking “become  
17           entitled to elect COBRA continuation coverage” and  
18           inserting “have a qualifying event relating to  
19           COBRA continuation coverage”.

20           (e) EFFECTIVE DATE.—The amendments made by  
21 this section shall take effect as if included in the provisions  
22 of section 3001 of division B of the American Recovery  
23 and Reinvestment Act of 2009 to which they relate.

24           (f) EMERGENCY DESIGNATIONS.—

1           (1) IN GENERAL.—Amounts in this section are  
2           designated as emergency requirements and necessary  
3           to meet emergency needs pursuant to sections 403  
4           and 423(b) of S. Con. Res. 13 (111th Congress), the  
5           concurrent resolution on the budget for fiscal year  
6           2010.

7           (2) PAYGO.—All applicable provisions in this  
8           section are designated as an emergency for purposes  
9           of pay-as-you-go principles.

10          SEC. 1011. (a) IN GENERAL.—Section 1848(d) of the  
11          Social Security Act (42 U.S.C. 1395w-4(d)) is amended  
12          by adding at the end the following new paragraph:

13                 “(10) UPDATE FOR PORTION OF 2010.—

14                         “(A) IN GENERAL.—Subject to paragraphs  
15                         (7)(B), (8)(B), and (9)(B), in lieu of the update  
16                         to the single conversion factor established in  
17                         paragraph (1)(C) that would otherwise apply  
18                         for 2010 for the period beginning on January  
19                         1, 2010, and ending on February 28, 2010, the  
20                         update to the single conversion factor shall be  
21                         0 percent for 2010.

22                         “(B) NO EFFECT ON COMPUTATION OF  
23                         CONVERSION FACTOR FOR REMAINING PORTION  
24                         OF 2010 AND SUBSEQUENT YEARS.—The con-  
25                         version factor under this subsection shall be

1           computed under paragraph (1)(A) for the pe-  
2           riod beginning on March 1, 2010, and ending  
3           on December 31, 2010, and for 2011 and sub-  
4           sequent years as if subparagraph (A) had never  
5           applied.”.

6           (b) FUNDING FROM MEDICARE IMPROVEMENT  
7 FUND.—Section 1898(b)(1) of such Act (42 U.S.C.  
8 1395iii(b)(1)) is amended—

9           (1) in subparagraph (A)—

10                   (A) by striking “\$22,290,000,000” and in-  
11                   serting “\$20,740,000,000”; and

12                   (B) by striking “and” at the end;

13           (2) by redesignating subparagraph (B) as sub-  
14           paragraph (C); and

15           (3) by inserting after subparagraph (A) the fol-  
16           lowing new subparagraph:

17                   “(B) fiscal year 2015, \$550,000,000;  
18                   and”.

19           SEC. 1012. Notwithstanding any other provision of  
20 law, the Secretary of Health and Human Services shall  
21 not publish updated poverty guidelines for 2010 under sec-  
22 tion 673(2) of the Omnibus Budget Reconciliation Act of  
23 1981 (42 U.S.C. 9902(2)) before March 1, 2010, and the  
24 poverty guidelines published under such section on Janu-

1 ary 23, 2009, shall remain in effect until updated poverty  
2 guidelines are published.

3 SEC. 1013. From the “National Telecommunications  
4 and Information Administration—Digital-to-Analog Con-  
5 verter Box Program” in the Department of Commerce,  
6 \$128,000,000 is hereby rescinded.

7 SEC. 1014. The explanatory statement regarding this  
8 Act printed in the House of Representatives section of the  
9 Congressional Record on or about December 16, 2010, by  
10 the Chairman of the Subcommittee on Defense of the  
11 Committee on Appropriations of the House of Representa-  
12 tives shall have the same effect with respect to the alloca-  
13 tion of funds and implementation of this Act as if it were  
14 a joint explanatory statement of a committee of con-  
15 ference.



**PART B - TEXT OF THE HOUSE AMENDMENT TO THE SENATE  
AMENDMENT TO H.R. 2847**

**AMENDMENT TO THE SENATE AMENDMENT TO  
H.R. 2847**

In lieu of the matter proposed to be inserted by the amendment of the Senate, insert the following:

1       *That the following sums are appropriated, out of any*  
2 *money in the Treasury not otherwise appropriated, for the*  
3 *fiscal year ending September 30, 2010, and for other pur-*  
4 *poses, namely:*

5           *TITLE I—INFRASTRUCTURE AND JOBS*

6                   *INVESTMENT*

7                           *CHAPTER 1—JUSTICE*

8                                   *DEPARTMENT OF JUSTICE*

9   *COMMUNITY ORIENTED POLICING SERVICES*

10   *(INCLUDING TRANSFER OF FUNDS)*

11       *For an additional amount for “Community Oriented*  
12 *Policing Services”, for grants under section 1701 of title*  
13 *I of the 1968 Omnibus Crime Control and Safe Streets Act*  
14 *(42 U.S.C. 3796dd) for hiring and rehiring of additional*  
15 *career law enforcement officers under part Q of such title,*  
16 *notwithstanding subsection (i) of such section,*  
17 *\$1,179,000,000, of which \$2,950,000 shall be transferred to*  
18 *“State and Local Law Enforcement Activities, Salaries and*

1 *Expenses” for management, administration and oversight*  
2 *of such grants.*

3           *CHAPTER 2—ENERGY AND WATER*  
4                           *DEVELOPMENT*  
5           *CORPS OF ENGINEERS—CIVIL WORKS*  
6                           *DEPARTMENT OF THE ARMY*  
7                           *CORPS OF ENGINEERS—CIVIL*  
8                           *CONSTRUCTION*  
9                           *(INCLUDING TRANSFERS OF FUNDS)*

10       *For an additional amount for “Construction”,*  
11 *\$715,000,000: Provided, That section 102 of Public Law*  
12 *109–103 (33 U.S.C. 2221) shall not apply to funds provided*  
13 *in this title: Provided further, That not less than*  
14 *\$30,000,000 of the funds provided shall be for water-related*  
15 *environmental infrastructure assistance: Provided further,*  
16 *That up to \$30,000,000 of the funds provided under this*  
17 *heading may be transferred to “Mississippi Rivers and*  
18 *Tributaries” for authorized projects and activities: Provided*  
19 *further, That notwithstanding any other provision of law,*  
20 *funds provided under this heading shall not be cost shared*  
21 *with the Inland Waterways Trust Fund as authorized in*  
22 *Public Law 99–662: Provided further, That funds provided*  
23 *under this heading shall only be allocated to programs,*  
24 *projects or activities that heretofore received funds provided*  
25 *in Acts making appropriations available for Energy and*

1 *Water Development and that are selected using only the fol-*  
2 *lowing criteria in order of priority: programs, projects or*  
3 *activities that can be commenced quickly; programs,*  
4 *projects or activities that will create immediate employ-*  
5 *ment; programs, projects or activities that will be executed*  
6 *by contract or direct hire of temporary labor; and pro-*  
7 *grams, projects or activities that are located in a State with*  
8 *high unemployment: Provided further, That the limitation*  
9 *concerning total project costs in section 902 of the Water*  
10 *Resources Development Act of 1986 (33 U.S.C. 2280), shall*  
11 *not apply during fiscal years 2010 and 2011 for any project*  
12 *receiving funds provided in this title: Provided further,*  
13 *That for projects that are being completed with funds ap-*  
14 *propriated in this paragraph that would otherwise be ex-*  
15 *pired for obligation, expired funds appropriated in this*  
16 *paragraph may be used to pay the cost of associated super-*  
17 *vision, inspection, overhead, engineering and design on*  
18 *those projects and on subsequent claims, if any: Provided*  
19 *further, That funds made available under this heading shall*  
20 *be apportioned by the Office of Management and Budget*  
21 *not later than 30 days after the date of enactment of this*  
22 *Act and allocated by the Secretary of the Army to specific*  
23 *programs, projects or activities not later than 45 days after*  
24 *the date of enactment of this Act: Provided further, That*  
25 *the Secretary of the Army shall submit a quarterly report*

1 *to the Committees on Appropriations of the House of Rep-*  
2 *resentatives and the Senate detailing the allocation, obliga-*  
3 *tion and expenditures of these funds, including an expla-*  
4 *nation of how each selected program, project or activity ful-*  
5 *fills the funding criteria above, beginning not later than*  
6 *45 days after the date of enactment of this Act: Provided*  
7 *further, That the Secretary shall have unlimited reprogram-*  
8 *ming authority for the funds provided under this heading:*  
9 *Provided further, That up to 0.5 percent of funds provided*  
10 *under this heading may be transferred to "Expenses" for*  
11 *the purposes of management and oversight of the programs,*  
12 *projects or activities funded by this paragraph.*

13 *DEPARTMENT OF THE INTERIOR*

14 *BUREAU OF RECLAMATION*

15 *WATER AND RELATED RESOURCES*

16 *(INCLUDING TRANSFERS OF FUNDS)*

17 *For an additional amount for "Water and Related Re-*  
18 *sources", \$100,000,000: Provided, That of the amount ap-*  
19 *propriated under this heading, not less than \$26,000,000*  
20 *shall be used for water reclamation and reuse projects au-*  
21 *thorized under title XVI of Public Law 102-575: Provided*  
22 *further, That up to \$30,000,000 of the funds provided under*  
23 *this heading may be used for programs, projects, and activi-*  
24 *ties authorized by Public Law 108-361 and up to*  
25 *\$10,000,000 of the funds provided under this heading may*

1 *be transferred to the Department of the Interior for pro-*  
2 *grams, projects, and activities authorized by titles II–V of*  
3 *Public Law 102–575: Provided further, That funds pro-*  
4 *vided under this heading shall only be allocated to pro-*  
5 *grams, projects or activities that heretofore received funds*  
6 *provided in Acts making appropriations available for En-*  
7 *ergy and Water Development: Provided further, That for*  
8 *projects that are being completed with funds appropriated*  
9 *in this paragraph that would otherwise be expired for obli-*  
10 *gation, expired funds appropriated in this paragraph may*  
11 *be used to pay the cost of associated supervision, inspection,*  
12 *overhead, engineering and design on those projects and on*  
13 *subsequent claims, if any: Provided further, That the Sec-*  
14 *retary of the Interior shall submit a quarterly report to the*  
15 *Committees on Appropriations of the House of Representa-*  
16 *tives and the Senate detailing the allocation, obligation and*  
17 *expenditures of these funds, beginning not later than 45*  
18 *days after the date of enactment of this Act: Provided fur-*  
19 *ther, That the Secretary shall have unlimited reprogram-*  
20 *ming authority for the funds provided under this heading:*  
21 *Provided further, That up to 0.5 percent of funds appro-*  
22 *priated under this heading may be transferred to “Policy*  
23 *and Administration” for the purposes of management and*  
24 *oversight of the programs, projects, or activities funded by*  
25 *this paragraph.*

1                                    *DEPARTMENT OF ENERGY*  
2                                    *ENERGY PROGRAMS*  
3                                    *TITLE 17 INNOVATIVE TECHNOLOGY LOAN GUARANTEE*  
4                                    *PROGRAM*

5                    *For an additional amount for “Title 17 Innovative*  
6 *Technology Loan Guarantee Program” for the cost of guar-*  
7 *anteed loans authorized by section 1705 of the Energy Pol-*  
8 *icy Act of 2005, \$2,000,000,000, available until expended:*  
9 *Provided, That the cost of such loans, including the cost*  
10 *of modifying such loans, shall be as defined in section 502*  
11 *of the Congressional Budget Act of 1974.*

12                                    *GENERAL PROVISION, THIS CHAPTER*  
13                                    *INCENTIVES FOR INNOVATIVE TECHNOLOGIES LOAN*  
14                                    *GUARANTEE PROGRAM*

15                    *SEC. 1201. (a) SPECIFIC APPROPRIATION OR CON-*  
16 *TRIBUTION.—Section 1702 of the Energy Policy Act of 2005*  
17 *(42 U.S.C. 16512) is amended—*

18                                    *(1) by striking subsection (b) and inserting the*  
19 *following:*

20                                    *“(b) SPECIFIC APPROPRIATION OR CONTRIBUTION.—*

21                                    *“(1) IN GENERAL.—No guarantee shall be made*  
22 *unless—*

23                                    *“(A) an appropriation for the cost has been*  
24 *made;*

1           “(B) the Secretary has received from the  
2           borrower a payment in full for the cost of the ob-  
3           ligation and deposited the payment into the  
4           Treasury; or

5           “(C) a combination of appropriations or  
6           payments from the borrower has been made suffi-  
7           cient to cover the cost of the obligation.

8           “(2) LIMITATION.—The source of payments re-  
9           ceived from a borrower under paragraph (1)(B) or  
10          (C) shall not be a loan or other debt obligation that  
11          is made or guaranteed by the Federal Government.”;  
12          and

13          (2) by adding at the end the following:

14          “(k) CREDIT REPORT.—If, in the opinion of the Sec-  
15          retary, a third-party credit rating of the applicant or  
16          project is not relevant to the determination of the credit  
17          risk of a project, if the project costs are not projected to  
18          exceed \$100,000,000, and the applicant agrees to accept the  
19          credit rating assigned to the applicant by the Secretary,  
20          the Secretary may waive any otherwise applicable require-  
21          ment (including any requirement described in part 609 of  
22          title 10, Code of Federal Regulations) to provide a third-  
23          party credit report.

24          “(l) DIRECT HIRE AUTHORITY.—

1           “(1) *IN GENERAL.*—Notwithstanding section  
2           3304 and sections 3309 through 3318 of title 5,  
3           United States Code, the head of the loan guarantee  
4           program under this title (referred to in this subsection  
5           as the ‘Executive Director’) may, on a determination  
6           that there is a severe shortage of candidates or a se-  
7           vere hiring need for particular positions to carry out  
8           the functions of this title, recruit and directly appoint  
9           highly qualified critical personnel with specialized  
10          knowledge important to the function of the programs  
11          under this title into the competitive service.

12          “(2) *EXCEPTION.*—The authority granted under  
13          paragraph (1) shall not apply to positions in the ex-  
14          cepted service or the Senior Executive Service.

15          “(3) *REQUIREMENTS.*—In exercising the author-  
16          ity granted under paragraph (1), the Executive Di-  
17          rector shall ensure that any action taken by the Exec-  
18          utive Director—

19                 “(A) is consistent with the merit principles  
20                 of section 2301 of title 5, United States Code;  
21                 and

22                 “(B) complies with the public notice re-  
23                 quirements of section 3327 of title 5, United  
24                 States Code.

1           “(4) *SUNSET.*—*The authority provided under*  
2           *paragraph (1) shall terminate on January 1, 2011.*”

3           “(m) *MULTIPLE SITES.*—*Notwithstanding any con-*  
4           *trary requirement (including any provision under part*  
5           *609.12 of title 10, Code of Federal Regulations) an eligible*  
6           *project may be located on 2 or more non-contiguous sites*  
7           *in the United States.*”

8           (b) *APPLICATIONS FOR MULTIPLE ELIGIBLE*  
9           *PROJECTS.*—*Section 1705 of the Energy Policy Act of 2005*  
10          *(42 U.S.C. 16516) is amended—*

11           (1) *by redesignating subsection (e) as subsection*  
12          *(f); and*

13           (2) *by inserting after subsection (d) the fol-*  
14          *lowing:*

15           “(e) *MULTIPLE APPLICATIONS.*—*Notwithstanding any*  
16          *contrary requirement (including any provision under part*  
17          *609.3(a) of title 10, Code of Federal Regulations), a project*  
18          *applicant or sponsor of an eligible project may submit an*  
19          *application for more than 1 eligible project under this sec-*  
20          *tion.*”

21           (c) *ENERGY EFFICIENCY LOAN GUARANTEES.*—*Sec-*  
22          *tion 1705(a) of the Energy Policy Act of 2005 (42 U.S.C.*  
23          *16516(a)) is amended by adding at the end the following:*

1           “(4) *Energy efficiency projects, including*  
2           *projects to retrofit residential, commercial, and indus-*  
3           *trial buildings, facilities, and equipment.*”.

4           *CHAPTER 3—HOMELAND SECURITY*  
5           *DEPARTMENT OF HOMELAND SECURITY*  
6           *FEDERAL EMERGENCY MANAGEMENT AGENCY*  
7           *FIREFIGHTER ASSISTANCE GRANTS*

8           *For an additional amount for “Firefighter Assistance*  
9           *Grants” for necessary expenses for programs authorized by*  
10           *section 34 of the Federal Fire Prevention and Control Act*  
11           *of 1974 (15 U.S.C. 2229a), \$500,000,000: Provided, That*  
12           *notwithstanding any provision under section 34(a)(1)(A) of*  
13           *such Act specifying that grants must be used to increase*  
14           *the number of firefighters in fire departments, the Secretary*  
15           *of Homeland Security, in making grants under section 34*  
16           *of such Act for fiscal year 2010, shall grant waivers from*  
17           *the requirements of subsections (a)(1)(B), (c)(1), (c)(2), and*  
18           *(c)(4)(A) of such section: Provided further, That section*  
19           *34(a)(1)(E) of such Act shall not apply with respect to*  
20           *funds appropriated in this or any other Act making appro-*  
21           *priations for fiscal year 2010 for grants under section 34*  
22           *of such Act: Provided further, That the Secretary of Home-*  
23           *land Security, in making grants under section 34 of such*  
24           *Act, shall ensure that funds appropriated under this or any*  
25           *other Act making appropriations for fiscal year 2010 are*

1 *made available for the retention of firefighters and shall*  
2 *award grants not later than 120 days after the date of en-*  
3 *actment of this Act: Provided further, That the Secretary*  
4 *may transfer any unused funds under this heading to make*  
5 *grants for programs authorized by section 33 of such Act*  
6 *(15 U.S.C. 2229) after notification to the Committees on*  
7 *Appropriations of the Senate and the House of Representa-*  
8 *tives.*

9 *CHAPTER 4—INTERIOR AND ENVIRONMENT*

10 *DEPARTMENT OF THE INTERIOR*

11 *BUREAU OF LAND MANAGEMENT*

12 *MANAGEMENT OF LANDS AND RESOURCES*

13 *For an additional amount for “Management of Lands*  
14 *and Resources”, for activities on all Bureau of Land Man-*  
15 *agement lands using term employment, \$20,000,000.*

16 *UNITED STATES FISH AND WILDLIFE SERVICE*

17 *RESOURCE MANAGEMENT*

18 *For an additional amount for “Resource Manage-*  
19 *ment”, for activities using term employment, \$30,000,000.*

20 *NATIONAL PARK SERVICE*

21 *OPERATION OF THE NATIONAL PARK SYSTEM*

22 *For an additional amount for “Operation of the Na-*  
23 *tional Park System”, for activities on all national park*  
24 *units using term employment, \$50,000,000.*

1                    *DEPARTMENT-WIDE PROGRAMS*2                    *WILDLAND FIRE MANAGEMENT*

3            *For an additional amount for “Wildland Fire Man-*  
4 *agement”, for hazardous fuels reduction and related activi-*  
5 *ties including necessary inventory and monitoring, using*  
6 *term employment, \$20,000,000.*

7                    *ENVIRONMENTAL PROTECTION AGENCY*8                    *STATE AND TRIBAL ASSISTANCE GRANTS*9                    *(INCLUDING TRANSFERS OF FUNDS)*

10           *For an additional amount for “State and Tribal As-*  
11 *sistance Grants”, \$2,000,000,000, of which \$1,000,000,000*  
12 *shall be for capitalization grants for the Clean Water State*  
13 *Revolving Funds under title VI of the Federal Water Pollu-*  
14 *tion Control Act and \$1,000,000,000 shall be for capitaliza-*  
15 *tion grants under section 1452 of the Safe Drinking Water*  
16 *Act: Provided, That the Administrator may retain up to*  
17 *1 percent of the funds appropriated herein for management*  
18 *and oversight purposes: Provided further, That funds ap-*  
19 *propriated herein shall not be subject to the matching or*  
20 *cost share requirements of sections 602(b)(2), 602(b)(3) or*  
21 *202 of the Federal Water Pollution Control Act nor the*  
22 *matching requirements of section 1452(e) of the Safe Drink-*  
23 *ing Water Act: Provided further, That the Administrator*  
24 *shall reallocate funds appropriated herein for the Clean and*  
25 *Drinking Water State Revolving Funds (Revolving Funds)*

1 *where projects are not under contract or construction with-*  
2 *in 8 months of the date of enactment of this Act: Provided*  
3 *further, That notwithstanding the priority rankings they*  
4 *would otherwise receive under each program, priority for*  
5 *funds appropriated herein shall be given to projects on a*  
6 *State priority list that are ready to proceed to construction*  
7 *within 12 months of the date of enactment of this Act: Pro-*  
8 *vided further, That notwithstanding the requirements of sec-*  
9 *tion 603(d) of the Federal Water Pollution Control Act or*  
10 *section 1452(f) of the Safe Drinking Water Act, for the*  
11 *funds appropriated herein, each State shall use not less*  
12 *than 50 percent of the amount of its capitalization grants*  
13 *to provide additional subsidization to eligible recipients in*  
14 *the form of forgiveness of principal, negative interest loans*  
15 *or grants or any combination of these: Provided further,*  
16 *That, to the extent there are sufficient eligible project appli-*  
17 *cations, not less than 20 percent of the funds appropriated*  
18 *herein for the Revolving Funds shall be for projects to ad-*  
19 *dress green infrastructure, water or energy efficiency im-*  
20 *provements or other environmentally innovative activities:*  
21 *Provided further, That notwithstanding the limitation on*  
22 *amounts specified in section 518(c) of the Federal Water*  
23 *Pollution Control Act, up to 2.0 percent of the funds appro-*  
24 *priated herein for the Clean Water State Revolving Funds*  
25 *may be reserved by the Administrator for tribal grants*

1 *under section 518(c) of such Act: Provided further, That up*  
2 *to 4 percent of the funds appropriated herein for tribal set-*  
3 *asides under the Revolving Funds may be transferred to the*  
4 *Indian Health Service to support management and over-*  
5 *sight of tribal projects: Provided further, That none of the*  
6 *funds appropriated herein shall be available for the pur-*  
7 *chase of land or easements as authorized by section 603(c)*  
8 *of the Federal Water Pollution Control Act or for activities*  
9 *authorized by section 1452(k) of the Safe Drinking Water*  
10 *Act: Provided further, That notwithstanding section*  
11 *603(d)(2) of the Federal Water Pollution Control Act and*  
12 *section 1452(f)(2) of the Safe Drinking Water Act, funds*  
13 *may be used to buy, refinance, or restructure the debt obli-*  
14 *gations of eligible recipients only where such debt was in-*  
15 *curred on or after October 1, 2009: Provided further, That*  
16 *section 1606 of title XVI of Public Law 111-5 shall apply*  
17 *to the use of the funds provided under this heading.*

18 *DEPARTMENT OF AGRICULTURE*

19 *FOREST SERVICE*

20 *STATE AND PRIVATE FORESTRY*

21 *For an additional amount for “State and Private For-*  
22 *estry”, for financial assistance to States and territories for*  
23 *authorized activities using term employment, \$75,000,000.*

1                                    *NATIONAL FOREST SYSTEM*

2            *For an additional amount for “National Forest Sys-*  
3 *tem”, for activities on the National Forest System using*  
4 *term employment, \$40,000,000.*

5                                    *WILDLAND FIRE MANAGEMENT*

6            *For an additional amount for “Wildland Fire Man-*  
7 *agement”, for hazardous fuels reduction and related activi-*  
8 *ties using term employment, \$35,000,000.*

9                                    *GENERAL PROVISIONS, THIS CHAPTER*

10                                    *(INCLUDING TRANSFER OF FUNDS)*

11            *SEC. 1401. Funds made available to the Environ-*  
12 *mental Protection Agency by this Act for management and*  
13 *oversight purposes shall remain available until September*  
14 *30, 2012, and may be transferred to the “Environmental*  
15 *Programs and Management” account as needed.*

16            *SEC. 1402. In carrying out the work for which funds*  
17 *in this title are being made available, the Secretary of the*  
18 *Interior and the Secretary of Agriculture shall utilize, to*  
19 *the maximum extent practicable, the Public Lands Corps,*  
20 *Youth Conservation Corps, Student Conservation Associa-*  
21 *tion, Job Corps, Corps Network members, and other related*  
22 *partnerships with Federal, State, local, tribal or non-profit*  
23 *groups that serve young adults, underserved and minority*  
24 *populations, veterans, and special needs individuals.*

1 *CHAPTER 5—LABOR, HEALTH AND HUMAN SERV-*  
2 *ICES, AND EDUCATION, AND RELATED AGEN-*  
3 *CIES*

4 *DEPARTMENT OF LABOR*

5 *EMPLOYMENT AND TRAINING ADMINISTRATION*

6 *TRAINING AND EMPLOYMENT SERVICES*

7 *For an additional amount for “Training and Employ-*  
8 *ment Services” for activities under the Workforce Invest-*  
9 *ment Act of 1998 (“WIA”), \$1,250,000,000, which shall be*  
10 *available for obligation on the date of enactment of this Act,*  
11 *as follows:*

12 *(1) \$500,000,000 for grants to the States for*  
13 *youth activities: Provided, That such funds shall be*  
14 *used solely for summer employment programs for*  
15 *youth: Provided further, That no portion of such*  
16 *funds shall be reserved to carry out section*  
17 *127(b)(1)(A) of the WIA: Provided further, That for*  
18 *purposes of section 127(b)(1)(C)(iv) of the WIA, funds*  
19 *available for youth activities shall be allotted as if the*  
20 *total amount available for youth activities in the fis-*  
21 *cal year does not exceed \$1,000,000,000: Provided fur-*  
22 *ther, That the work readiness performance indicator*  
23 *described in section 136(b)(2)(A)(ii)(I) of the WIA*  
24 *shall be the only measure of performance used to as-*  
25 *sess the effectiveness of summer employment for youth*

1       *provided with such funds: Provided further, That an*  
2       *in-school youth shall meet the requirement that eligi-*  
3       *ble youth be a low-income individual under section*  
4       *101(13)(B) of the WIA if such youth has been deter-*  
5       *mined to meet the eligibility requirements for free*  
6       *meals under the National School Lunch Act (42*  
7       *U.S.C. 1751 et seq.) during the most recent school*  
8       *year; and*

9               (2) \$750,000,000 for a program of competitive  
10       *grants for worker training and placement in high*  
11       *growth and emerging industry sectors: Provided, That*  
12       *\$275,000,000 shall be for job training projects that*  
13       *prepare workers for careers in energy efficiency and*  
14       *renewable energy as described in section 171(e)(1)(B)*  
15       *of the WIA, of which \$225,000,000 shall be for Path-*  
16       *ways Out of Poverty projects: Provided further, That*  
17       *in awarding grants from those funds not dedicated in*  
18       *the preceding proviso, the Secretary of Labor shall*  
19       *give priority to projects that prepare workers for ca-*  
20       *reers in the health care sector.*

21                               *DEPARTMENT OF EDUCATION*

22                                       *EDUCATION JOBS FUND*

23       *For necessary expenses for an Education Jobs Fund,*  
24       *\$23,000,000,000, which shall remain available for obliga-*  
25       *tion through September 30, 2010 and shall be administered*

1 *under the terms and conditions of sections 14001 through*  
2 *14013 of title XIV, and title XV, of division A of the Amer-*  
3 *ican Recovery and Reinvestment Act of 2009 (Public Law*  
4 *111–5), except as follows:*

5 (1) *ALLOTMENTS TO STATES AND TERRI-*  
6 *TORIES.—Such funds shall be available only for allo-*  
7 *cations by the Secretary under subsections (a) and (d)*  
8 *of section 14001.*

9 (2) *RESERVATION.—With respect to funds appro-*  
10 *priated under this heading, a State that receives an*  
11 *allocation may reserve not more than 5 percent for—*

12 (A) *the administrative costs of carrying out*  
13 *its responsibilities with respect to those funds,*  
14 *provided the State reserves not more than 1 per-*  
15 *cent of its total allocation for those costs; and*

16 (B) *retaining or creating positions in the*  
17 *State educational agency or the State agency for*  
18 *higher education, and other State agency posi-*  
19 *tions related to the administration or support of*  
20 *early childhood, elementary, secondary or post-*  
21 *secondary education.*

22 (3) *AWARDS TO LOCAL EDUCATIONAL AGENCIES*  
23 *AND PUBLIC INSTITUTIONS OF HIGHER EDUCATION.—*

24 (A) *Except as specified under paragraph*  
25 *(2), an allocation of such funds to a State under*

1           *section 14001(d) shall be used only for awards to*  
2           *local educational agencies and public institu-*  
3           *tions of higher education for the support of ele-*  
4           *mentary, secondary, and postsecondary edu-*  
5           *cation. The Governor shall determine how the*  
6           *funds appropriated under this heading are allo-*  
7           *cated for elementary and secondary education*  
8           *and for public institutions of higher education.*  
9           *In making the determination in the preceding*  
10          *sentence, the Governor shall allocate funds*  
11          *among the categories of elementary and sec-*  
12          *ondary education and public institutions of*  
13          *higher education generally in proportion to any*  
14          *reductions in State funds for such categories.*

15                 *(B) Funds used to support elementary and*  
16                 *secondary education shall be distributed through*  
17                 *the State's primary elementary and secondary*  
18                 *funding formulae.*

19                 *(C) Section 14002(a) and (b) shall not*  
20                 *apply.*

21                 (4) *INAPPLICABILITY OF EDUCATION REFORM AS-*  
22                 *SURANCES.—Subsection (b)(2), and paragraphs (1)*  
23                 *through (5) of subsection (d), of section 14005 shall*  
24                 *not apply to any application for an allocation of such*  
25                 *funds.*

1           (5) *REQUIREMENT TO USE FUNDS TO RETAIN OR*  
2           *CREATE EDUCATION JOBS.*—*Notwithstanding sections*  
3           *14003(a) and 14004(a), such funds may be used only*  
4           *for compensation and benefits and other expenses,*  
5           *such as support services, necessary to retain existing*  
6           *employees, for activities defined in section 101(31) of*  
7           *the Workforce Investment Act of 1998, and to hire*  
8           *new employees in order to provide early childhood, el-*  
9           *ementary, secondary, or postsecondary educational*  
10           *and related services or for modernization, renovation,*  
11           *and repair of public school facilities and facilities of*  
12           *institutions of higher education.*

13           (6) *PROHIBITION ON USE OF FUNDS FOR RAINY-*  
14           *DAY FUNDS OR DEBT RETIREMENT.*—*A State that re-*  
15           *ceives an allocation may not use such funds, directly*  
16           *or indirectly, to establish, restore, or supplement a*  
17           *rainy-day fund, or to supplant State funds in a man-*  
18           *ner that has the effect of establishing, restoring, or*  
19           *supplementing a rainy-day fund; or to reduce or re-*  
20           *tire debt obligations incurred by the State, or to sup-*  
21           *plant State funds in a manner that has the effect of*  
22           *reducing or retiring debt obligations incurred by the*  
23           *State, provided that this prohibition shall not apply*  
24           *to fund balances that are necessary to comply with*

1        *any State requirement to maintain a balanced budg-*  
2        *et.*

3            (7) *APPLICATION CONSIDERATIONS.—If, by a*  
4        *date set by the Secretary, a Governor has not sub-*  
5        *mitted an approvable application under section*  
6        *14005(a), the Secretary may provide for the distribu-*  
7        *tion of funds allocated under section 14001(d) to an-*  
8        *other entity or other entities in the State, under such*  
9        *terms and conditions as the Secretary may establish,*  
10       *provided that all terms and conditions that apply to*  
11       *the appropriation under this heading shall apply to*  
12       *such funds distributed to such entity or entities.*

13           (8) *LOCAL EDUCATIONAL AGENCY APPLICA-*  
14       *TION.—Section 442 of the General Education Provi-*  
15       *sions Act does not apply to a local educational agency*  
16       *that has previously submitted an application to the*  
17       *State under title XIV of division A of the American*  
18       *Recovery and Reinvestment Act of 2009. The assur-*  
19       *ances provided under that application shall continue*  
20       *to apply to funds awarded under this heading.*

21           (9) *MAINTENANCE OF EFFORT.—The Secretary*  
22       *shall not allocate funds to a State under paragraph*  
23       *(1) unless the Governor of the State provides an as-*  
24       *surance to the Secretary that the State will—*

25                            (A) *for fiscal year 2010—*

- 1                   (i) maintain State support for elemen-  
2                   tary, secondary, and public higher edu-  
3                   cation (not including support for capital  
4                   projects or research and development or tui-  
5                   tion and fees paid by students), in the ag-  
6                   gregate, at the level of such support for fis-  
7                   cal year 2009; or
- 8                   (ii) maintain State support for ele-  
9                   mentary, secondary, and public higher edu-  
10                  cation (not including support for capital  
11                  projects or research and development or tui-  
12                  tion and fees paid by students), in the ag-  
13                  gregate, at a level no less than such support  
14                  for fiscal year 2006, provided that if a  
15                  State has enacted a reduction to such aggre-  
16                  gate level of fiscal year 2010 State support  
17                  for elementary, secondary, and public high-  
18                  er education after December 12, 2009, the  
19                  State shall maintain State support for ele-  
20                  mentary, secondary, and public higher edu-  
21                  cation at a percentage of the total revenues  
22                  available to the State that is equal to or  
23                  greater than the percentage provided for  
24                  such purpose for fiscal year 2010 prior to  
25                  December 12, 2009; and

- 1                   (B) for fiscal year 2011—
- 2                   (i) comply with subparagraph (A)(i);
- 3                   or
- 4                   (ii) maintain State support for ele-
- 5                   mentary, secondary, and public higher edu-
- 6                   cation (not including support for capital
- 7                   projects or research and development or tui-
- 8                   tion and fees paid by students), in the ag-
- 9                   gregate, at a percentage of the total revenues
- 10                  available to the State that is equal to or
- 11                  greater than the percentage provided for
- 12                  such purpose for fiscal year 2010.

13                   STUDENT FINANCIAL ASSISTANCE

14                  For an additional amount for “Student Financial As-

15                  sistance” to carry out part C of title IV of the Higher Edu-

16                  cation Act of 1965, \$300,000,000, which shall remain avail-

17                  able through September 30, 2011.

18                   RELATED AGENCIES

19                  CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

20                   OPERATING EXPENSES

21                   (INCLUDING TRANSFER OF FUNDS)

22                  For an additional amount for “Operating Expenses”

23                  to carry out the Domestic Volunteer Service Act of 1973

24                  (“1973 Act”) and the National and Community Service Act

25                  of 1990 (“1990 Act”), \$132,000,000, which shall remain

1 available through September 30, 2011: Provided, That not  
2 less than \$90,000,000 of the funds made available in this  
3 paragraph shall be used to make additional awards to exist-  
4 ing AmeriCorps grantees and may be used to provide ad-  
5 justments to awards under subtitle C of title I of the 1990  
6 Act made prior to September 30, 2011 for which the Chief  
7 Executive Officer of the Corporation for National and Com-  
8 munity Service (“CEO”) determines that a waiver of the  
9 Federal share limitation is warranted under section  
10 2521.70 of title 45 of the Code of Federal Regulations: Pro-  
11 vided further, That up to \$30,000,000 shall be for programs  
12 under title I, part A of the 1973 Act: Provided further, That  
13 any funds provided in the previous proviso shall not be  
14 made available in connection with cost-share agreements  
15 authorized under section 192A(g)(10) of the 1990 Act: Pro-  
16 vided further, That of the amount made available in this  
17 paragraph, not less than \$7,000,000 shall be transferred to  
18 “Salaries and Expenses” to administer the funds provided  
19 in this paragraph, including making any necessary infor-  
20 mation technology upgrades: Provided further, That the  
21 CEO shall provide to the Committees on Appropriations of  
22 the House of Representatives and the Senate a fiscal year  
23 2010 operating plan for the funds appropriated in this  
24 paragraph prior to making any Federal obligations of such  
25 funds in fiscal year 2010, but not later than 90 days after

1 *the date of enactment of this Act, and a fiscal year 2011*  
2 *operating plan for such funds in fiscal year 2011, but not*  
3 *later than November 1, 2010, that detail the allocation of*  
4 *resources and the increased number of members supported*  
5 *by the AmeriCorps programs: Provided further, That the*  
6 *CEO shall provide to the Committees on Appropriations of*  
7 *the House of Representatives and the Senate a report on*  
8 *the actual obligations, expenditures, and unobligated bal-*  
9 *ances for each activity funded under this heading not later*  
10 *than 90 days after issuance of the operating plan, and*  
11 *quarterly thereafter as long as funding provided under this*  
12 *heading is available for obligation or expenditure.*

13 *NATIONAL SERVICE TRUST*

14 *(INCLUDING TRANSFER OF FUNDS)*

15 *For an additional amount for “National Service*  
16 *Trust” established under subtitle D of title I of the National*  
17 *and Community Service Act of 1990 (“1990 Act”),*  
18 *\$68,000,000, which shall remain available until expended:*  
19 *Provided, That the Corporation for National and Commu-*  
20 *nity Service may transfer additional funds from the*  
21 *amount provided within “Operating Expenses” allocated to*  
22 *grants under subtitle C of title I of the 1990 Act to the*  
23 *National Service Trust upon determination that such trans-*  
24 *fer is necessary to support the activities of national service*  
25 *participants and after notice is transmitted to the Commit-*

1 *tees on Appropriations of the House of Representatives and*  
2 *the Senate: Provided further, That the amount appro-*  
3 *priated or transferred to the National Service Trust may*  
4 *be invested under section 145(b) of the 1990 Act without*  
5 *regard to the requirements to apportion funds under 31*  
6 *U.S.C. 1513(b).*

7                   *GENERAL PROVISION, THIS CHAPTER*  
8 *ISSUER ALLOWED REFUNDABLE CREDIT FOR QUALIFIED*  
9 *ZONE ACADEMY BONDS AND QUALIFIED SCHOOL CON-*  
10 *STRUCTION BONDS*

11       *SEC. 1501. (a) IN GENERAL.—Section 6431 of the In-*  
12 *ternal Revenue Code of 1986 is amended by adding at the*  
13 *end the following new subsection:*

14       “(f) *APPLICATION OF SECTION TO QUALIFIED ZONE*  
15 *ACADEMY BONDS AND QUALIFIED SCHOOL CONSTRUCTION*  
16 *BONDS.—*

17                   “(1) *IN GENERAL.—In the case of any specified*  
18 *tax credit bond—*

19                               “(A) *such bond shall be treated as a quali-*  
20 *fied bond for purposes of this section,*

21                               “(B) *subsection (a) shall be applied without*  
22 *regard to the requirement that the qualified bond*  
23 *be issued before January 1, 2011,*

24                               “(C) *the amount of the payment determined*  
25 *under subsection (b) with respect to any interest*

1           *payment date under such bond shall be equal to*  
2           *the lesser of—*

3                     *“(i) the amount of interest payable*  
4                     *under such bond on such date, or*

5                     *“(ii) the amount of interest which*  
6                     *would have been payable under such bond*  
7                     *on such date if such interest were deter-*  
8                     *mined at the applicable credit rate deter-*  
9                     *mined under section 54A(b)(3) with respect*  
10                    *to such bond,*

11                    *“(D) interest on any such bond shall be in-*  
12                    *cludible in gross income for purposes of this title,*  
13                    *and*

14                    *“(E) no credit shall be allowed under sec-*  
15                    *tion 54A with respect to such bond.*

16                    *“(2) SPECIFIED TAX CREDIT BOND.—For pur-*  
17                    *poses of this subsection, the term ‘specified tax credit*  
18                    *bond’ means any qualified tax credit bond (as defined*  
19                    *in section 54A(d)) if—*

20                    *“(A) such bond is a qualified zone academy*  
21                    *bond (as defined in section 54E) or a qualified*  
22                    *school construction bond (as defined in section*  
23                    *54F), and*

24                    *“(B) the issuer of such bond makes an irrev-*  
25                    *ocable election to have this subsection apply.”.*

1           (b) *TECHNICAL CORRECTIONS RELATING TO QUALI-*  
2 *FIED SCHOOL CONSTRUCTION BONDS.—*

3           (1) *The second sentence of section 54F(d)(1) of*  
4 *such Code is amended by striking “by the State” and*  
5 *inserting “by the State education agency (or such*  
6 *other agency as is authorized under State law to*  
7 *make such allocation)”.*

8           (2) *The second sentence of section 54F(e) of such*  
9 *Code is amended by striking “subsection (d)(4)” and*  
10 *inserting “paragraphs (2) and (4) of subsection (d)”.*

11           (c) *EFFECTIVE DATE.—*

12           (1) *IN GENERAL.—Except as otherwise provided*  
13 *in this subsection, the amendment made by this sec-*  
14 *tion shall apply to bonds issued after December 31,*  
15 *2009.*

16           (2) *TECHNICAL CORRECTIONS.—The amend-*  
17 *ments made by subsection (b) shall take effect as if in-*  
18 *cluded in section 1521 of the American Recovery and*  
19 *Reinvestment Tax Act of 2009.*

1     *CHAPTER 6—TRANSPORTATION AND HOUSING*  
2                     *AND URBAN DEVELOPMENT*  
3             *DEPARTMENT OF TRANSPORTATION*  
4                     *FEDERAL AVIATION ADMINISTRATION*  
5                     *GRANTS-IN-AID FOR AIRPORTS*

6             *For an additional amount for “Grants-In-Aid for Air-*  
7 *ports”, to enable the Secretary of Transportation to make*  
8 *grants for discretionary projects as authorized by sub-*  
9 *chapter 1 of chapter 471 and subchapter 1 of chapter 475*  
10 *of title 49, United States Code, \$500,000,000: Provided,*  
11 *That such funds shall not be subject to apportionment for-*  
12 *mulas, special apportionment categories, or minimum per-*  
13 *centages under chapter 471 of such title: Provided further,*  
14 *That the Secretary shall distribute funds provided under*  
15 *this heading as discretionary grants to airports using the*  
16 *criteria established under chapters 471 and 475 of such*  
17 *title, but with priority given to those projects that dem-*  
18 *onstrate to his satisfaction their ability to be completed*  
19 *within 2 years of enactment of this Act: Provided further,*  
20 *That the Secretary shall award grants under this heading*  
21 *within 120 days of enactment of this Act: Provided further,*  
22 *That the amount made available under this heading shall*  
23 *not be subject to any limitation on obligations for the*  
24 *Grants-in-Aid for Airports program set forth in any Act:*  
25 *Provided further, That the Federal share payable of the*

1 costs for which a grant is made under this heading shall  
2 be, at the option of the recipient, up to 100 percent. Pro-  
3 vided further, That the amounts provided under this head-  
4 ing may be used for expenses the agency incurs in admin-  
5 istering this program in addition to amounts provided for  
6 administrative expenses for the Grants-in-Aid Airport Im-  
7 provement Program from any other Act.

8 *FEDERAL HIGHWAY ADMINISTRATION*

9 *HIGHWAY INFRASTRUCTURE INVESTMENT*

10 *For an additional amount for "Highway Infrastruc-*  
11 *ture Investment" for restoration, repair, construction and*  
12 *other activities eligible under paragraph (b) of section 133*  
13 *of title 23, United States Code, and for passenger and*  
14 *freight rail transportation and port infrastructure projects*  
15 *eligible for assistance under subsection 601(a)(8) of such*  
16 *title, \$27,500,000,000, to remain available through Sep-*  
17 *tember 30, 2011: Provided, That, after making the set-asides*  
18 *required under this heading, 50 percent of the funds made*  
19 *available under this heading shall be apportioned to States*  
20 *using the formula set forth in section 104(b)(3) of title 23,*  
21 *United States Code, and the remaining funds shall be ap-*  
22 *portioned to States in the same ratio as the obligation limi-*  
23 *tation for fiscal year 2008 was distributed among the States*  
24 *in accordance with the formula specified in section*  
25 *120(a)(6) of division K of Public Law 110-161: Provided*

1 *further, That funds made available under this heading shall*  
2 *be apportioned not later than 21 days after the date of en-*  
3 *actment of this Act: Provided further, That in selecting*  
4 *projects to be carried out with funds apportioned under this*  
5 *heading, priority shall be given to projects that are pro-*  
6 *jected for completion within a 3-year time frame, and are*  
7 *located in economically distressed areas as defined by sec-*  
8 *tion 301 of the Public Works and Economic Development*  
9 *Act of 1965, as amended (42 U.S.C. 3161): Provided fur-*  
10 *ther, That in selecting projects to be carried out with funds*  
11 *apportioned under this heading, States shall ensure an eq-*  
12 *uitable geographic distribution of funds and an appropriate*  
13 *balance in addressing the needs of urban and rural commu-*  
14 *nities in the State: Provided further, That 90 days following*  
15 *the date of such apportionment, the Secretary of Transpor-*  
16 *tation shall withdraw from each State an amount equal to*  
17 *50 percent of the funds awarded to that State less the*  
18 *amount of funding under contract, as determined by the*  
19 *Secretary, and the Secretary shall redistribute such*  
20 *amounts to other States that have had no funds withdrawn*  
21 *under this proviso in the manner described in section 120(c)*  
22 *of division K of Public Law 110-161: Provided further,*  
23 *That 1 year following the date of such apportionment, the*  
24 *Secretary shall withdraw from each recipient of funds ap-*  
25 *portioned under this heading any funds that are not under*

1 *contract, as determined by the Secretary, and the Secretary*  
2 *shall redistribute such amounts to States that have had no*  
3 *funds withdrawn under this proviso in the manner de-*  
4 *scribed in section 120(c) of division K of Public Law 110-*  
5 *161: Provided further, That at the request of a State, the*  
6 *Secretary of Transportation may provide an extension of*  
7 *such 1-year period only to the extent that he feels satisfied*  
8 *that the State has encountered extreme conditions that cre-*  
9 *ate an unworkable bidding environment or other extenu-*  
10 *ating circumstances: Provided further, That before granting*  
11 *such an extension, the Secretary shall send a letter to the*  
12 *House and Senate Committees on Appropriations that pro-*  
13 *vides a thorough justification for the extension: Provided*  
14 *further, That 3 percent of the funds apportioned to a State*  
15 *under this heading shall be set aside for the purposes de-*  
16 *scribed in subsection 133(d)(2) of title 23, United States*  
17 *Code (without regard to the comparison to fiscal year*  
18 *2005): Provided further, That 30 percent of the funds ap-*  
19 *portioned to a State under this heading shall be suballo-*  
20 *cated within the State in the manner and for the purposes*  
21 *described in the first sentence of subsection 133(d)(3)(A),*  
22 *in subsection 133(d)(3)(B), and in subsection 133(d)(3)(D):*  
23 *Provided further, That such suballocation shall be conducted*  
24 *in every State: Provided further, That of the funds provided*  
25 *under this heading, \$105,000,000 shall be for the Puerto*

1 *Rico highway program authorized under section 165 of title*  
2 *23, United States Code, and \$45,000,000 shall be for the*  
3 *territorial highway program authorized under section 215*  
4 *of title 23, United States Code: Provided further, That of*  
5 *the funds provided under this heading, \$60,000,000 shall*  
6 *be for capital expenditures eligible under section 147 of title*  
7 *23, United States Code (without regard to subsection(d)):*  
8 *Provided further, That the Secretary of Transportation*  
9 *shall distribute such \$60,000,000 as competitive discre-*  
10 *tionary grants to States, with priority given to those*  
11 *projects that demonstrate to his satisfaction their ability to*  
12 *be completed within 2 years of enactment of this Act: Pro-*  
13 *vided further, That of the funds provided under this head-*  
14 *ing, \$550,000,000 shall be for investments in transportation*  
15 *at Indian reservations and Federal lands: Provided further,*  
16 *That of the funds identified in the preceding proviso,*  
17 *\$310,000,000 shall be for the Indian Reservation Roads*  
18 *program, \$170,000,000 shall be for the Park Roads and*  
19 *Parkways program, \$60,000,000 shall be for the Forest*  
20 *Highway Program, and \$10,000,000 shall be for the Refuge*  
21 *Roads program: Provided further, That for investments at*  
22 *Indian reservations and Federal lands, priority shall be*  
23 *given to capital investments, and to projects and activities*  
24 *that can be completed within 2 years of enactment of this*  
25 *Act: Provided further, That 1 year following the enactment*

1 of this Act, to ensure the prompt use of the \$550,000,000  
2 provided for investments at Indian reservations and Fed-  
3 eral lands, the Secretary shall have the authority to redis-  
4 tribute unobligated funds within the respective program for  
5 which the funds were appropriated: Provided further, That  
6 up to 4 percent of the funding provided for Indian Reserva-  
7 tion Roads may be used by the Secretary of the Interior  
8 for program management and oversight and project-related  
9 administrative expenses: Provided further, That section  
10 134(f)(3)(C)(ii)(II) of title 23, United States Code, shall not  
11 apply to funds provided under this heading: Provided fur-  
12 ther, That of the funds made available under this heading,  
13 \$20,000,000 shall be for highway surface transportation  
14 and technology training under section 140(b) of title 23,  
15 United States Code, and \$20,000,000 shall be for disadvan-  
16 taged business enterprises bonding assistance under section  
17 332(e) of title 49, United States Code: Provided further,  
18 That funds made available under this heading shall be ad-  
19 ministered as if apportioned under chapter 1 of title 23,  
20 United States Code, except for funds made available for in-  
21 vestments in transportation at Indian reservations and  
22 Federal lands, and for the territorial highway program,  
23 which shall be administered in accordance with chapter 2  
24 of title 23, United States Code, and except for funds made  
25 available for disadvantaged business enterprises bonding as-

1 *sistance, which shall be administered in accordance with*  
2 *chapter 3 of title 49, United States Code: Provided further,*  
3 *That the Federal share payable on account of any project*  
4 *or activity carried out with funds made available under*  
5 *this heading shall be, at the option of the recipient, up to*  
6 *100 percent of the total cost thereof: Provided further, That*  
7 *funds made available by this paragraph shall not be obli-*  
8 *gated for the purposes authorized under section 115(b) of*  
9 *title 23, United States Code: Provided further, That funding*  
10 *provided under this heading shall be in addition to any*  
11 *and all funds provided for fiscal years 2010 and 2011 in*  
12 *any other Act for "Federal-aid Highways" and shall not*  
13 *affect the distribution of funds provided for "Federal-aid*  
14 *Highways" in any other Act: Provided further, That the*  
15 *amount made available under this heading shall not be sub-*  
16 *ject to any limitation on obligations for Federal-aid high-*  
17 *ways or highway safety construction programs set forth in*  
18 *any Act: Provided further, That section 1101(b) of Public*  
19 *Law 109-59 shall apply to funds apportioned under this*  
20 *heading: Provided further, That the Administrator of the*  
21 *Federal Highway Administration may retain up to*  
22 *\$45,000,000 of the funds provided under this heading to*  
23 *fund the oversight by the Administrator of projects and ac-*  
24 *tivities carried out with funds made available to the Federal*  
25 *Highway Administration in this Act, of which \$5,000,000*

1 *shall be for the Office of Expedited Project Delivery in the*  
2 *Office of the Administrator of the Federal Highway Admin-*  
3 *istration, and such funds shall be available through Sep-*  
4 *tember 30, 2013.*

5 *FEDERAL RAILROAD ADMINISTRATION*  
6 *CAPITAL GRANTS TO THE NATIONAL RAILROAD PASSENGER*  
7 *CORPORATION*

8 *For an additional amount for “Capital Grants to the*  
9 *National Railroad Passenger Corporation” to enable the*  
10 *Secretary of Transportation to make capital grants to The*  
11 *National Railroad Passenger Corporation (Amtrak) as au-*  
12 *thorized by section 101(c) of the Passenger Rail Investment*  
13 *and Improvement Act of 2008 (Public Law 110–432),*  
14 *\$800,000,000, for fleet modernization, including rehabilita-*  
15 *tion of existing and acquisition of new passenger equip-*  
16 *ment, including fuel efficient locomotives: Provided, That*  
17 *none of the funds provided under this heading shall be used*  
18 *to subsidize the operating losses of Amtrak: Provided fur-*  
19 *ther, That section 24305(f)(4)(B) of title 49, United States*  
20 *Code, shall not apply to any new equipment acquired with*  
21 *funds provided under this heading: Provided further, That*  
22 *funds provided under this heading shall be awarded not*  
23 *later than 60 days after the date of enactment of this Act.*

1                    *FEDERAL TRANSIT ADMINISTRATION*2                    *TRANSIT CAPITAL ASSISTANCE*

3            *For an additional amount for "Transit Capital Assist-*  
4 *ance" for transit capital assistance grants authorized under*  
5 *section 5302(a)(1) of title 49, United States Code,*  
6 *\$6,150,000,000: Provided, That the Secretary of Transpor-*  
7 *tation shall provide 80 percent of the funds appropriated*  
8 *under this heading for grants under section 5307 of title*  
9 *49, United States Code, and apportion such funds in ac-*  
10 *cordance with section 5336 of such title (other than sub-*  
11 *sections (i)(1) and (j)): Provided further, That the Secretary*  
12 *shall apportion 10 percent of the funds appropriated under*  
13 *this heading in accordance with section 5340 of such title:*  
14 *Provided further, That the Secretary shall provide 10 per-*  
15 *cent of the funds appropriated under this heading for grants*  
16 *under section 5311 of title 49, United States Code, and ap-*  
17 *portion such funds in accordance with such section: Pro-*  
18 *vided further, That funds apportioned under this heading*  
19 *shall be apportioned not later than 21 days after the date*  
20 *of enactment of this Act: Provided further, That 90 days*  
21 *following the date of such apportionment, the Secretary*  
22 *shall withdraw from each urbanized area or State an*  
23 *amount equal to 50 percent of the funds apportioned to such*  
24 *urbanized areas or States less the amount of funding under*  
25 *contract, as determined by the Secretary, and the Secretary*

1 *shall redistribute such amounts to other urbanized areas or*  
2 *States that have had no funds withdrawn under this proviso*  
3 *utilizing whatever method he deems appropriate to ensure*  
4 *that all funds redistributed under this proviso shall be uti-*  
5 *lized promptly: Provided further, That 1 year following the*  
6 *date of such apportionment, the Secretary shall withdraw*  
7 *from each urbanized area or State any funds that are not*  
8 *under contract, as determined by the Secretary, and the*  
9 *Secretary shall redistribute such amounts to other urban-*  
10 *ized areas or States that have had no funds withdrawn*  
11 *under this proviso utilizing whatever method he deems ap-*  
12 *propriate to ensure that all funds redistributed under this*  
13 *proviso shall be utilized promptly: Provided further, That*  
14 *at the request of an urbanized area or State, the Secretary*  
15 *of Transportation may provide an extension of such 1-year*  
16 *period if he feels satisfied that the urbanized area or State*  
17 *has encountered an unworkable bidding environment or*  
18 *other extenuating circumstances: Provided further, That be-*  
19 *fore granting such an extension, the Secretary shall send*  
20 *a letter to the House and Senate Committees on Appropria-*  
21 *tions that provides a thorough justification for the exten-*  
22 *sion: Provided further, That of the funds provided for sec-*  
23 *tion 5311 of title 49, United States Code, 2.5 percent shall*  
24 *be made available for section 5311(c)(1): Provided further,*  
25 *That of the funding provided under this heading,*

1 \$100,000,000 shall be distributed as discretionary grants to  
2 public transit agencies for capital investments that will as-  
3 sist in reducing the energy consumption or greenhouse gas  
4 emissions of their public transportation systems: Provided  
5 further, That for such grants on energy-related investments,  
6 priority shall be given to projects based on the total energy  
7 savings that are projected to result from the investment, and  
8 projected energy savings as a percentage of the total energy  
9 usage of the public transit agency: Provided further, That  
10 applicable chapter 53 requirements shall apply to funding  
11 provided under this heading, except that the Federal share  
12 of the costs for which any grant is made under this heading  
13 shall be, at the option of the recipient, up to 100 percent:  
14 Provided further, That the amount made available under  
15 this heading shall not be subject to any limitation on obliga-  
16 tions for transit programs set forth in any Act: Provided  
17 further, That section 1101(b) of Public Law 109-59 shall  
18 apply to funds appropriated under this heading: Provided  
19 further, That the funds appropriated under this heading  
20 shall not be commingled with any prior year funds: Pro-  
21 vided further, That a recipient and subrecipient of funds  
22 made available under this heading may use up to 10 per-  
23 cent of the amount apportioned to a State or urbanized area  
24 for the operating costs of equipment and facilities for use  
25 in public transportation or for eligible activities under sec-

1 *tion 5311(f): Provided further, That in selecting projects to*  
2 *be carried out with funds apportioned under this heading,*  
3 *priority shall be given to projects that are located in eco-*  
4 *nomically distressed areas as defined by section 301 of the*  
5 *Public Works and Economic Development Act of 1965, as*  
6 *amended (42 U.S.C. 3161): Provided further, That in select-*  
7 *ing projects to be carried out with funds apportioned under*  
8 *this heading, States shall ensure an equitable geographic*  
9 *distribution of funds and an appropriate balance in ad-*  
10 *ressing the needs of urban and rural communities in the*  
11 *State: Provided further, That notwithstanding any other*  
12 *provision of law, three-quarters of 1 percent of the funds*  
13 *provided for grants under section 5307 and section 5340,*  
14 *and one-half of 1 percent of the funds provided for grants*  
15 *under section 5311, shall be available for administrative ex-*  
16 *penses and program management oversight, and such funds*  
17 *shall be available through September 30, 2013.*

18 *FIXED GUIDEWAY INFRASTRUCTURE INVESTMENT*

19 *For an amount for capital expenditures authorized*  
20 *under section 5309(b)(2) of title 49, United States Code,*  
21 *\$1,750,000,000: Provided, That the Secretary of Transpor-*  
22 *tation shall apportion funds under this heading pursuant*  
23 *to the formula set forth in section 5337 of title 49, United*  
24 *States Code: Provided further, That the funds appropriated*  
25 *under this heading shall not be commingled with any prior*

1 *year funds: Provided further, That funds made available*  
2 *under this heading shall be apportioned not later than 21*  
3 *days after the date of enactment of this Act: Provided fur-*  
4 *ther, That 90 days following the date of such apportion-*  
5 *ment, the Secretary shall withdraw from each urbanized*  
6 *area an amount equal to 50 percent of the funds appor-*  
7 *tioned to such urbanized area less the amount of funding*  
8 *under contract, as determined by the Secretary, and the*  
9 *Secretary shall redistribute such amounts to other urban-*  
10 *ized areas that have had no funds withdrawn under this*  
11 *proviso utilizing whatever method he deems appropriate to*  
12 *ensure that all funds redistributed under this proviso shall*  
13 *be utilized promptly: Provided further, That 1 year fol-*  
14 *lowing the date of such apportionment, the Secretary shall*  
15 *withdraw from each urbanized area any funds that are not*  
16 *under contract, as determined by the Secretary, and the*  
17 *Secretary shall redistribute such amounts to other urban-*  
18 *ized areas that have had no funds withdrawn under this*  
19 *proviso utilizing whatever method he deems appropriate to*  
20 *ensure that all funds redistributed under this proviso shall*  
21 *be utilized promptly: Provided further, That at the request*  
22 *of an urbanized area, the Secretary of Transportation may*  
23 *provide an extension of such 1-year period if he feels satis-*  
24 *fied that the urbanized area has encountered an unworkable*  
25 *bidding environment or other extenuating circumstances:*

1 *Provided further, That before granting such an extension,*  
2 *the Secretary shall send a letter to the House and Senate*  
3 *Committees on Appropriations that provides a thorough*  
4 *justification for the extension: Provided further, That appli-*  
5 *cable chapter 53 requirements shall apply except that the*  
6 *Federal share of the costs for which a grant is made under*  
7 *this heading shall be, at the option of the recipient, up to*  
8 *100 percent: Provided further, That the provisions of section*  
9 *1101(b) of Public Law 109–59 shall apply to funds made*  
10 *available under this heading: Provided further, That not-*  
11 *withstanding any other provision of law, up to 1 percent*  
12 *of the funds under this heading shall be available for ad-*  
13 *ministrative expenses and program management oversight*  
14 *and shall remain available for obligation until September*  
15 *30, 2013.*

16 *CAPITAL INVESTMENT GRANTS*

17 *For an additional amount for “Capital Investment*  
18 *Grants”, as authorized under section 5338(c)(4) of title 49,*  
19 *United States Code, and allocated under section*  
20 *5309(m)(2)(A) of such title, to enable the Secretary of*  
21 *Transportation to make discretionary grants as authorized*  
22 *by section 5309(d) and (e) of such title, \$500,000,000, of*  
23 *which \$1,500,000 shall be for the Office of Expedited Project*  
24 *Delivery in the Office of the Administrator of the Federal*  
25 *Transit Administration: Provided, That such amount shall*

1 *be allocated without regard to the limitation under section*  
2 *5309(m)(2)(A)(i): Provided further, That in selecting*  
3 *projects to be funded, priority shall be given to projects that*  
4 *are able to award contracts within 90 days of enactment*  
5 *of this Act: Provided further, That the provisions of section*  
6 *1101(b) of Public Law 109–59 shall apply to funds made*  
7 *available under this heading: Provided further, That funds*  
8 *appropriated under this heading shall not be commingled*  
9 *with any prior year funds: Provided further, That applica-*  
10 *ble chapter 53 requirements shall apply, except that not-*  
11 *withstanding any other provision of law, up to 1 percent*  
12 *of the funds provided under this heading shall be available*  
13 *for administrative expenses and program management*  
14 *oversight, and shall remain available through September 30,*  
15 *2013: Provided further, That, notwithstanding any other*  
16 *provision of law, the provisions of section 3011(f) of Public*  
17 *Law 109–59 shall apply to all projects evaluated under sec-*  
18 *tions 5309(d) and 5309(e) of title 49, United States Code,*  
19 *and funded in fiscal years 2010 and 2011 with funds made*  
20 *available in the Act or any other Act.*

1                                    *MARITIME ADMINISTRATION*  
2                    *MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM*  
3                                    *ACCOUNT*  
4                                    *(INCLUDING TRANSFER OF FUNDS)*

5            *For the cost of guaranteed loans, as authorized,*  
6 *\$100,000,000: Provided, That such costs, including the cost*  
7 *of modifying such loans, shall be as defined in section 502*  
8 *of the Congressional Budget Act of 1974, as amended: Pro-*  
9 *vided further, That the Maritime Administrator may retain*  
10 *and transfer to "Maritime Administration, Operations and*  
11 *Training" up to 2 percent of the funds provided under this*  
12 *heading to carry out the guaranteed loan program.*

13            *GENERAL PROVISION, DEPARTMENT OF TRANSPORTATION*

14            *SEC. 1601. (a) MAINTENANCE OF EFFORT.—*

15                            *(1) CERTIFICATION.—*

16                                    *(A) CERTIFICATION THROUGH SEPTEMBER*  
17 *30, 2010.—The certification made by the Gov-*  
18 *ernor of each State under section 1201(a) of di-*  
19 *vision A of the American Recovery and Reinvest-*  
20 *ment Act of 2009 (Pub. L. 111–5, 123 Stat. 115,*  
21 *212) shall continue in effect under this Act.*

22                                    *(B) CERTIFICATION THROUGH SEPTEMBER*  
23 *30, 2011.—Not later than 30 days after the date*  
24 *of enactment of this Act, for each amount that is*  
25 *distributed to a State or agency thereof from an*

1           *appropriation in this Act for a covered program,*  
2           *the Governor of the State shall certify to the Sec-*  
3           *retary of Transportation that the State will*  
4           *maintain its effort with regard to State funding*  
5           *for the types of projects that are funded by the*  
6           *appropriation. As part of this certification, the*  
7           *Governor shall submit to the Secretary of Trans-*  
8           *portation a statement identifying the amount of*  
9           *State funds the State planned to expend from*  
10          *State sources as of the date of enactment of this*  
11          *Act for the period of October 1, 2010, through*  
12          *September 30, 2011, for the types of projects that*  
13          *are funded by the appropriation. For the period*  
14          *of October 1, 2010, through September 30, 2011,*  
15          *the Governor of a State may calculate planned*  
16          *expenditures from State funds in the same man-*  
17          *ner as under section 1201(a) of division A of the*  
18          *American Recovery and Reinvestment Act of*  
19          *2009 or may calculate the amount by pro rating*  
20          *the amount certified under section 1201(a) of di-*  
21          *vision A of the American Recovery and Reinvest-*  
22          *ment Act of 2009 to establish the amount of*  
23          *planned expenditures for such period.*

24           (2) *DEFINITION OF STATE FUNDS.—For purposes*  
25          *of the certifications required by section 1201(a) of di-*

1 *vision A of the American Recovery and Reinvestment*  
2 *Act of 2009 and paragraph (1)(B), State funding*  
3 *means State funds used for transportation purposes*  
4 *that are expended by the State agency that is pri-*  
5 *marily responsible for carrying out the covered pro-*  
6 *gram. State funding does not include State transpor-*  
7 *tation funds that are expended by or at the direction*  
8 *of non-State governmental entities.*

9 *(b) REQUIREMENT TO MAINTAIN EFFORT.—*

10 *(1) REPORTS.—Each State shall submit to the*  
11 *Department of Transportation for each covered pro-*  
12 *gram the actual aggregate expenditures from State*  
13 *funds during the period of February 17, 2009,*  
14 *through September 30, 2011, as compared to the level*  
15 *of such expenditures from State funds that were*  
16 *planned to occur during such period as certified in*  
17 *accordance with subsection (a). The State shall sub-*  
18 *mit the maintenance of effort reports in the same*  
19 *manner and in the same timeframe required by sub-*  
20 *section (c), except the State is not required to submit*  
21 *a maintenance of effort report on February 17, 2013.*  
22 *The covered agencies shall submit the reports to Con-*  
23 *gress in accordance with subsection (c)(1).*

24 *(2) DETERMINATION OF MAINTENANCE OF EF-*  
25 *FORT.—A State is deemed to have met its level of ef-*

1        *fort if the aggregate amount of actual expenditures of*  
2        *State funds reported in the February 17, 2012 report*  
3        *in accordance with paragraph (1) meets or exceeds*  
4        *the aggregate amount of planned expenditures of*  
5        *State funds identified in the certification required by*  
6        *subsection (a).*

7            *(3) PENALTY FOR FAILURE TO MAINTAIN EF-*  
8        *FORT.—If a State is unable to maintain the level of*  
9        *effort certified pursuant to subsection (a), the State*  
10       *will be prohibited by the Secretary of Transportation*  
11       *from receiving additional limitation pursuant to the*  
12       *redistribution of the limitation on obligations for*  
13       *Federal-aid highway and highway safety construction*  
14       *programs that occurs after August 1 for fiscal year*  
15       *2012.*

16       *(c) PERIODIC REPORTS.—*

17            *(1) IN GENERAL.—Notwithstanding any other*  
18       *provision of law, each grant recipient shall submit to*  
19       *the covered agency from which they received funding*  
20       *periodic reports on the use of the funds appropriated*  
21       *in this chapter for the Department of Transportation*  
22       *for covered programs. Such reports shall be collected*  
23       *and compiled by the covered agency and transmitted*  
24       *to Congress. Covered agencies may develop such re-*

1        *ports on behalf of grant recipients to ensure the accu-*  
2        *racy and consistency of such reports.*

3            (2) *CONTENTS OF REPORTS.—For amounts re-*  
4        *ceived under each covered program by a grant recipi-*  
5        *ent under this chapter for the Department of Trans-*  
6        *portation, the grant recipient shall include in the*  
7        *periodic reports information tracking—*

8            (A) *the amount of Federal funds appro-*  
9        *priated, allocated, obligated, and outlayed under*  
10       *the appropriation;*

11          (B) *the number of projects that have been*  
12       *put out to bid under the appropriation and the*  
13       *amount of Federal funds associated with such*  
14       *projects;*

15          (C) *the number of projects for which con-*  
16       *tracts have been awarded under the appropria-*  
17       *tion and the amount of Federal funds associated*  
18       *with such contracts;*

19          (D) *the number of projects for which work*  
20       *has begun under such contracts and the amount*  
21       *of Federal funds associated with such contracts;*

22          (E) *the number of projects for which work*  
23       *has been completed under such contracts and the*  
24       *amount of Federal funds associated with such*  
25       *contracts; and*

1           (F) *the number of direct, on-project jobs cre-*  
2           *ated or sustained by the Federal funds provided*  
3           *for projects under the appropriation and, to the*  
4           *extent possible, the estimated indirect jobs cre-*  
5           *ated or sustained in the associated supplying in-*  
6           *dustries, including the number of job-years cre-*  
7           *ated and the total increase in employment since*  
8           *the date of enactment of this Act.*

9           (3) *TIMING OF REPORTS.—Each grant recipient*  
10          *shall submit the first of the periodic reports required*  
11          *under this subsection not later than 1 year after the*  
12          *date of enactment of the American Recovery and Re-*  
13          *investment Act of 2009 and shall submit updated re-*  
14          *ports not later than 15 months, 18 months, 2 years,*  
15          *3 years, and 4 years after such date of enactment.*

16          (d) *DEFINITIONS.—In this section, the following defi-*  
17          *nitions apply:*

18               (1) *COVERED AGENCY.—The term “covered agen-*  
19               *cy” means the Federal Aviation Administration, the*  
20               *Federal Highway Administration, the Federal Rail-*  
21               *road Administration, the Federal Transit Adminis-*  
22               *tration, and the Maritime Administration of the De-*  
23               *partment of Transportation.*

24               (2) *COVERED PROGRAM.—The term “covered*  
25               *program” means funds appropriated in this Act for*

1       *“Grants-in-Aid for Airports” to the Federal Aviation*  
2       *Administration; for “Highway Infrastructure Invest-*  
3       *ment” to the Federal Highway Administration; for*  
4       *“Capital Grants to the National Railroad Passenger*  
5       *Corporation” to the Federal Railroad Administration;*  
6       *for “Transit Capital Assistance”, “Fixed Guideway*  
7       *Infrastructure Investment”, and “Capital Investment*  
8       *Grants” to the Federal Transit Administration; and*  
9       *for “Maritime Guaranteed Loan (Title XI) Program*  
10       *Account” to the Maritime Administration.*

11           (3) *GRANT RECIPIENT.*—*The term “grant recipi-*  
12       *ent” means a State or other recipient of assistance*  
13       *provided under a covered program in this Act. Such*  
14       *term does not include a Federal department or agen-*  
15       *cy.*

16           (e) *EXEMPTION.*—*Notwithstanding any other provi-*  
17       *sion of law, sections 3501–3521 of title 44, United States*  
18       *Code, shall not apply to the provisions of this section.*

19           *DEPARTMENT OF HOUSING AND URBAN*

20                   *DEVELOPMENT*

21                           *PUBLIC AND INDIAN HOUSING*

22                                   *PUBLIC HOUSING CAPITAL FUND*

23           *For an additional amount for the “Public Housing*  
24       *Capital Fund” to carry out capital and management ac-*  
25       *tivities for public housing agencies, as authorized under sec-*

1 tion 9 of the United States Housing Act of 1937 (42 U.S.C.  
2 1437g) (in this heading referred to as the "Act"),  
3 \$1,000,000,000: Provided, That the Secretary of Housing  
4 and Urban Development shall make the funds provided  
5 under this heading available by competition for priority in-  
6 vestments, including investments that leverage private sec-  
7 tor funding or financing for renovations and energy con-  
8 servation retrofit investments: Provided further, That the  
9 Secretary shall obligate the funds provided under this head-  
10 ing by such competition within 60 days of the date of the  
11 enactment of this Act: Provided further, That in using the  
12 funds provided under this heading public housing authori-  
13 ties shall give priority to capital projects that can award  
14 contracts based on bids within 120 days from the date that  
15 the funds are made available to the public housing authori-  
16 ties: Provided further, That in using such funds provided  
17 under this heading public housing agencies shall give pri-  
18 ority consideration to the rehabilitation of vacant rental  
19 units: Provided further, That in using such funds provided  
20 under this heading public housing agencies shall prioritize  
21 capital projects that are already underway or included in  
22 the 5-year capital fund plans required by section 5A of the  
23 Act (42 U.S.C. 1437c-1(a)): Provided further, That not-  
24 withstanding any other provision of law, funds provided  
25 under this heading (1) may not be used for operating or

1 rental assistance activities, and (2) shall not be subject to  
2 any restriction of funding to replacement housing uses: Pro-  
3 vided further, That notwithstanding section 9(j) of the Act,  
4 public housing agencies shall obligate 50 percent of the  
5 funds provided under this heading within 180 days of the  
6 date on which such funds become available to the agency  
7 for obligation, and shall expend 100 percent of such funds  
8 within one year of the date on which such funds become  
9 available to the agency for obligation: Provided further,  
10 That if a public housing agency fails to comply with the  
11 180-day obligation requirement under the preceding pro-  
12 viso, the Secretary shall recapture all funds provided under  
13 this heading awarded to the public housing agency that re-  
14 main unobligated and reallocate such funds to agencies that  
15 are in compliance with such requirement: Provided further,  
16 That in administering funds appropriated or otherwise  
17 made available under this heading, the Secretary may  
18 waive or specify alternative requirements for any provision  
19 of any statute or regulation in connection with the obliga-  
20 tion by the Secretary or the use of such funds (except for  
21 requirements related to fair housing, nondiscrimination,  
22 labor standards, and the environment), upon a finding that  
23 such a waiver is necessary to expedite or facilitate the use  
24 of such funds: Provided further, That, in addition to waiv-  
25 ers authorized under the preceding proviso, the Secretary

1 *may direct that requirements relating to the procurement*  
2 *of goods and services arising under State and local laws*  
3 *and regulations shall not apply to funds provided under*  
4 *this heading.*

5 *COMMUNITY PLANNING AND DEVELOPMENT*

6 *HOUSING TRUST FUND*

7 *For the Housing Trust Fund established pursuant to*  
8 *section 1338 of the Federal Housing Enterprises Financial*  
9 *Safety and Soundness Act of 1992 (12 U.S.C. 4568),*  
10 *\$1,065,000,000, for use under such section: Provided, That*  
11 *of the total amount provided under this heading,*  
12 *\$65,000,000 shall be available to the Secretary of Housing*  
13 *and Urban Development only for incremental project-based*  
14 *voucher assistance or project-based rental assistance, to be*  
15 *allocated to States pursuant to the formula established*  
16 *under such section 1338, to be used solely in conjunction*  
17 *with grant funds awarded under such section 1338.*

18 *CHAPTER 7—GENERAL PROVISIONS, THIS TITLE*

19 *TARP REDUCTION*

20 *SEC. 1701. The limitation under section 115(a)(3) of*  
21 *the Emergency Economic Stabilization Act of 2008 (12*  
22 *U.S.C. 5225(a)(3)) in effect on the date of the enactment*  
23 *of this Act is decreased by \$150,000,000,000.*

24 *LIMIT ON FUNDS*

25 *SEC. 1702. All funds provided under this title shall*  
26 *be subject to the requirements of section 1604 of division*

1 *A of the American Recovery and Reinvestment Act of 2009*  
2 *(Public Law 111–5).*

3 *RECOVERY ACT REPORTING REQUIREMENTS*

4 *SEC. 1703. (a) Funds made available by this title shall*  
5 *be subject to the reporting, transparency, and oversight re-*  
6 *quirements established by title XV of division A of the*  
7 *American Recovery and Reinvestment Act of 2009 (Public*  
8 *Law 111–5), on the same basis as funds made available*  
9 *in division A of that Act.*

10 *(b) Amounts appropriated in division A of the Amer-*  
11 *ican Recovery and Reinvestment Act of 2009 (Public Law*  
12 *111–5) to any Office of Inspector General or to the Recovery*  
13 *Accountability and Transparency Board shall also be avail-*  
14 *able for the same purposes with respect to any programs,*  
15 *grants, projects, and activities for which funds are made*  
16 *available by this title.*

17 *TITLE II—SURFACE TRANSPORTATION*

18 *EXTENSION*

19 *SHORT TITLE*

20 *SEC. 2001. This title may be cited as the “Surface*  
21 *Transportation Extension Act of 2009”.*

22 *FEDERAL-AID HIGHWAYS*

23 *SEC. 2002. (a) IN GENERAL.—*

24 *(1) APPLICABILITY OF PROVISIONS.—Except as*  
25 *provided in this title, requirements, authorities, con-*  
26 *ditions, eligibilities, limitations, and other provisions*

1        *authorized under titles I, V, and VI of SAFETEA-*  
2        *LU (119 Stat. 1144), the SAFETEA-LU Technical*  
3        *Corrections Act of 2008 (122 Stat. 1572), titles I and*  
4        *VI of the Intermodal Surface Transportation Effi-*  
5        *ciency Act of 1991 (105 Stat. 1914), titles I and V*  
6        *of the Transportation Equity Act for the 21st Century*  
7        *(112 Stat. 107), and title 23, United States Code (ex-*  
8        *cluding chapter 4 of that title), which would otherwise*  
9        *expire on or cease to apply after September 30, 2009,*  
10       *or the date specified in section 106(3) of the Con-*  
11       *tinuing Appropriations Resolution, 2010 (Public Law*  
12       *111-68), are incorporated by reference and shall con-*  
13       *tinue in effect through September 30, 2010.*

14            (2) *AUTHORIZATION OF APPROPRIATIONS.—Ex-*  
15       *cept as provided in subsection (b), there are author-*  
16       *ized to be appropriated out of the Highway Trust*  
17       *Fund (other than the Mass Transit Account) for fiscal*  
18       *year 2010 an amount equal to the sum of the*  
19       *amounts authorized to be appropriated out of the*  
20       *Highway Trust Fund (other than the Mass Transit*  
21       *Account) for programs, projects, and activities for fis-*  
22       *cal year 2009 under titles I, V, and VI of*  
23       *SAFETEA-LU (119 Stat. 1144) and title 23, United*  
24       *States Code (excluding administrative expenses under*

1        *section 104(a) and programs, projects, and activities*  
2        *under chapter 4 of that title), minus \$1,394,358,419.*

3            (3) *USE OF FUNDS.—*

4            (A) *FISCAL YEAR 2010.—Except as otherwise*  
5        *expressly provided in this title, funds authorized*  
6        *to be appropriated under paragraph (2) for fis-*  
7        *cal year 2010 shall be distributed, administered,*  
8        *limited, and made available for obligation in the*  
9        *same manner as the total amount of funds au-*  
10       *thorized to be appropriated out of the Highway*  
11       *Trust Fund (other than the Mass Transit Ac-*  
12       *count) for fiscal year 2009 to carry out pro-*  
13       *grams, projects, activities, eligibilities, and re-*  
14       *quirements under SAFETEA-LU (119 Stat.*  
15       *1144), the SAFETEA-LU Technical Corrections*  
16       *Act of 2008 (122 Stat. 1572), titles I and VI of*  
17       *the Intermodal Surface Transportation Effi-*  
18       *ciency Act of 1991 (105 Stat. 1914), titles I and*  
19       *V of the Transportation Equity Act for the 21st*  
20       *Century (112 Stat. 107), and title 23, United*  
21       *States Code (excluding chapter 4 of that title).*

22            (B) *CALCULATION.—The amounts author-*  
23        *ized to be appropriated under paragraph (2)*  
24        *shall be calculated without regard to any rescis-*  
25        *sion or cancellation of funds or contract author-*

1           *ity for fiscal year 2009 under SAFETEA-LU*  
2           *(119 Stat. 1144) or any other law.*

3           (C) *DISTRIBUTION BETWEEN PROGRAMS.—*  
4           *Funds authorized to be appropriated under*  
5           *paragraph (2) shall be distributed under sub-*  
6           *paragraph (A) among programs, projects, and*  
7           *activities referenced in such subparagraph in the*  
8           *ratio that—*

9                   (i) *the amount authorized to be appro-*  
10                  *priated out of the Highway Trust Fund*  
11                  *(other than the Mass Transit Account) for*  
12                  *such program, project, or activity for fiscal*  
13                  *year 2009; bear to*

14                  (ii) *the amount authorized to be appro-*  
15                  *priated out of the Highway Trust Fund*  
16                  *(other than the Mass Transit Account) for*  
17                  *all such programs, projects, and activities*  
18                  *for fiscal year 2009.*

19           (D) *CONTRACT AUTHORITY.—*

20                   (i) *IN GENERAL.—Except as provided*  
21                  *in clause (ii), funds authorized to be appro-*  
22                  *priated under this subsection shall be avail-*  
23                  *able for obligation in the same manner as*  
24                  *if such funds were apportioned under chap-*  
25                  *ter 1 of title 23, United States Code, and*

1                   *subject to a limitation on obligations for*  
2                   *Federal-aid highways and highway safety*  
3                   *construction programs included in an Act*  
4                   *making appropriations for fiscal year 2010.*

5                   *(ii) EXCEPTIONS.—*

6                                 *(I) IN GENERAL.—A limitation on*  
7                                 *obligations described in clause (i) shall*  
8                                 *not apply to any obligation under—*

9   *(aa) section 125 of title 23,*  
10   *United States Code; or*

11   *(bb) section 105 of title 23,*  
12   *United States Code, but only in*  
13   *an amount equal to \$639,000,000.*

14                                 *(II) SPECIAL RULES.—Except as*  
15                                 *otherwise expressly provided by this*  
16                                 *title, any special rule that applied in*  
17                                 *fiscal year 2009 to any program,*  
18                                 *project, or activity for which funds are*  
19                                 *authorized to be appropriated under*  
20                                 *paragraph (2) shall continue to apply*  
21                                 *through September 30, 2010.*

22                                 *(4) EXTENSION AND FLEXIBILITY FOR CERTAIN*  
23                                 *ALLOCATED PROGRAMS.—*

24   *(A) FISCAL YEAR 2010.—*

1                   (i) *IN GENERAL.*—Notwithstanding  
2                   any other provision of law, for fiscal year  
3                   2010, the portion of the share of funds of a  
4                   State under paragraph (2) determined by  
5                   the amount that the State received or was  
6                   authorized to receive for fiscal year 2009 to  
7                   carry out sections 1307, 1702, and 1934 of  
8                   SAFETEA-LU (119 Stat. 1217, 1256, and  
9                   1485) and section 144(f)(1) of title 23,  
10                  United States Code, shall be—

11                   (I) made available to the State for  
12                   programs specified in section 105(a)(2)  
13                   of title 23, United States Code (except  
14                   the high priority projects program),  
15                   and in the same proportion for each  
16                   such program that—

17                   (aa) the amount apportioned  
18                   to the State for that program for  
19                   fiscal year 2009; bears to

20                   (bb) the amount apportioned  
21                   to the State for fiscal year 2009  
22                   for all such programs; and

23                   (II) administered in the same  
24                   manner and with the same period of  
25                   availability as such funding is admin-

1            *istered under programs identified in*  
2            *clause (i), except that no funds may be*  
3            *used to carry out the project described*  
4            *in section 1307(d)(1) of SAFETEA-*  
5            *LU (119 Stat. 1217; 122 Stat. 1577).*

6            *(ii) TERRITORIES AND PUERTO*  
7            *RICO.—*

8                    *(I) IN GENERAL.—Notwith-*  
9                    *standing any other provision of law,*  
10                   *the portion of the share of funds of a*  
11                   *territory or Puerto Rico under para-*  
12                   *graph (2) determined by the amount*  
13                   *that the territory or Puerto Rico re-*  
14                   *ceived or was authorized to receive for*  
15                   *fiscal year 2009 to carry out section*  
16                   *1934 of SAFETEA-LU (119 Stat.*  
17                   *1485), shall be—*

18                            *(aa) for a territory, made*  
19                            *available and administered in the*  
20                            *same manner as funding is made*  
21                            *available and administered under*  
22                            *section 215 of title 23, United*  
23                            *States Code; and*

24                            *(bb) for Puerto Rico, made*  
25                            *available and administered in the*

1 same manner as funding is made  
2 available and administered under  
3 section 165 of title 23, United  
4 States Code.

5 (II) TERRITORY DEFINED.—In  
6 this clause, the term “territory” means  
7 any of the following territories of the  
8 United States: American Samoa, the  
9 Commonwealth of the Northern Mar-  
10 iana Islands, Guam, or the United  
11 States Virgin Islands.

12 (B) ADDITIONAL FUNDS.—

13 (i) IN GENERAL.—No additional funds  
14 shall be provided for any project or activity  
15 under paragraph (3)(A) that the Secretary  
16 of Transportation determines was suffi-  
17 ciently funded before or during fiscal year  
18 2009 to achieve the authorized purpose of  
19 the project or activity.

20 (ii) RESERVATION AND REDISTRIBU-  
21 TION AMONG STATES.—

22 (I) IN GENERAL.—Funds made  
23 available in accordance with para-  
24 graph (3)(A) for a project or activity  
25 described in clause (i) shall be—

1                   (aa) reserved by the Sec-  
2                   retary of Transportation; and

3                   (bb) apportioned among all  
4                   States such that each State's share  
5                   of funds so apportioned is equal to  
6                   the State's share for fiscal year  
7                   2009 of funds apportioned or allo-  
8                   cated for the programs specified  
9                   in subclause (II).

10                  (II) SPECIFIC PROGRAMS.—The  
11                  programs referred to in subclause (I)  
12                  are—

13                         (aa) the programs listed in  
14                         section 105(a)(2) of title 23,  
15                         United States Code;

16                         (bb) the program authorized  
17                         by section 144(f)(1) of such title;  
18                         and

19                         (cc) the program authorized  
20                         by section 1934 of SAFETEA-LU  
21                         (119 Stat. 1485).

22                         (iii) DISTRIBUTION AMONG PRO-  
23                         GRAMS.—Funds apportioned to a State  
24                         pursuant to clause (ii) shall be—

1                   (I) made available to the State for  
2                   programs specified in section 105(a)(2)  
3                   of title 23, United States Code (except  
4                   the high priority projects program),  
5                   and in the same proportion for each  
6                   such program that—

7                               (aa) the amount apportioned  
8                               to the State for that program for  
9                               fiscal year 2009; bears to

10                              (bb) the amount apportioned  
11                              to the State for fiscal year 2009  
12                              for all such programs; and

13                   (II) administered in the same  
14                   manner and with the same period of  
15                   availability as such funding is admin-  
16                   istered under programs identified in  
17                   subclause (I).

18                   (C) COMPETITIVE DISTRIBUTION OF CER-  
19                   TAIN DISCRETIONARY FUNDS.—

20                              (i) PROJECTS OF NATIONAL AND RE-  
21                              GIONAL SIGNIFICANCE.—Notwithstanding  
22                              section 1301(m) of SAFETEA-LU (119  
23                              Stat. 1202), the Secretary shall allocate  
24                              funds authorized to be appropriated under  
25                              paragraph (2) for the projects of national

1           *and regional significance program on the*  
2           *basis of a competitive selection process in*  
3           *accordance with sections 1301(d), 1301(e),*  
4           *and 1301(f) of that Act (119 Stat. 1199).*

5           (ii) *NATIONAL CORRIDOR INFRASTRUC-*  
6           *TURE IMPROVEMENT PROGRAM.—Notwith-*  
7           *standing section 1302(e) of SAFETEA-LU*  
8           *(119 Stat. 1205), the Secretary shall allo-*  
9           *cate funds authorized to be appropriated*  
10           *under paragraph (2) for the national cor-*  
11           *ridor infrastructure improvement program*  
12           *on the basis of a competitive selection proc-*  
13           *ess in accordance with section 1302(b) of*  
14           *that Act (119 Stat. 1204).*

15           (5) *EXTENSION OF AUTHORIZATIONS UNDER*  
16           *TITLE V OF SAFETEA-LU.—*

17           (A) *IN GENERAL.—The programs authorized*  
18           *under paragraphs (1) through (5) of section*  
19           *5101(a) of SAFETEA-LU (119 Stat. 1779) shall*  
20           *be continued for fiscal year 2010 at the funding*  
21           *levels authorized for those programs for fiscal*  
22           *year 2009.*

23           (B) *DISTRIBUTION OF FUNDS.—Funds for*  
24           *programs continued under subparagraph (A)*  
25           *shall be distributed to major program areas*

1           *under those programs in the same proportions as*  
2           *funds were allocated for those program areas for*  
3           *fiscal year 2009, except that designations for spe-*  
4           *cific activities shall not be required to be contin-*  
5           *ued for fiscal year 2010.*

6           (C) *ADDITIONAL FUNDS.—*

7                   (i) *IN GENERAL.—No additional funds*  
8                   *shall be provided for any project or activity*  
9                   *under this paragraph that the Secretary of*  
10                   *Transportation determines was sufficiently*  
11                   *funded before or during fiscal year 2009 to*  
12                   *achieve the authorized purpose of the project*  
13                   *or activity.*

14                   (ii) *DISTRIBUTION.—Funds that would*  
15                   *have been made available under subpara-*  
16                   *graph (A) for a project or activity but for*  
17                   *the prohibition under clause (i) shall be dis-*  
18                   *tributed in accordance with subparagraph*  
19                   *(B).*

20           (b) *ADMINISTRATIVE EXPENSES.—*

21                   (1) *AUTHORIZATION OF CONTRACT AUTHOR-*  
22                   *ITY.—Notwithstanding any other provision of this*  
23                   *title or any other law, there is authorized to be appro-*  
24                   *priated from the Highway Trust Fund (other than*  
25                   *the Mass Transit Account), \$420,562,000 for adminis-*

1        *trative expenses of the Federal-aid highway program*  
2        *for fiscal year 2010.*

3            (2) *CONTRACT AUTHORITY.—Funds authorized to*  
4        *be appropriated by this subsection shall be—*

5            (A) *available for obligation, and shall be*  
6        *administered, in the same manner as if such*  
7        *funds were apportioned under chapter 1 of title*  
8        *23, United States Code, except that such funds*  
9        *shall remain available until expended; and*

10          (B) *subject to a limitation on obligations*  
11        *for Federal-aid highways and highway safety*  
12        *construction programs included in an Act mak-*  
13        *ing appropriations for fiscal year 2010.*

14          (c) *RECONCILIATION OF FUNDS.—The Secretary shall*  
15        *reduce the amount apportioned or allocated for a program,*  
16        *project, or activity continued under this section by any*  
17        *amount apportioned or allocated for such program, project,*  
18        *or activity pursuant to the Continuing Appropriations Res-*  
19        *olution, 2010 (Public Law 111–68).*

20          (d) *REFERENCES.—Except as otherwise expressly pro-*  
21        *vided, any reference in this section to an Act, or a provision*  
22        *contained in an Act, shall be considered to include the*  
23        *amendments made by that Act or provision.*

1 *EXTENSION OF HIGHWAY SAFETY PROGRAMS OF NATIONAL*  
2 *HIGHWAY TRAFFIC SAFETY ADMINISTRATION*

3 *SEC. 2003. (a) CHAPTER 4 HIGHWAY SAFETY PRO-*  
4 *GRAMS.—Section 2001(a)(1) of SAFETEA-LU (119 Stat.*  
5 *1519) is amended—*

6 *(1) by striking “and”; and*

7 *(2) by inserting after “2009” the following: “,*  
8 *and \$235,000,000 for fiscal year 2010”.*

9 *(b) HIGHWAY SAFETY RESEARCH AND DEVELOP-*  
10 *MENT.—Section 2001(a)(2) of such Act (119 Stat. 1519) is*  
11 *amended—*

12 *(1) by striking “and”; and*

13 *(2) by inserting after “2009” the following: “,*  
14 *and \$105,500,000 for fiscal year 2010”.*

15 *(c) OCCUPANT PROTECTION INCENTIVE GRANTS.—*

16 *(1) EXTENSION OF PROGRAM.—Section 405 of*  
17 *title 23, United States Code, is amended—*

18 *(A) in subsection (a)(3) by striking “6” and*  
19 *inserting “7”; and*

20 *(B) in subsection (a)(4)(C) by striking “in*  
21 *each of the fifth and sixth fiscal years beginning*  
22 *after September 30, 2003,” and inserting “in*  
23 *each subsequent fiscal year”.*

1           (2) *AUTHORIZATION OF APPROPRIATIONS.*—Sec-  
2           tion 2001(a)(3) of such Act (119 Stat. 1519) is  
3           amended—

4                     (A) by striking “and”; and

5                     (B) by inserting after “2009” the following:

6                     “, and \$25,000,000 for fiscal year 2010”.

7           (d) *SAFETY BELT PERFORMANCE GRANTS.*—

8                     (1) *EXTENSION OF PROGRAM.*—Section 406(c)(1)  
9                     of title 23, United States Code, is amended by strik-  
10                     ing “2009” and inserting “2010”.

11           (2) *AUTHORIZATION OF APPROPRIATIONS.*—Sec-  
12           tion 2001(a)(4) of such Act (119 Stat. 1519) is  
13           amended—

14                     (A) by striking “and”; and

15                     (B) by inserting after “2009” the following:

16                     “, and \$124,500,000 for fiscal year 2010”.

17           (e) *STATE TRAFFIC SAFETY INFORMATION SYSTEM IM-*  
18           *PROVEMENTS.*—Section 2001(a)(5) of such Act (119 Stat.  
19           1519) is amended—

20                     (1) by striking “and”; and

21                     (2) by inserting after “2009” the following: “,  
22                     and \$34,500,000 for fiscal year 2010”.

23           (f) *ALCOHOL-IMPAIRED DRIVING COUNTERMEASURES*  
24           *INCENTIVE GRANT PROGRAM.*—

1           (1) *EXTENSION OF PROGRAM.*—Section 410 of  
2     *title 23, United States Code, is amended—*

3           (A) *in subsection (a)(3)(C) by striking “in*  
4           *each of the fifth, sixth, seventh, and eighth fiscal*  
5           *years” and inserting “in each subsequent fiscal*  
6           *year”; and*

7           (B) *in subsection (b)(2)(C) by striking “and*  
8           *2009” and inserting “, 2009, and 2010”.*

9           (2) *AUTHORIZATION OF APPROPRIATIONS.*—Sec-  
10     *tion 2001(a)(6) of such Act (119 Stat. 1519) is*  
11     *amended—*

12           (A) *by striking “and”; and*

13           (B) *by inserting after “2009” the following:*  
14           *“, and \$139,000,000 for fiscal year 2010”.*

15     (g) *NATIONAL DRIVER REGISTER.*—Section  
16     *2001(a)(7) of such Act (119 Stat. 1520) is amended—*

17           (1) *by striking “and”; and*

18           (2) *by inserting after “2009” the following: “,*  
19           *and \$4,000,000 for fiscal year 2010”.*

20     (h) *HIGH VISIBILITY ENFORCEMENT PROGRAM.*—

21           (1) *EXTENSION OF PROGRAM.*—Section 2009(a)  
22     *of such Act (23 U.S.C. 402 note; 119 Stat. 1535) is*  
23     *amended by striking “2009” and inserting “2010”.*

1           (2) *AUTHORIZATION OF APPROPRIATIONS.*—*Sec-*  
2 *tion 2001(a)(8) of such Act (119 Stat. 1520) is*  
3 *amended—*

4                   (A) *by striking “and”; and*

5                   (B) *by inserting after “2009” the second*  
6 *place it appears the following: “, and*  
7 *\$29,000,000 for fiscal year 2010”.*

8           (i) *MOTORCYCLIST SAFETY.*—

9                   (1) *EXTENSION OF PROGRAM.*—*Section*  
10 *2010(d)(1)(B) of such Act (23 U.S.C. 402 note; 119*  
11 *Stat. 1536) is amended by striking “and fourth” and*  
12 *inserting “fourth, and fifth”.*

13           (2) *AUTHORIZATION OF APPROPRIATIONS.*—*Sec-*  
14 *tion 2001(a)(9) of such Act (119 Stat. 1520) is*  
15 *amended—*

16                   (A) *by striking “and”; and*

17                   (B) *by inserting after “2009” the following:*  
18 *“, and \$7,000,000 for fiscal year 2010”.*

19           (j) *CHILD SAFETY AND CHILD BOOSTER SEAT SAFETY*  
20 *INCENTIVE GRANTS.*—

21                   (1) *EXTENSION OF PROGRAM.*—*Section*  
22 *2011(c)(2) of such Act (23 U.S.C. 405 note; 119 Stat.*  
23 *1538) is amended by striking “fourth fiscal year” and*  
24 *inserting “fourth and fifth fiscal years”.*

1           (2) *AUTHORIZATION OF APPROPRIATIONS.*—*Sec-*  
2           *tion 2001(a)(10) of such Act (119 Stat. 1520) is*  
3           *amended—*

4                     (A) *by striking “and”; and*

5                     (B) *by inserting after “2009” the following:*

6                     “*, and \$7,000,000 for fiscal year 2010*”.

7           (k) *ADMINISTRATIVE EXPENSES.*—*Section 2001(a)(11)*  
8           *of such Act (119 Stat. 1520) is amended—*

9                     (1) *by striking “and” the last place it appears;*

10                    *and*

11                    (2) *by inserting after “2009” the following: “,*

12                    *and \$18,500,000 for fiscal year 2010*”.

13           (l) *APPLICABILITY OF TITLE 23.*—*Section 2001(c) of*  
14           *such Act (119 Stat. 1520) is amended by striking “2009”*  
15           *and inserting “2010”.*

16           (m) *DRUG-IMPAIRED DRIVING ENFORCEMENT.*—*Sec-*  
17           *tion 2013(f) of such Act (23 U.S.C. 403 note; 119 Stat.*  
18           *1540) is amended by striking “2009” and inserting “2010”.*

19           (n) *OLDER DRIVER SAFETY; LAW ENFORCEMENT*  
20           *TRAINING.*—*Section 2017 of such Act (23 U.S.C. 402 note;*  
21           *119 Stat. 1541) is amended—*

22                    (1) *in subsection (a)(1) by striking “2009” and*  
23                    *inserting “2010”; and*

24                    (2) *in subsection (b)(2) by striking “2009” and*  
25                    *inserting “2010”.*

1           *EXTENSION OF FEDERAL MOTOR CARRIER SAFETY*  
2                           *ADMINISTRATION PROGRAMS*

3           *SEC. 2004. (a) MOTOR CARRIER SAFETY GRANTS.—*  
4           *Section 31104(a) of title 49, United States Code, is amend-*  
5           *ed—*

6                   (1) *by striking “and” at the end of paragraph*  
7                   (4);

8                   (2) *by striking the period at the end of para-*  
9                   *graph (5) and inserting “; and”; and*

10                  (3) *by adding at the end the following:*

11                   “(6) \$212,070,000 for fiscal year 2010.”.

12           *(b) ADMINISTRATIVE EXPENSES.—Section 31104(i)(1)*  
13           *of title 49, United States Code, is amended—*

14                   (1) *by striking “and” at the end of subpara-*  
15                   *graph (D);*

16                   (2) *by striking the period at the end of subpara-*  
17                   *graph (E) and inserting “; and”; and*

18                  (3) *by adding at the end the following:*

19                   “(F) \$239,828,000 for fiscal year 2010.”.

20           *(c) HIGH PRIORITY ACTIVITIES.—Section 31104(k)(2)*  
21           *of title 49, United States Code, is amended by striking*  
22           *“2009” and inserting “2010”.*

23           *(d) GRANT PROGRAMS.—Section 4101(c) of*  
24           *SAFETEA-LU (119 Stat. 1715) is amended—*

1           (1) in paragraph (1) by striking “2009” and in-  
2           serting “2010”;

3           (2) in paragraph (2) by striking “and 2009”  
4           and inserting “2009, and 2010”;

5           (3) in paragraph (3) by striking “and 2009”  
6           and inserting “2009, and 2010”;

7           (4) in paragraph (4) by striking “2009” and in-  
8           serting “2010”; and

9           (5) in paragraph (5) by striking “2009” and in-  
10          serting “2010”.

11          (e) *COMMERCIAL DRIVER’S LICENSE INFORMATION*  
12 *SYSTEM MODERNIZATION*.—Section 4123(d) of *SAFETEA-*  
13 *LU* (119 Stat. 1736) is amended—

14           (1) by striking “and” at the end of paragraph  
15           (3);

16           (2) by striking the period at the end of para-  
17           graph (4) and inserting “; and”; and

18           (3) by adding at the end the following:

19           “(5) \$8,000,000 for fiscal year 2010.”.

20          (f) *OUTREACH AND EDUCATION*.—Section 4127(e) of  
21 *such Act* (119 Stat. 1741) is amended by striking “and  
22 2009” and inserting “2009, and 2010”.

23          (g) *GRANT PROGRAM FOR COMMERCIAL MOTOR VEHIC-*  
24 *CLE OPERATORS*.—Section 4134(c) of *such Act* (119 Stat.  
25 1744) is amended by striking “2009” and inserting “2010”.

1           (h) *WORKING GROUP FOR DEVELOPMENT OF PRAC-*  
2 *TICES AND PROCEDURES TO ENHANCE FEDERAL-STATE*  
3 *RELATIONS.*—Section 4213(d) of such Act (119 Stat. 1759)  
4 *is amended by striking “2009” and inserting “2010”.*

5           (i) *OFFICE OF INTERMODALISM.*—Section 5503(i) of  
6 *title 49, United States Code, is amended by striking “2009”*  
7 *and inserting “2010”.*

8           *EXTENSION OF FEDERAL TRANSIT ASSISTANCE PROGRAMS*

9           *SEC. 2005. (a) EXTENSION OF TRANSIT PROGRAMS.*—  
10 *Except as otherwise provided in this title, requirements, au-*  
11 *thorities, conditions, eligibilities, limitations, and other*  
12 *provisions authorized under title III of SAFETEA-LU*  
13 *(119 Stat. 1544), the SAFETEA-LU Technical Corrections*  
14 *Act of 2008 (122 Stat. 1572), title III of the Intermodal*  
15 *Surface Transportation Efficiency Act of 1991 (105 Stat.*  
16 *2087), title III of the Transportation Equity Act for the*  
17 *21st Century (112 Stat. 338), and chapter 53 of title 49,*  
18 *United States Code, which would otherwise expire on or*  
19 *cease to apply after September 30, 2009, or the date speci-*  
20 *fied in section 106(3) of the Continuing Appropriations*  
21 *Resolution, 2010 (Public Law 111–68), are incorporated by*  
22 *reference and shall continue in effect through September 30,*  
23 *2010.*

24           (b) *AUTHORIZATIONS.*—For fiscal year 2010—

25                   (1) *there shall be available from the Mass Tran-*  
26 *sit Account of the Highway Trust Fund*

1       \$8,343,171,000 for each Federal transit assistance  
2       program under section 5338(b) of title 49, United  
3       States Code, to be allocated among such programs in  
4       proportion to the amounts provided for each such pro-  
5       gram in fiscal year 2009; and

6           (2) there is authorized to be appropriated  
7       \$2,164,581,000 for each Federal transit program  
8       under subsections (c) and (d) of section 5338 of title  
9       49, United States Code, and for administrative ex-  
10      penses under subsection (e) of such section.

11      (c) *EXCEPTIONS.*—

12           (1) *PROJECTS FOR BUS AND BUS-RELATED FA-*  
13      *CILITIES AND CLEAN FUELS GRANT PROGRAM.*—The  
14      project designations contained in section 3044 of  
15      SAFETEA-LU (119 Stat. 1652) shall not apply to  
16      funds made available under subsection (b)(1).

17           (2) *ALLOCATIONS FOR NATIONAL RESEARCH AND*  
18      *TECHNOLOGY PROGRAMS.*—A program, project, or ac-  
19      tivity identified in section 3046 of SAFETEA-LU  
20      (119 Stat. 1706) that the Secretary of Transportation  
21      determines was sufficiently funded before or during  
22      fiscal year 2009 to achieve the authorized purpose of  
23      the program, project, or activity shall not be eligible  
24      for funds authorized to be appropriated under sub-  
25      section (b)(2).



1        *priations Resolution for Fiscal Year 2010 enacted*  
2        *into law,” and inserting “2010,”; and*

3                *(2) in subsection (b)(1)(A) by striking “2009 and*  
4        *the period from October 1, 2009, through the date*  
5        *specified in section 106(3) of the first Continuing Ap-*  
6        *propriations Resolution for Fiscal Year 2010 enacted*  
7        *into law,” and inserting “2010,”.*

8                                *LEVEL OF OBLIGATION LIMITATIONS*

9        *SEC. 2007. (a) HIGHWAY CATEGORY.—Section*  
10        *8003(a) of SAFETEA-LU (119 Stat. 1917) is amended—*

11                *(1) by striking “and” at the end of paragraph*  
12        *(4);*

13                *(2) by striking the period at the end of para-*  
14        *graph (5) and inserting “; and”; and*

15                *(3) by adding at the end the following:*

16                *“(6) for fiscal year 2010, \$42,469,970,178.”.*

17        *(b) MASS TRANSIT CATEGORY.—Section 8003(b) of*  
18        *SAFETEA-LU (119 Stat. 1917) is amended—*

19                *(1) by striking “and” at the end of paragraph*  
20        *(4);*

21                *(2) by striking the period at the end of para-*  
22        *graph (5) and inserting “; and”; and*

23                *(3) by inserting after paragraph (5) the fol-*  
24        *lowing:*

25                *“(6) for fiscal year 2010, \$10,338,065,000.”.*

1                    *HAZARDOUS MATERIALS RESEARCH*

2            *SEC. 2008. Section 7131(c) of SAFETEA-LU (119*  
3 *Stat. 1910) is amended by striking “2009” and inserting*  
4 *“2010”.*

5            *EXTENSION AND EXPANSION OF EXPENDITURE AUTHORITY*  
6                    *FROM TRUST FUNDS*

7            *SEC. 2009. (a) HIGHWAY TRUST FUND.—*

8                    *(1) HIGHWAY ACCOUNT.—Paragraph (1) of sec-*  
9 *tion 9503(c) of the Internal Revenue Code of 1986 is*  
10 *amended—*

11                    *(A) by striking “September 30, 2009 (Octo-*  
12 *ber 1, 2009” and inserting “September 30, 2010*  
13 *(October 1, 2010”, and*

14                    *(B) by striking “under” and all that follows*  
15 *and inserting “under the Surface Transportation*  
16 *Extension Act of 2009 or any other provision of*  
17 *law which was referred to in this paragraph be-*  
18 *fore the date of the enactment of such Act (as*  
19 *such Act and provisions of law are in effect on*  
20 *the date of the enactment of such Act).”.*

21                    *(2) MASS TRANSIT ACCOUNT.—Paragraph (3) of*  
22 *section 9503(e) of such Code is amended—*

23                    *(A) by striking “October 1, 2009” and in-*  
24 *serting “October 1, 2010”, and*

25                    *(B) by striking “in accordance with” and*  
26 *all that follows and inserting “in accordance*

1           *with the Surface Transportation Extension Act*  
2           *of 2009 or any other provision of law which was*  
3           *referred to in this paragraph before the date of*  
4           *the enactment of such Act (as such Act and pro-*  
5           *visions of law are in effect on the date of the en-*  
6           *actment of such Act).”.*

7           (3) *EXCEPTION TO LIMITATION ON TRANS-*  
8           *FERS.—Subparagraph (B) of section 9503(b)(6) of*  
9           *such Code is amended by striking “September 30,*  
10           *2009 (October 1, 2009” and inserting “September 30,*  
11           *2010 (October 1, 2010”.*

12           (b) *SPORT FISH RESTORATION AND BOATING TRUST*  
13 *FUND.—*

14           (1) *IN GENERAL.—Paragraph (2) of section*  
15           *9504(b) of such Code is amended—*

16                   (A) *by striking “(as in effect” in subpara-*  
17                   *graph (A) and all that follows in such subpara-*  
18                   *graph and inserting “(as in effect on the date of*  
19                   *the enactment of the Surface Transportation Ex-*  
20                   *tension Act of 2009),”*,

21                   (B) *by striking “(as in effect” in subpara-*  
22                   *graph (B) and all that follows in such subpara-*  
23                   *graph and inserting “(as in effect on the date of*  
24                   *the enactment of the Surface Transportation Ex-*  
25                   *tension Act of 2009), and”, and*

1           (C) by striking “(as in effect” in subpara-  
2           graph (C) and all that follows in such subpara-  
3           graph and inserting “(as in effect on the date of  
4           the enactment of the Surface Transportation Ex-  
5           tension Act of 2009).”.

6           (2) *EXCEPTION TO LIMITATION ON TRANS-*  
7           *FERS.—Paragraph (2) of section 9504(d) of such Code*  
8           *is amended by striking “October 1, 2009” and insert-*  
9           *ing “October 1, 2010”.*

10          (c) *EFFECTIVE DATE.—The amendments made by this*  
11          *section shall take effect on September 30, 2009.*

12          *DETERMINATION OF HIGHWAY TRUST FUND BALANCES*

13          *SEC. 2010. (a) RESTORATION OF CERTAIN FOREGONE*  
14          *INTEREST TO HIGHWAY TRUST FUND.—Subsection (f) of*  
15          *section 9503 of the Internal Revenue Code of 1986 (relating*  
16          *to determination of trust fund balances after September 30,*  
17          *1998) is amended—*

18                 (1) *by striking paragraph (2); and*

19                 (2) *by adding at the end the following new para-*  
20          *graph:*

21                 “(2) *RESTORATION OF FOREGONE INTEREST.—*  
22                 *Out of money in the Treasury not otherwise appro-*  
23                 *priated, there is hereby appropriated (without fiscal*  
24                 *year limitation)—*

1           “(A) \$14,700,000,000 to the Highway Ac-  
2           count (as defined in subsection (e)(5)(B)) of the  
3           Highway Trust Fund, and

4           “(B) \$4,800,000,000 to the Mass Transit  
5           Account of the Highway Trust Fund.”.

6           (b) *REPEAL OF PROVISION PROHIBITING CREDITING*  
7           *OF INTEREST TO HIGHWAY TRUST FUND.*—

8           (1) *IN GENERAL.*—Paragraph (1) of section  
9           9503(f) of such Code is amended by striking subpara-  
10          graph (B).

11          (2) *CONFORMING AMENDMENTS.*—Such para-  
12          graph, as amended by paragraph (1), is further  
13          amended—

14                (A) by striking “, and” at the end of sub-  
15                paragraph (A) and inserting a period, and

16                (B) by striking “1998” in the matter pre-  
17                ceding subparagraph (A) and all that follows  
18                through “the opening balance” and inserting  
19                “1998, the opening balance”.

20          (c) *EFFECTIVE DATE.*—The amendments made by this  
21          section shall take effect on the date of the enactment of this  
22          Act.

23          *REPEAL OF TRANSFERS FROM HIGHWAY TRUST FUND FOR*  
24                                *REPAYMENTS AND CREDITS*

25          SEC. 2011. (a) *IN GENERAL.*—Subsection (c) of section  
26          9503 of the Internal Revenue Code of 1986 is amended by

1 *striking paragraph (2) and by redesignating paragraphs*  
2 *(3), (4), (5), and (6) as paragraphs (2), (3), (4), and (5).*

3 *(b) CONFORMING AMENDMENTS.—*

4 *(1) Section 9502(a) of such Code is amended by*  
5 *striking “section 9503(c)(7)” and inserting “section*  
6 *9503(c)(5)”.*

7 *(2) Section 9503(b)(4)(D) of such Code is*  
8 *amended by striking “paragraph (4)(D) or (5)(B)”*  
9 *and inserting “paragraph (3)(D) or (4)(B)”.*

10 *(3) Section 9503(c)(2) of such Code, as redesign-*  
11 *ated by subsection (a), is amended by adding at the*  
12 *end the following sentence: “The amounts payable*  
13 *from the Highway Trust Fund under the preceding*  
14 *sentence shall be determined by taking into account*  
15 *only the portion of the taxes which are deposited into*  
16 *the Highway Trust Fund.”.*

17 *(4) Section 9503(e)(5)(A) of such Code is amend-*  
18 *ed by striking “paragraphs (2), (3), and (4)” and in-*  
19 *serting “paragraphs (2) and (3)”.*

20 *(5) Section 9504(a) of such Code is amended by*  
21 *striking “section 9503(c)(4), section 9503(c)(5)” and*  
22 *inserting “section 9503(c)(3), section 9503(c)(4)”.*

23 *(6) Section 9504(b)(2) of such Code is amended*  
24 *by striking “section 9503(c)(5)” and inserting “sec-*  
25 *tion 9503(c)(4)”.*





1           “(1) *PUBLIC INTEREST WAIVERS.*—*The Secretary*  
2           *may issue a waiver under subsection (b)(1) only after*  
3           *the Secretary has considered the potential impacts of*  
4           *the waiver on domestic manufacturing employment.*

5           “(2) *INSUFFICIENT DOMESTIC SOURCE WAIV-*  
6           *ERS.*—*The Secretary may issue a waiver under sub-*  
7           *section (b)(2) with respect to a material or product*  
8           *only if the Secretary publishes notice of the waiver on*  
9           *the Internet for a period of at least 5 business days*  
10           *prior to issuance of the waiver and a sufficient do-*  
11           *mestic source of the material or product does not*  
12           *identify itself during the period.*

13           “(d) *TRANSPARENCY OF WAIVERS.*—

14           “(1) *IN GENERAL.*—*When the Secretary receives*  
15           *a written request for a waiver under this section, the*  
16           *Secretary shall—*

17                   “(A) *publish the request on the Internet*  
18                   *within 5 business days of the date of receipt of*  
19                   *the request; and*

20                   “(B) *if the Secretary decides to issue a*  
21                   *waiver based on the request, publish on the Inter-*  
22                   *net, within 30 days following the date of*  
23                   *issuance of the waiver, a detailed written jus-*  
24                   *tification as to why the waiver is necessary, in-*

1           cluding an identification of the amount of Fed-  
2           eral funds associated with the waiver.

3           “(2) *EMPLOYMENT IMPACT STATEMENT.*—In  
4           issuing a waiver based on a finding under subsection  
5           (b)(1), the Secretary shall include, as part of the Sec-  
6           retary’s written justification for the waiver decision,  
7           a statement detailing the short- and long-term impact  
8           of the decision on domestic manufacturing employ-  
9           ment.”; and

10           (3) by adding at the end the following:

11           “(i) *APPLICATION TO BRIDGE PROJECTS.*—In the case  
12           of a bridge project, the requirements of this section apply  
13           to all construction contracts carried out within the scope  
14           of the applicable decision under the National Environ-  
15           mental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and  
16           carried out on the bridge from abutment to abutment (in-  
17           cluding the abutments) regardless of the funding source of  
18           the contracts if at least one contract for construction with  
19           respect to the bridge is funded with amounts made available  
20           under this title.”.

21           (b) *PUBLIC TRANSPORTATION.*—Section 5323(j) of  
22           title 49, United States Code, is amended—

23           (1) in paragraph (2)(C) in the matter preceding  
24           clause (i) by inserting “, but excluding a rolling stock  
25           prototype” after “equipment”;

1           (2) by redesignating paragraphs (3) through (9)  
2 as paragraphs (5) through (11), respectively; and

3           (3) by inserting after paragraph (2) the fol-  
4 lowing:

5           “(3) *REQUIREMENTS FOR ISSUANCE OF WAIV-*  
6 *ER.—*

7           “(A) *PUBLIC INTEREST WAIVERS.—The Sec-*  
8 *retary may issue a waiver under paragraph*  
9 *(2)(A) only after the Secretary has considered*  
10 *the potential impacts of the waiver on domestic*  
11 *manufacturing employment.*

12           “(B) *INSUFFICIENT DOMESTIC SOURCE*  
13 *WAIVERS.—The Secretary may issue a waiver*  
14 *under paragraph (2)(B) with respect to a mate-*  
15 *rial or product only if the Secretary publishes*  
16 *notice of the waiver on the Internet for a period*  
17 *of at least 5 business days prior to issuance of*  
18 *the waiver and a sufficient domestic source of the*  
19 *material or product does not identify itself dur-*  
20 *ing the period.*

21           “(4) *TRANSPARENCY OF WAIVERS.—*

22           “(A) *IN GENERAL.—When the Secretary re-*  
23 *ceives a written request for a waiver under this*  
24 *subsection, the Secretary shall—*

1                   “(i) publish the request on the Internet  
2                   within 5 business days of the date of receipt  
3                   of the request; and

4                   “(ii) if the Secretary decides to issue a  
5                   waiver based on the request, publish on the  
6                   Internet, within 30 days following the date  
7                   of issuance of the waiver, a detailed written  
8                   justification as to why the waiver is nec-  
9                   essary, including an identification of the  
10                  amount of Federal funds associated with the  
11                  waiver.

12                  “(B) EMPLOYMENT IMPACT STATEMENT.—  
13                  In issuing a waiver based on a finding under  
14                  paragraph (2)(A), the Secretary shall include, as  
15                  part of the Secretary’s written justification of the  
16                  waiver decision, a statement detailing the short-  
17                  and long-term impact of the decision on domestic  
18                  manufacturing employment.”.

19                  (c) IMPLEMENTATION.—

20                  (1) FINAL GUIDANCE.—Not later than 120 days  
21                  after the date of enactment of this Act, the Secretary  
22                  shall issue final guidance to carry out the amend-  
23                  ments made by this section.

24                  (2) EFFECTIVE DATE.—The requirements of the  
25                  amendments made by subsections (a) and (b) shall

1        *begin to apply only after issuance of final guidance*  
2        *by the Secretary under paragraph (1).*

3        *(d) SEMIANNUAL REPORT.—Not later than 6 months*  
4        *after the date of enactment of this Act, and semiannually*  
5        *thereafter through September 30, 2011, the Comptroller*  
6        *General shall submit to the Committee on Transportation*  
7        *and Infrastructure and the Committee on Education and*  
8        *Labor of the House of Representatives and the Committee*  
9        *on Environment and Public Works, the Committee on*  
10       *Banking, Housing, and Urban Affairs, and the Committee*  
11       *on Health, Education, Labor, and Pensions of the Senate*  
12       *a report on the number of waivers issued by the Secretary*  
13       *of Transportation under section 313(b) of title 23, United*  
14       *States Code, and section 5323(j)(2) of title 49, United*  
15       *States Code, the reasons relied upon for issuing the waivers,*  
16       *and the amount of Federal funds associated with each wai-*  
17       *er and in total for the period examined.*

1           *TITLE III—UNEMPLOYMENT AND OTHER*  
2                           *EMERGENCY NEEDS*  
3           *CHAPTER 1—AGRICULTURE AND RURAL*  
4                           *DEVELOPMENT*  
5           *DEPARTMENT OF AGRICULTURE*  
6           *GENERAL PROVISION, THIS CHAPTER*  
7   *RELIEF FOR DISCRIMINATION IN A CREDIT PROGRAM OF*  
8           *THE DEPARTMENT OF AGRICULTURE UNDER THE*  
9           *EQUAL CREDIT OPPORTUNITY ACT*

10          *SEC. 3101. (a) IN GENERAL.—To the extent permitted*  
11 *by the Constitution, and notwithstanding any other period*  
12 *of limitations, in the case of an eligible complaint alleging*  
13 *discrimination in violation of the Equal Credit Oppor-*  
14 *tunity Act (15 U.S.C. 1691) involving a credit program of*  
15 *the Department of Agriculture, a complainant may, before*  
16 *the end of the filing period—*

- 17                   (1) *file a civil action under subsection (c); or*  
18                   (2) *request administrative review under sub-*  
19                   *section (d).*

20          (i) *ELIGIBLE COMPLAINT.—For purposes of this sec-*  
21 *tion, the term “eligible complaint” means any written com-*  
22 *plaint—*

- 23                   (1) *that is not employment related;*

1           (2) that was filed with the Department of Agri-  
2           culture after December 31, 1997, and before the ear-  
3           lier of—

4                   (A) 2 years after the date of the alleged vio-  
5                   lation of the Equal Credit Opportunity Act; and

6                   (B) the date of the enactment of this Act;  
7           and

8           (3) with respect to which the complainant—

9                   (A) was not a party to the consent decree  
10                  in the case entitled “Pigford v. Glickman”, ap-  
11                  proved by the United States District Court for  
12                  the District of Columbia on April 14, 1999; and

13                  (B) has not obtained relief from the Depart-  
14                  ment of Agriculture or a court of competent ju-  
15                  risdiction.

16           (c) CIVIL ACTION.—A civil action may be filed under  
17           this subsection if, with respect to the eligible complaint, the  
18           complainant—

19                   (1) has not requested administrative review; or

20                   (2) has requested administrative review, and the  
21           Secretary, with respect to each request, has either—

22                   (A) issued a determination; or

23                   (B) failed to issue a determination by a  
24           date that is 180 days after the date such request  
25           was made.

1           (d) *ADMINISTRATIVE REVIEW.*—*Administrative review*  
2 *may be requested under this subsection as follows:*

3           (1) *DETERMINATION ON THE MERITS.*—*A com-*  
4 *plainant may request a determination on the merits*  
5 *if the complainant, with respect to the eligible com-*  
6 *plaint, has not filed a civil action.*

7           (2) *HEARING ON THE RECORD.*—*A complainant*  
8 *may request a hearing on the record if the complain-*  
9 *ant, with respect to the eligible complaint—*

10                   (A) *has not filed a civil action;*

11                   (B) *has requested a determination on the*  
12 *merits, and the Secretary has not issued such de-*  
13 *termination by the issuance deadline in sub-*  
14 *section (f)(2)(A); and*

15                   (C) *requests such hearing no later than 180*  
16 *days after the issuance deadline in subsection*  
17 *(f)(2)(A).*

18           (e) *INFORMAL RESOLUTION.*—*Notwithstanding any*  
19 *other provision of this section, the Secretary may infor-*  
20 *mally resolve an eligible complaint with a complainant.*

21           (f) *SPECIAL RULES FOR ADMINISTRATIVE REVIEW.*—  
22 *For purposes of this section:*

23           (1) *REQUESTS FOR ADMINISTRATIVE REVIEW.*—

24                   A *request for administrative review shall be—*

25                           (A) *in writing; and*

1                   (B) filed in accordance with procedures es-  
2                   tablished by the Secretary.

3                   (2) *RESPONSIBILITY OF SECRETARY.*—If a com-  
4                   plainant requests a determination on the merits  
5                   under subsection (d)(1), then, unless a complainant,  
6                   with respect to the eligible complaint, files a civil ac-  
7                   tion or requests a hearing on the record, the Secretary  
8                   shall, with respect to the eligible complaint, take the  
9                   following actions:

10                   (A) *ISSUANCE OF DETERMINATION.*—The  
11                   Secretary shall, not later than an issuance dead-  
12                   line that is 1 year after the date on which the  
13                   complainant requests a determination on the  
14                   merits—

15                   (i) investigate the eligible complaint;

16                   and

17                   (ii) issue a written determination.

18                   (B) *NOTICE OF FAILURE TO ISSUE TIMELY*  
19                   *DETERMINATION.*—If the Secretary does not issue  
20                   a written determination by the issuance deadline  
21                   in subparagraph (A), the Secretary shall  
22                   promptly issue to the complainant, in writing  
23                   and by registered mail, notice—

24                   (i) that the Secretary has not issued a  
25                   timely determination; and

1                   (ii) of the period of time during which  
2                   the complainant may bring a civil action or  
3                   request a hearing on the record.

4                   (3) *FINALITY OF DETERMINATION WITH RESPECT*  
5                   *TO HEARING ON THE RECORD.*—A determination with  
6                   respect to a hearing on the record shall be final.

7                   (4) *JUDICIAL REVIEW OF ADMINISTRATIVE DE-*  
8                   *TERMINATION.*—A determination on the merits or a  
9                   determination with respect to a hearing on the record  
10                  shall be subject to *de novo* review.

11                  (g) *FILING PERIOD.*—

12                  (1) *IN GENERAL.*—For purposes of this section,  
13                  the term “filing period” means the 2-year period be-  
14                  ginning on the date of enactment of this Act.

15                  (2) *TOLLING.*—The running of the filing period  
16                  in paragraph (1), for the purpose of filing a civil ac-  
17                  tion under subsection (c) or requesting a hearing on  
18                  the record under subsection (d)(2), shall be tolled for  
19                  the period that, with respect to the eligible com-  
20                  plaint—

21                  (A) begins on the date of a request for a de-  
22                  termination on the merits; and

23                  (B) ends on the date on which the Secretary  
24                  issues a determination with respect to a deter-

1            *mination on the merits or a hearing on the*  
2            *record.*

3            *(h) RELIEF.—*

4            *(1) AMOUNT.—Subject to paragraph (2), a com-*  
5            *plainant shall, under subsection (a), and may, under*  
6            *subsection (e), be awarded such relief as the complain-*  
7            *ant would be afforded under the Equal Credit Oppor-*  
8            *tunity Act, including—*

9                    *(A) actual damages;*

10                   *(B) the costs of the action, together with a*  
11                   *reasonable attorney's fee; and*

12                   *(C) debt relief, including—*

13                            *(i) write-downs or write-offs of the*  
14                            *principal on a loan;*

15                            *(ii) write-downs or write-offs of the in-*  
16                            *terest on a loan;*

17                            *(iii) reduction of the interest rate on a*  
18                            *loan;*

19                            *(iv) waiver or reduction of penalties*  
20                            *with respect to a loan; or*

21                            *(v) other modification of the terms of a*  
22                            *loan.*

23            *(2) LIMITATIONS ON RELIEF.—*

1           (A) *IN GENERAL.*—*The total amount*  
2           *awarded under this section for all claims shall*  
3           *not exceed \$100,000,000.*

4           (B) *ACTUAL DAMAGES, COSTS, AND ATTOR-*  
5           *NEY'S FEES.*—*The sum of the total amount*  
6           *awarded under paragraph (1)(A) for all claims,*  
7           *plus the total amount awarded under paragraph*  
8           *(1)(B) for all claims, shall not exceed*  
9           *\$40,000,000.*

10          (C) *DEBT RELIEF.*—*The total amount*  
11          *awarded under paragraph (1)(C) for all claims*  
12          *shall not exceed \$60,000,000.*

13          (3) *EXEMPTION FROM TAXATION.*—*Any award*  
14          *under clauses (ii), (iii), or (iv) of subparagraph (C)*  
15          *of paragraph (1) shall not be included in gross in-*  
16          *come for purposes of chapter 1 of the Internal Rev-*  
17          *enue Code of 1986.*

18          (i) *FUNDING.*—

19           (1) *There is hereby appropriated to the Sec-*  
20           *retary, for relief awarded under subsection (h)(1),*  
21           *\$100,000,000, to remain available until expended.*

22           (2) *Of the funds derived from interest on the*  
23           *cushion of credit payments including funds in the*  
24           *current fiscal year, as authorized by section 313 of the*  
25           *Rural Electrification Act of 1936, an additional*

1       *\$100,000,000 shall not be obligated and an additional*  
2       *\$100,000,000 are rescinded.*

3       *(j) SECRETARY.—For purposes of this section, the term*  
4       *“Secretary” means the Secretary of Agriculture.*

5               *CHAPTER 2—FINANCIAL SERVICES AND*  
6                       *GENERAL GOVERNMENT*

7                               *SMALL BUSINESS ADMINISTRATION*

8                                       *BUSINESS LOANS PROGRAM ACCOUNT*

9       *For an additional amount for “Business Loans Pro-*  
10       *gram Account” for fee reductions and eliminations under*  
11       *section 501 of division A of the American Recovery and*  
12       *Reinvestment Act of 2009 (Public Law 111–5) and for the*  
13       *cost of guaranteed loans under section 502 of such division,*  
14       *\$354,000,000: Provided, That such cost shall be as defined*  
15       *in section 502 of the Congressional Budget Act of 1974: Pro-*  
16       *vided further, That authority to guarantee loans under sec-*  
17       *tion 502 of division A of the American Recovery and Rein-*  
18       *vestment Act of 2009 shall remain in effect through Sep-*  
19       *tember 30, 2010, notwithstanding subsection (f) of such sec-*  
20       *tion.*

21                               *GENERAL PROVISION, THIS CHAPTER*

22                                       *RESCISSIONS*

23       *SEC. 3201. The following funds are hereby rescinded*  
24       *from the following accounts and programs in the specified*  
25       *amounts:*

1           (1) “National Telecommunications and Informa-  
2           tion Administration—Digital-to-Analog Converter  
3           Box Program” in the Department of Commerce,  
4           \$111,000,000.

5           (2) “Special Supplemental Nutrition Program  
6           for Women, Infants, and Children (WIC)” of the De-  
7           partment of Agriculture, \$243,000,000, to be derived  
8           from unobligated balances available from amounts  
9           placed in reserve in title I of division A of the Amer-  
10          ican Recovery and Reinvestment Act of 2009 (Public  
11          Law 111–5; 123 Stat 115).

12          CHAPTER 3—LABOR, HEALTH AND HUMAN

13                   SERVICES, AND EDUCATION

14                           GENERAL PROVISIONS, THIS CHAPTER

15                                   ASSISTANCE FOR UNEMPLOYED WORKERS AND STRUGGLING

16   FAMILIES

17          SEC. 3301. (a)(1) Section 4007 of the Supplemental  
18          Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C.  
19          3304 note) is amended—

20                   (A) by striking “December 31, 2009” each place  
21                   it appears and inserting “June 30, 2010”;

22                   (B) in the heading for subsection (b)(2), by strik-  
23                   ing “DECEMBER 31, 2009” and inserting “JUNE 30,  
24                   2010”; and

1           (C) in subsection (b)(3), by striking “May 31,  
2           2010” and inserting “November 30, 2010”.

3           (2) Section 2002(e) of the Assistance for Unemployed  
4 Workers and Struggling Families Act, as contained in Pub-  
5 lic Law 111-5 (26 U.S.C. 3304 note; 123 Stat. 438), is  
6 amended—

7           (A) in paragraph (1)(B), by striking “January  
8           1, 2010” and inserting “July 1, 2010”;

9           (B) in the heading for paragraph (2), by strik-  
10          ing “JANUARY 1, 2010” and inserting “JULY 1, 2010”;  
11          and

12          (C) in paragraph (3), by striking “June 30,  
13          2010” and inserting “December 31, 2010”.

14          (3) Section 2005 of the Assistance for Unemployed  
15 Workers and Struggling Families Act, as contained in Pub-  
16 lic Law 111-5 (26 U.S.C. 3304 note; 123 Stat. 444), is  
17 amended—

18          (A) by striking “January 1, 2010” each place it  
19          appears and inserting “July 1, 2010”; and

20          (B) in subsection (c), by striking “June 1, 2010”  
21          and inserting “December 1, 2010”.

22          (4) Section 5 of the Unemployment Compensation Ex-  
23 tension Act of 2008 (Public Law 110-449; 26 U.S.C. 3304  
24 note) is amended by striking “May 30, 2010” and inserting  
25 “November 30, 2010”.

1           (b) *Section 4004(e)(1) of the Supplemental Appropria-*  
2 *tions Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note)*  
3 *is amended by striking “by reason of” and all that follows*  
4 *and inserting the following: “by reason of—*

5                   *“(A) the amendments made by section*  
6                   *2001(a) of the Assistance for Unemployed Work-*  
7                   *ers and Struggling Families Act;*

8                   *“(B) the amendments made by sections 2*  
9                   *through 4 of the Worker, Homeownership, and*  
10                   *Business Assistance Act of 2009; and*

11                   *“(C) the amendments made by section*  
12                   *3301(a)(1) of the Jobs for Main Street Act, 2010;*  
13                   *and”.*

14           *EXTENSION AND IMPROVEMENT OF PREMIUM ASSISTANCE*  
15                   *FOR COBRA BENEFITS*

16           *SEC. 3302. (a) EXTENSION OF ELIGIBILITY PERIOD.—*  
17 *Subsection (a)(3)(A) of section 3001 of division B of the*  
18 *American Recovery and Reinvestment Act of 2009 (Public*  
19 *Law 111–5) is amended by striking “December 31, 2009”*  
20 *and inserting “June 30, 2010”.*

21           (i) *EXTENSION OF MAXIMUM DURATION OF ASSIST-*  
22 *ANCE.—Subsection (a)(2)(A)(ii)(I) of such section is*  
23 *amended by striking “9 months” and inserting “15*  
24 *months”.*

1           (c) *RULES RELATED TO 2009 EXTENSION.*—Sub-  
2 *section (a) of such section is further amended by adding*  
3 *at the end the following:*

4           “(16) *RULES RELATED TO 2009 EXTENSION.*—

5           “(A) *ELECTION TO PAY PREMIUMS RETRO-*  
6 *ACTIVELY AND MAINTAIN COBRA COVERAGE.*—*In*  
7 *the case of any premium for a period of coverage*  
8 *during an assistance eligible individual’s transi-*  
9 *tion period, such individual shall be treated for*  
10 *purposes of any COBRA continuation provision*  
11 *as having timely paid the amount of such pre-*  
12 *mium if—*

13           “(i) *such individual was covered under*  
14 *the COBRA continuation coverage to which*  
15 *such premium relates for the period of cov-*  
16 *erage immediately preceding such transition*  
17 *period, and*

18           “(ii) *such individual pays, not later*  
19 *than 60 days after the date of the enactment*  
20 *of this paragraph (or, if later, 30 days after*  
21 *the date of provision of the notification re-*  
22 *quired under subparagraph (D)(ii)), the*  
23 *amount of such premium, after the applica-*  
24 *tion of paragraph (1)(A).*

1           “(B) REFUNDS AND CREDITS FOR RETRO-  
2           ACTIVE PREMIUM ASSISTANCE ELIGIBILITY.—In  
3           the case of an assistance eligible individual who  
4           pays, with respect to any period of COBRA con-  
5           tinuation coverage during such individual’s  
6           transition period, the premium amount for such  
7           coverage without regard to paragraph (1)(A),  
8           rules similar to the rules of paragraph (12)(E)  
9           shall apply.

10           “(C) TRANSITION PERIOD.—

11           “(i) IN GENERAL.—For purposes of  
12           this paragraph, the term ‘transition period’  
13           means, with respect to any assistance eligi-  
14           ble individual, any period of coverage if—

15                   “(I) such period begins before the  
16                   date of the enactment of this para-  
17                   graph, and

18                   “(II) paragraph (1)(A) applies to  
19                   such period by reason of the amend-  
20                   ment made by section 3302(b) of the  
21                   Jobs for Main Street Act, 2010 .

22           “(ii) CONSTRUCTION.—Any period  
23           during the period described in subclauses  
24           (I) and (II) of clause (i) for which the ap-  
25           plicable premium has been paid pursuant

1           to subparagraph (A) shall be treated as a  
2           period of coverage referred to in such para-  
3           graph, irrespective of any failure to timely  
4           pay the applicable premium (other than  
5           pursuant to subparagraph (A)) for such pe-  
6           riod.

7           “(D) NOTIFICATION.—

8                   “(i) IN GENERAL.—In the case of an  
9           individual who was an assistance eligible  
10          individual at any time on or after October  
11          31, 2009, or experiences a qualifying event  
12          (consisting of a reduction of hours or termi-  
13          nation of employment) relating to COBRA  
14          continuation coverage on or after such date,  
15          the administrator of the group health plan  
16          (or other entity) involved shall provide an  
17          additional notification with information re-  
18          garding the amendments made by the Jobs  
19          for Main Street Act, 2010 within 60 days  
20          after the date of the enactment of such Act  
21          or, in the case of a qualifying event occur-  
22          ring after such date of enactment, consistent  
23          with the timing of notifications under para-  
24          graph (7)(A).

1                   “(ii) *TO INDIVIDUALS WHO LOST AS-*  
2                   *SISTANCE.—In the case of an assistance eli-*  
3                   *gible individual described in subparagraph*  
4                   *(A)(i) who did not timely pay the premium*  
5                   *for any period of coverage during such indi-*  
6                   *vidual’s transition period or paid the pre-*  
7                   *mium for such period without regard to*  
8                   *paragraph (1)(A), the administrator of the*  
9                   *group health plan (or other entity) involved*  
10                  *shall provide to such individual, within the*  
11                  *first 60 days of such individual’s transition*  
12                  *period, an additional notification with in-*  
13                  *formation regarding the amendments made*  
14                  *by the Jobs for Main Street Act, 2010, in-*  
15                  *cluding information on the ability under*  
16                  *subparagraph (A) to make retroactive pre-*  
17                  *mium payments with respect to the transi-*  
18                  *tion period of the individual in order to*  
19                  *maintain COBRA continuation coverage.*

20                  “(iii) *APPLICATION OF RULES.—Rules*  
21                  *similar to the rules of paragraph (7) shall*  
22                  *apply with respect to notifications under*  
23                  *this subparagraph.”.*

24                  (d) *CLARIFICATIONS RELATING TO SECTION 3001 OF*  
25                  *ARRA.—*

1           (1) *CLARIFICATION THAT ELIGIBILITY AND NO-*  
2           *TICE IS BASED ON TIMING OF QUALIFYING EVENT.—*

3           *Subsection (a) of such section is amended—*

4                   (A) *in paragraph (3)(A)—*

5                           (i) *by striking “at any time” and in-*  
6                           *serting “such qualified beneficiary is eligi-*  
7                           *ble for COBRA continuation coverage re-*  
8                           *lated to a qualifying event occurring”; and*

9                           (ii) *by striking “, such qualified bene-*  
10                           *ficiary is eligible for COBRA continuation*  
11                           *coverage”; and*

12                   (B) *in paragraph (7)(A), by striking “be-*  
13                   *come entitled to elect COBRA continuation cov-*  
14                   *erage” and inserting “have a qualifying event re-*  
15                   *lating to COBRA continuation coverage”.*

16           (2) *CLARIFICATION REGARDING RETIREE COV-*  
17           *ERAGE.—Subsection (a)(2)(A)(i) of such section is*  
18           *amended by inserting “coverage under a retiree health*  
19           *plan,” after “other than”.*

20           (3) *CLARIFICATION REGARDING COBRA CONTINU-*  
21           *ATION RESULTING FROM REDUCTIONS IN HOURS.—*

22           *Subsection (a) of such section is further amended—*

23                   (A) *in paragraph (3)(C), by inserting before*  
24                   *the period at the end the following: “or consists*  
25                   *of a reduction of hours followed by such an in-*

1           *voluntary termination of employment during*  
2           *such period”;* and

3                   *(B) by adding at the end the following:*

4           “(17) *SPECIAL RULES IN CASE OF INDIVIDUALS*  
5           *LOSING COVERAGE BECAUSE OF A REDUCTION OF*  
6           *HOURS.—*

7                   “(A) *NEW ELECTION PERIOD.—*

8                           “(i) *IN GENERAL.—For the purposes of*  
9                           *the COBRA continuation provisions, in the*  
10                           *case of an individual described in subpara-*  
11                           *graph (C) who did not make (or who made*  
12                           *and discontinued) an election of COBRA*  
13                           *continuation coverage on the basis of the re-*  
14                           *duction of hours of employment, the invol-*  
15                           *untary termination of employment of such*  
16                           *individual after the date of the enactment of*  
17                           *the Jobs for Main Street Act, 2010, shall be*  
18                           *treated as a qualifying event.*

19                           “(ii) *COUNTING COBRA DURATION PE-*  
20                           *RIOD FROM PREVIOUS QUALIFYING*  
21                           *EVENT.—In any case of an individual re-*  
22                           *ferred to in clause (i), the period of such in-*  
23                           *dividual’s continuation coverage shall be de-*  
24                           *termined as though the qualifying event*  
25                           *were the reduction of hours of employment.*

1           “(iii) CONSTRUCTION.—Nothing in  
2           this paragraph shall be construed as requir-  
3           ing an individual referred to in clause (i)  
4           to make a payment for COBRA continu-  
5           ation coverage between the reduction of  
6           hours and the involuntary termination of  
7           employment.

8           “(iv) PREEXISTING CONDITIONS.—  
9           With respect to an individual referred to in  
10          clause (i) who elects COBRA continuation  
11          coverage pursuant to such clause, rules  
12          similar to the rules in paragraph (4)(C)  
13          shall apply.

14          “(B) NOTICES.—In the case of an indi-  
15          vidual described in subparagraph (C), the ad-  
16          ministrator of the group health plan (or other  
17          entity) involved shall provide, during the 60-day  
18          period beginning on the date of such individual’s  
19          termination of employment, an additional notifi-  
20          cation described in paragraph (7)(A), including  
21          information on the provisions of this paragraph.  
22          Rules similar to the rules of paragraph (7) shall  
23          apply with respect to such notification.

24          “(C) INDIVIDUALS DESCRIBED.—Individ-  
25          uals described in this subparagraph are individ-

1           uals who are assistance eligible individuals on  
2           the basis of a qualifying event consisting of a re-  
3           duction of hours occurring during the period de-  
4           scribed in paragraph (3)(A) followed by an in-  
5           voluntary termination of employment insofar as  
6           such termination of employment occurred after  
7           the date of the enactment of the Jobs for Main  
8           Street Act, 2010.”.

9           (4) *CLARIFICATION OF PERIOD OF ASSIST-*  
10          ANCE.—Subsection (a)(2)(A)(ii)(I) of such section is  
11          amended by striking “of the first month”.

12          (5) *ENFORCEMENT.—Subsection (a)(5) of such*  
13          section is amended by adding at the end the fol-  
14          lowing: “In addition to civil actions that may be  
15          brought to enforce applicable provisions of such Act or  
16          other laws, the appropriate Secretary or an affected  
17          individual may bring a civil action to enforce such  
18          determinations and for appropriate relief. In addi-  
19          tion, such Secretary may assess a penalty against a  
20          plan sponsor or health insurance issuer of not more  
21          than \$110 per day for each failure to comply with  
22          such determination of such Secretary after 10 days  
23          after the date of the plan sponsor’s or issuer’s receipt  
24          of the determination.”.

1           (6) *AMENDMENTS RELATING TO SECTION 3001 OF*  
2     *ARRA.—*

3           (A) *Subsection (g) of section 35 of the Inter-*  
4     *nal Revenue Code of 1986 is amended by strik-*  
5     *ing “section 3002(a) of the Health Insurance As-*  
6     *istance for the Unemployed Act of 2009” and*  
7     *inserting “section 3001(a) of title III of division*  
8     *B of the American Recovery and Reinvestment*  
9     *Act of 2009”.*

10          (B) *Section 139C of such Code is amended*  
11     *by striking “section 3002 of the Health Insur-*  
12     *ance Assistance for the Unemployed Act of 2009”*  
13     *and inserting “section 3001 of title III of divi-*  
14     *sion B of the American Recovery and Reinvest-*  
15     *ment Act of 2009”.*

16          (C) *Section 6432 of such Code is amend-*  
17     *ed—*

18           (i) *in subsection (a), by striking “sec-*  
19     *tion 3002(a) of the Health Insurance Assist-*  
20     *ance for the Unemployed Act of 2009” and*  
21     *inserting “section 3001(a) of title III of di-*  
22     *vision B of the American Recovery and Re-*  
23     *investment Act of 2009”;*

24           (ii) *in subsection (c)(3), by striking*  
25     *“section 3002(a)(1)(A) of such Act” in sub-*

1           *section (c)(3) and inserting “section*  
2           *3001(a)(1)(A) of title III of division B of*  
3           *the American Recovery and Reinvestment*  
4           *Act of 2009”; and*

5                     *(iii) by redesignating subsections (e)*  
6           *and (f) as subsections (f) and (g), respec-*  
7           *tively, and inserting after subsection (d) the*  
8           *following new subsection:*

9           “(e) *EMPLOYER DETERMINATION OF QUALIFYING*  
10 *EVENT AS INVOLUNTARY TERMINATION.—For purposes of*  
11 *this section, in any case in which—*

12                     “(1) *based on a reasonable interpretation of sec-*  
13 *tion 3001(a)(3)(C) of division B of the American Re-*  
14 *covery and Reinvestment Act of 2009 and adminis-*  
15 *trative guidance thereunder, an employer determines*  
16 *that the qualifying event with respect to COBRA con-*  
17 *tinuation coverage for an individual was involuntary*  
18 *termination of a covered employee’s employment, and*

19                     “(2) *the employer maintains supporting docu-*  
20 *mentation of the determination, including an attesta-*  
21 *tion by the employer of involuntary termination with*  
22 *respect to the covered employee,*

23 *the qualifying event for the individual shall be deemed to*  
24 *be involuntary termination of the covered employee’s em-*  
25 *ployment.”.*

1           (D) Subsection (a) of section 6720C of such  
2           Code is amended by striking “section  
3           3002(a)(2)(C) of the Health Insurance Assistance  
4           for the Unemployed Act of 2009” and inserting  
5           “section 3001(a)(2)(C) of title III of division B  
6           of the American Recovery and Reinvestment Act  
7           of 2009”.

8           (e) *EFFECTIVE DATE.*—The amendments made by this  
9           section shall take effect as if included in the provisions of  
10          section 3001 of division B of the American Recovery and  
11          Reinvestment Act of 2009 to which they relate, except  
12          that—

13               (1) the amendments made by subsections (d)(2)  
14               and (d)(3) shall apply to periods of coverage begin-  
15               ning after the date of the enactment of this Act; and

16               (2) the amendment made by subsection (d)(5)  
17               shall take effect on the date of the enactment of this  
18               Act.

19           *EXTENSION OF RECOVERY ACT INCREASE IN FMAP*

20           *SEC. 3303.* Section 5001 of the American Recovery and  
21          Reinvestment Act of 2009 (Public Law 111–5) is amend-  
22          ed—

23               (1) in subsection (a)(3), by striking “first cal-  
24               endar quarter” and inserting “first 3 calendar quar-  
25               ters”;

1           (2) *in subsection (b)(2), by inserting before the*  
2 *period at the end the following: “and such paragraph*  
3 *shall not apply to calendar quarters beginning on or*  
4 *after October 1, 2010”;*

5           (3) *in subsection (c)(4)(C)(ii), by striking “De-*  
6 *cember 2009” and “January 2010” and inserting*  
7 *“June 2010” and “July 2010”, respectively;*

8           (4) *in subsection (d), by inserting “ending before*  
9 *October 1, 2010” after “entire fiscal years” and after*  
10 *“with respect to fiscal years”;*

11           (5) *in subsection (g)(1), by striking “September*  
12 *30, 2011” and inserting “March 31, 2012”; and*

13           (6) *in subsection (h)(3), by striking “December*  
14 *31, 2010” and inserting “June 30, 2011”.*

15 *REPEAL OF EARNED INCOME THRESHOLD FOR DETER-*  
16 *MINING REFUNDABLE PORTION OF CHILD TAX CREDIT*

17 *SEC. 3304. (a) IN GENERAL.—Clause (i) of section*  
18 *24(d)(1)(B) of the Internal Revenue Code of 1986 is amend-*  
19 *ed to read as follows:*

20                   *“(i) 15 percent of the taxpayer’s*  
21 *earned income (within the meaning of sec-*  
22 *tion 32) which is taken into account in*  
23 *computing taxable income, or”.*

24           (b) *CONFORMING AMENDMENTS.—Subsection (d) of*  
25 *section 24 of such Code is amended—*

26                   (1) *by striking paragraph (3), and*

1           (2) by striking paragraph (4).

2           (c) *EFFECTIVE DATE.*—The amendments made by this  
3 section shall apply to taxable years beginning after Decem-  
4 ber 31, 2009.

5           (d) *APPLICATION OF EGTRRA SUNSET.*—The amend-  
6 ments made by subsection (a) and (b)(1) shall be subject  
7 to title IX of the Economic Growth and Tax Relief Rec-  
8 onciliation Act of 2001 in the same manner as the provision  
9 of such Act to which such amendment relates.

10                                   *HHS POVERTY GUIDELINES*

11           *SEC. 3305. Notwithstanding section 673(2) of the Om-*  
12 *nibus Budget Reconciliation Act of 1981 (42 U.S.C.*  
13 *9902(2)) or any other provision of law, the poverty line for*  
14 *2010 issued by the Secretary of Health and Human Serv-*  
15 *ices under such section 673(2) shall be not lower than the*  
16 *poverty line so issued on January 23, 2009 (74 Fed. Reg.*  
17 *14). This section shall have no effect on such Secretary's*  
18 *revision of the poverty line for 2011.*

19                                   *REFUNDS DISREGARDED IN THE ADMINISTRATION OF FED-*  
20                                   *ERAL PROGRAMS AND FEDERALLY ASSISTED PRO-*  
21                                   *GRAMS*

22           *SEC. 3306. (a) IN GENERAL.*—Subchapter A of chapter  
23 65 of the Internal Revenue Code of 1986 is amended by  
24 adding at the end the following new section:



1 *PERMANENT EXTENSION OF FEE WITHHOLDING PROCE-*  
2 *DURES TO TITLE XVI AND TO QUALIFIED NON-ATTOR-*  
3 *NEY REPRESENTATIVES*

4 *SEC. 3307. (a) PERMANENT EXTENSION OF ATTORNEY*  
5 *FEE WITHHOLDING PROCEDURES TO TITLE XVI.—*

6 *(1) IN GENERAL.—Section 302 of the Social Se-*  
7 *curity Protection Act of 2004 (Public Law 108–203;*  
8 *118 Stat. 519) is amended—*

9 *(A) in the section heading, by striking*  
10 *“TEMPORARY”; and*

11 *(B) in subsection (c), by striking “EFFEC-*  
12 *TIVE DATE.—” and all that follows through “The*  
13 *amendments” and inserting “EFFECTIVE*  
14 *DATE.—The amendments”, and by striking*  
15 *paragraph (2).*

16 *(2) CLERICAL AMENDMENT.—The item relating*  
17 *to section 302 in the table of contents in section 1(b)*  
18 *of such Act is amended by striking “Temporary ex-*  
19 *ension” and inserting “Extension”.*

20 *(b) PERMANENT EXTENSION OF FEE WITHHOLDING*  
21 *PROCEDURES TO QUALIFIED NON-ATTORNEY REPRESENTA-*  
22 *TIVES.—*

23 *(1) IN GENERAL.—Section 206 of the Social Se-*  
24 *curity Act (42 U.S.C. 406) is amended by adding at*  
25 *the end the following new subsection:*

1       “(e)(1) *The Commissioner shall provide for the exten-*  
2 *sion of the fee withholding procedures and assessment proce-*  
3 *dures that apply under the preceding provisions of this sec-*  
4 *tion to agents and other persons, other than attorneys, who*  
5 *represent claimants under this title before the Commis-*  
6 *sioner.*

7       “(2) *Fee-withholding procedures may be extended*  
8 *under paragraph (1) to any nonattorney representative*  
9 *only if such representative meets at least the following pre-*  
10 *requisites:*

11               “(A) *The representative has been awarded a*  
12 *bachelor’s degree from an accredited institution of*  
13 *higher education, or has been determined by the Com-*  
14 *missioner to have equivalent qualifications derived*  
15 *from training and work experience.*

16               “(B) *The representative has passed an examina-*  
17 *tion, written and administered by the Commissioner,*  
18 *which tests knowledge of the relevant provisions of*  
19 *this Act and the most recent developments in agency*  
20 *and court decisions affecting this title and title XVI.*

21               “(C) *The representative has secured professional*  
22 *liability insurance, or equivalent insurance, which the*  
23 *Commissioner has determined to be adequate to pro-*  
24 *tect claimants in the event of malpractice by the rep-*  
25 *resentative.*

1           “(D) *The representative has undergone a crimi-*  
2           *nal background check to ensure the representative’s*  
3           *fitness to practice before the Commissioner.*

4           “(E) *The representative demonstrates ongoing*  
5           *completion of qualified courses of continuing edu-*  
6           *cation, including education regarding ethics and pro-*  
7           *fessional conduct, which are designed to enhance pro-*  
8           *fessional knowledge in matters related to entitlement*  
9           *to, or eligibility for, benefits based on disability under*  
10          *this title and title XVI. Such continuing education,*  
11          *and the instructors providing such education, shall*  
12          *meet such standards as the Commissioner may pre-*  
13          *scribe.*

14          “(3)(A) *The Commissioner may assess representatives*  
15          *reasonable fees to cover the cost to the Social Security Ad-*  
16          *ministration of administering the prerequisites described in*  
17          *paragraph (2).*

18          “(B) *Fees collected under subparagraph (A) shall be*  
19          *credited to the Federal Old-Age and Survivors Insurance*  
20          *Trust Fund and the Federal Disability Insurance Trust*  
21          *Fund, or deposited as miscellaneous receipts in the general*  
22          *fund of the Treasury, based on such allocations as the Com-*  
23          *missioner determines appropriate.*

24          “(C) *The fees authorized under this paragraph shall*  
25          *be collected and available for obligation only to the extent*

1 *and in the amount provided in advance in appropriations*  
2 *Acts. Amounts so appropriated are authorized to remain*  
3 *available until expended for administering the prerequisites*  
4 *described in paragraph (2).”.*

5 (2) *CONFORMING AMENDMENTS.*—

6 (A) *Section 1631(d)(2)(A) of such Act (42*  
7 *U.S.C. 1383(d)(2)(A)) is amended—*

8 (i) *in clause (iv), by striking “and” at*  
9 *the end;*

10 (ii) *in clause (v), by striking the pe-*  
11 *riod at the end and inserting “; and”; and*

12 (iii) *by adding at the end the following*  
13 *new clause:*

14 “(vi) *by substituting, in subsection (e)(1)—*

15 (I) *‘subparagraphs (B) and (C) of*  
16 *section 1631(d)(2)’ for ‘the preceding provi-*  
17 *sions of this section’; and*

18 (II) *‘title XVI’ for ‘this title’.*”.

19 (B) *Section 303(e)(2) of the Social Security*  
20 *Protection Act of 2004 (Public Law 108–203;*  
21 *118 Stat. 523) is amended by striking “AND*  
22 *FINAL REPORT” in the heading and by striking*  
23 *the last sentence.*

24 (3) *EFFECTIVE DATE.*—*The Commissioner of So-*  
25 *cial Security shall provide for full implementation of*

