

[FULL COMMITTEE PRINT]

NOTICE: This bill is given out subject to release when consideration of it has been completed by the full Committee. Please check on such action before release in order to be advised of any changes.

Union Calendar No. _____

111TH CONGRESS
2^D SESSION

H. R. _____

[Report No. 111-__]

Making supplemental appropriations for the fiscal year ending September 30, 2010, and for other purposes.

MAY--, 2010

Mr. OBEY, from the Committee on Appropriations, reported the following bill; which was committed to the Committee of the Whole House on the State of the Union and ordered to be printed

A BILL

Making supplemental appropriations for the fiscal year ending September 30, 2010, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

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—OVERSEAS DEPLOYMENT AND OTHER
6 ACTIVITIES

7 CHAPTER 1—DEFENSE

8 DEPARTMENT OF DEFENSE

9 MILITARY PERSONNEL

10 MILITARY PERSONNEL, ARMY

11 For an additional amount for “Military Personnel,
12 Army”, \$1,522,811,000.

13 MILITARY PERSONNEL, NAVY

14 For an additional amount for “Military Personnel,
15 Navy”, \$196,478,000.

16 MILITARY PERSONNEL, MARINE CORPS

17 For an additional amount for “Military Personnel,
18 Marine Corps”, \$283,399,000.

19 MILITARY PERSONNEL, AIR FORCE

20 For an additional amount for “Military Personnel,
21 Air Force”, \$400,068,000.

22 RESERVE PERSONNEL, ARMY

23 For an additional amount for “Reserve Personnel,
24 Army”, \$22,118,000.

1 RESERVE PERSONNEL, NAVY

2 For an additional amount for “Reserve Personnel,
3 Navy”, \$2,637,000.

4 RESERVE PERSONNEL, MARINE CORPS

5 For an additional amount for “Reserve Personnel,
6 Marine Corps”, \$31,258,000.

7 RESERVE PERSONNEL, AIR FORCE

8 For an additional amount for “Reserve Personnel,
9 Air Force”, \$1,292,000.

10 NATIONAL GUARD PERSONNEL, ARMY

11 For an additional amount for “National Guard Per-
12 sonnel, Army”, \$33,184,000.

13 NATIONAL GUARD PERSONNEL, AIR FORCE

14 For an additional amount for “National Guard Per-
15 sonnel, Air Force”, \$1,518,000.

16 OPERATION AND MAINTENANCE

17 OPERATION AND MAINTENANCE, ARMY

18 For an additional amount for “Operation and Main-
19 tenance, Army”, \$10,092,524,000.

20 OPERATION AND MAINTENANCE, NAVY

21 For an additional amount for “Operation and Main-
22 tenance, Navy”, \$2,338,802,000.

23 OPERATION AND MAINTENANCE, MARINE CORPS

24 For an additional amount for “Operation and Main-
25 tenance, Marine Corps”, \$946,173,000.

1 OPERATION AND MAINTENANCE, AIR FORCE

2 For an additional amount for “Operation and Main-
3 tenance, Air Force”, \$3,533,847,000.

4 OPERATION AND MAINTENANCE, DEFENSE-WIDE

5 For an additional amount for “Operation and Main-
6 tenance, Defense-Wide”, \$1,189,313,000: *Provided*, That
7 not to exceed \$5,000,000 may be used for emergencies and
8 extraordinary expenses, to be expended on the approval
9 or authority of the Secretary of Defense, and payments
10 may be made on the Secretary’s certificate of necessity
11 for confidential military purposes.

12 OPERATION AND MAINTENANCE, ARMY RESERVE

13 For an additional amount for “Operation and Main-
14 tenance, Army Reserve”, \$67,399,000.

15 OPERATION AND MAINTENANCE, NAVY RESERVE

16 For an additional amount for “Operation and Main-
17 tenance, Navy Reserve”, \$61,842,000.

18 OPERATION AND MAINTENANCE, MARINE CORPS

19 RESERVE

20 For an additional amount for “Operation and Main-
21 tenance, Marine Corps Reserve”, \$674,000.

22 OPERATION AND MAINTENANCE, AIR FORCE RESERVE

23 For an additional amount for “Operation and Main-
24 tenance, Air Force Reserve”, \$95,819,000.

1 OPERATION AND MAINTENANCE, ARMY NATIONAL
2 GUARD

3 For an additional amount for “Operation and Main-
4 tenance, Army National Guard”, \$171,834,000.

5 OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

6 For an additional amount for “Operation and Main-
7 tenance, Air National Guard”, \$161,281,000.

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

10 For an additional amount for “Overseas Contingency
11 Operations Transfer Fund” for expenses directly relating
12 to overseas contingency operations by United States Mili-
13 tary Forces, \$150,000,000, to remain available for obliga-
14 tion until expended: *Provided*, That of the amounts made
15 available under this heading, the Secretary of Defense
16 may transfer funds to military personnel accounts, oper-
17 ation and maintenance accounts, the defense health pro-
18 gram appropriation, procurement accounts, and working
19 capital funds accounts: *Provided further*, That the funds
20 transferred shall be merged with and shall be available for
21 the same purposes and for the same time period as the
22 appropriation to which transferred: *Provided further*, That
23 upon determination that all or part of the funds so trans-
24 ferred from this appropriation are not necessary for the
25 purpose provided herein, such amounts may be transferred

1 back to this appropriation and shall be available for the
2 same purposes and for the same time period as originally
3 appropriated: *Provided further*, That the Secretary shall
4 notify the congressional defense committees 15 days prior
5 to such transfer: *Provided further*, That the transfer au-
6 thority provided under this heading is in addition to any
7 other transfer authority available to the Department of
8 Defense.

9 AFGHANISTAN SECURITY FORCES FUND

10 For an additional amount for “Afghanistan Security
11 Forces Fund”, \$2,604,000,000, to remain available until
12 September 30, 2011: *Provided*, That such funds shall be
13 available to the Secretary of Defense, notwithstanding any
14 other provision of law, for the purpose of allowing the
15 Commander, Combined Security Transition Command-Af-
16 ghanistan, or the Secretary’s designee, to provide assist-
17 ance, with the concurrence of the Secretary of State, to
18 the security forces of Afghanistan, including the provision
19 of equipment, supplies, services, training, facility and in-
20 frastructure repair, renovation, and construction, and
21 funding: *Provided further*, That the authority to provide
22 assistance under this heading is in addition to any other
23 authority to provide assistance to foreign countries: *Pro-*
24 *vided further*, That contributions of funds for the purposes
25 provided herein from any person, foreign government, or

1 international organization may be credited to this Fund
2 and used for such purposes: *Provided further*, That the
3 Secretary of Defense shall notify the congressional defense
4 committees in writing upon the receipt and upon the obli-
5 gation of any contribution, delineating the sources and
6 amounts of the funds received and the specific use of such
7 contributions: *Provided further*, That the Secretary of De-
8 fense shall, not fewer than 15 days prior to obligating
9 from this appropriation account, notify the congressional
10 defense committees in writing of the details of any such
11 obligation.

12 IRAQ SECURITY FORCES FUND

13 For the “Iraq Security Forces Fund”,
14 \$1,000,000,000, to remain available until September 30,
15 2011: *Provided*, That such funds shall be available to the
16 Secretary of Defense, notwithstanding any other provision
17 of law, for the purpose of allowing the Commander, United
18 States Forces-Iraq, or the Secretary’s designee, to provide
19 assistance, with the concurrence of the Secretary of State,
20 to the security forces of Iraq, including the provision of
21 equipment, supplies, services, training, facility and infra-
22 structure repair, renovation, and construction: *Provided*
23 *further*, That the authority to provide assistance under
24 this heading is in addition to any other authority to pro-
25 vide assistance to foreign nations: *Provided further*, That

1 contributions of funds for the purposes provided herein
2 from any person, foreign government, or international or-
3 ganization may be credited to this Fund, to remain avail-
4 able until expended, and used for such purposes: *Provided*
5 *further*, That the Secretary of Defense shall notify the con-
6 gressional defense committees in writing upon the receipt
7 and upon the obligation of any contribution, delineating
8 the sources and amounts of the funds received and the
9 specific use of such contributions: *Provided further*, That
10 the Secretary of Defense shall, not fewer than 15 days
11 prior to obligating from this appropriation account, notify
12 the congressional defense committees in writing of the de-
13 tails of any such obligation.

14 PROCUREMENT

15 AIRCRAFT PROCUREMENT, ARMY

16 For an additional amount for “Aircraft Procurement,
17 Army”, \$227,515,000, to remain available until Sep-
18 tember 30, 2012.

19 PROCUREMENT OF WEAPONS AND TRACKED COMBAT

20 VEHICLES, ARMY

21 For an additional amount for “Procurement of Weap-
22 ons and Tracked Combat Vehicles, Army”, \$3,000,000, to
23 remain available until September 30, 2012.

1 PROCUREMENT OF AMMUNITION, ARMY

2 For an additional amount for “Procurement of Am-
3 munition, Army”, \$17,055,000, to remain available until
4 September 30, 2012.

5 OTHER PROCUREMENT, ARMY

6 For an additional amount for “Other Procurement,
7 Army”, \$1,948,373,000, to remain available until Sep-
8 tember 30, 2012.

9 AIRCRAFT PROCUREMENT, NAVY

10 For an additional amount for “Aircraft Procurement,
11 Navy”, \$228,000,000, to remain available until September
12 30, 2012.

13 OTHER PROCUREMENT, NAVY

14 For an additional amount for “Other Procurement,
15 Navy”, \$8,300,000, to remain available until September
16 30, 2012.

17 PROCUREMENT, MARINE CORPS

18 For an additional amount for “Procurement, Marine
19 Corps”, \$338,868,000, to remain available until Sep-
20 tember 30, 2012.

21 AIRCRAFT PROCUREMENT, AIR FORCE

22 For an additional amount for “Aircraft Procurement,
23 Air Force”, \$360,766,000, to remain available until Sep-
24 tember 30, 2012.

1 PROCUREMENT OF AMMUNITION, AIR FORCE

2 For an additional amount for “Procurement of Am-
3 munition, Air Force”, \$5,000,000, to remain available
4 until September 30, 2012.

5 OTHER PROCUREMENT, AIR FORCE

6 For an additional amount for “Other Procurement,
7 Air Force”, \$587,412,000, to remain available until Sep-
8 tember 30, 2012.

9 PROCUREMENT, DEFENSE-WIDE

10 For an additional amount for “Procurement, De-
11 fense-Wide”, \$187,583,000, to remain available until Sep-
12 tember 30, 2012.

13 NATIONAL GUARD AND RESERVE EQUIPMENT

14 For an additional amount for “National Guard and
15 Reserve Equipment”, \$200,000,000, to remain available
16 until September 30, 2012: *Provided*, That such funds may
17 be used to procure high priority items of equipment that
18 may be used by reserve component units for combat mis-
19 sions and units’ missions in support of the State gov-
20 ernors: *Provided further*, That the Chiefs of the National
21 Guard and of the Reserve components shall, not later than
22 60 days after the enactment of this Act, individually sub-
23 mit to the congressional defense committees a listing of
24 items of equipment to be procured for their respective Na-
25 tional Guard or Reserve component.

1 MINE RESISTANT AMBUSH PROTECTED VEHICLE FUND
2 (INCLUDING TRANSFER OF FUNDS)

3 For an additional amount for “Mine Resistant Am-
4 bush Protected Vehicle Fund”, \$1,123,000,000, to remain
5 available until September 30, 2012: *Provided*, That such
6 funds shall be available to the Secretary of Defense, not-
7 withstanding any other provision of law, to procure, sus-
8 tain, transport, and field Mine Resistant Ambush Pro-
9 tected vehicles: *Provided further*, That the Secretary shall
10 transfer such funds only to appropriations for operation
11 and maintenance; procurement; research, development,
12 test and evaluation; and defense working capital funds to
13 accomplish the purpose provided herein: *Provided further*,
14 That such transferred funds shall be merged with and be
15 available for the same purposes and the same time period
16 as the appropriation to which transferred: *Provided fur-*
17 *ther*, That this transfer authority is in addition to any
18 other transfer authority available to the Department of
19 Defense: *Provided further*, That the Secretary shall, not
20 fewer than 10 days prior to making transfers from this
21 appropriation, notify the congressional defense committees
22 in writing of details of any such transfer.

1 RESEARCH, DEVELOPMENT, TEST AND
2 EVALUATION

3 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
4 ARMY

5 For an additional amount for “Research, Develop-
6 ment, Test and Evaluation, Army”, \$241,662,000, to re-
7 main available until September 30, 2011.

8 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
9 AIR FORCE

10 For an additional amount for “Research, Develop-
11 ment, Test and Evaluation, Air Force”, \$118,275,000, to
12 remain available until September 30, 2011.

13 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
14 DEFENSE-WIDE

15 For an additional amount for “Research, Develop-
16 ment, Test and Evaluation, Defense-Wide”, \$30,138,000,
17 to remain available until September 30, 2011.

18 REVOLVING AND MANAGEMENT FUNDS

19 DEFENSE WORKING CAPITAL FUNDS

20 For an additional amount for “Defense Working
21 Capital Funds”, \$1,589,178,000, to remain available until
22 expended.

1 OTHER DEPARTMENT OF DEFENSE PROGRAMS

2 DEFENSE HEALTH PROGRAM

3 For an additional amount for “Defense Health Pro-
4 gram”, \$68,367,000, for operation and maintenance: *Pro-*
5 *vided*, That the paragraph under this heading in title VI
6 of division A of Public Law 111–118 is amended by strik-
7 ing “\$15,093,539,000” and inserting “\$15,121,714,000”.

8 DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES,
9 DEFENSE

10 For an additional amount for “Drug Interdiction and
11 Counter-Drug Activities, Defense”, \$94,000,000, to re-
12 main available until September 30, 2011.

13 JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND

14 (INCLUDING TRANSFER OF FUNDS)

15 For an additional amount for “Joint Improvised Ex-
16 plosive Device Defeat Fund”, \$400,000,000, to remain
17 available until September 30, 2012: *Provided*, That, of the
18 funds provided, \$100,000,000 shall not be available for
19 obligation or expenditure until 5 days after the Director
20 of the Joint Improvised Explosive Device Defeat Organi-
21 zation has completed a review of Information Operations
22 programs funded by the Joint Improvised Explosive De-
23 vice Defeat Organization and provided a report on their
24 findings to the congressional defense committees: *Provided*
25 *further*, That the Secretary of Defense may transfer funds

1 provided herein to appropriations for operation and main-
2 tenance; procurement; research, development, test and
3 evaluation; and defense working capital funds to accom-
4 plish the purpose provided herein: *Provided further*, That
5 this transfer authority is in addition to any other transfer
6 authority available to the Department of Defense: *Pro-*
7 *vided further*, That the Secretary of Defense shall, not
8 fewer than 15 days prior to making transfers from this
9 appropriation, notify the congressional defense committees
10 in writing of the details of any such transfer.

11 GENERAL PROVISIONS, THIS CHAPTER

12 SEC. 1101. Notwithstanding any other provision of
13 law, funds made available in this title are in addition to
14 amounts appropriated or otherwise made available for the
15 Department of Defense for fiscal year 2010.

16 SEC. 1102. Funds appropriated by this Act, or made
17 available by the transfer of funds in this Act, for intel-
18 ligence activities are deemed to be specifically authorized
19 by the Congress for purposes of section 504(a)(1) of the
20 National Security Act of 1947 (50 U.S.C. 414(a)(1)).

21 (TRANSFER OF FUNDS)

22 SEC. 1103. Section 8005 of the Department of De-
23 fense Appropriations Act, 2010 (division A of Public Law
24 111–118) is amended by striking “\$4,000,000,000” and
25 inserting “\$4,500,000,000”.

1 (TRANSFER OF FUNDS)

2 SEC. 1104. Upon the determination of the Secretary
3 of Defense that such action is necessary in the national
4 interest, the Secretary may transfer between appropria-
5 tions up to \$1,000,000,000 of the funds made available
6 to the Department of Defense in this Act: *Provided*, That
7 the Secretary shall notify the Congress promptly of each
8 transfer made pursuant to the authority in this section:
9 *Provided further*, That the authority provided in this sec-
10 tion is in addition to any other transfer authority available
11 to the Department of Defense and is subject to the same
12 terms and conditions as the authority provided in section
13 8005 of the Department of Defense Appropriations Act,
14 2010 (division A of Public Law 111–118), as amended
15 by this Act, except for the fourth proviso.

16 SEC. 1105. From funds made available in this title,
17 the Secretary of Defense may purchase for use by military
18 and civilian employees of the Department of Defense in
19 Iraq and Afghanistan—

20 (1) passenger motor vehicles up to a limit of
21 \$75,000 per vehicle; and

22 (2) heavy and light armored vehicles for the
23 physical security of personnel or for force protection
24 purposes up to a limit of \$250,000 per vehicle, not-

1 withstanding price or other limitations applicable to
2 the purchase of passenger carrying vehicles.

3 SEC. 1106. Funds made available in this title to the
4 Department of Defense for operation and maintenance
5 may be used to purchase items having an investment unit
6 cost of not more than \$250,000.

7 SEC. 1107. None of the funds appropriated or other-
8 wise made available by this or any other Act shall be obli-
9 gated or expended by the United States Government for
10 a purpose as follows:

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

14 (2) To exercise United States control over any
15 oil resource of Iraq.

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

20 SEC. 1108. None of the funds made available in this
21 Act may be used in contravention of the following laws
22 enacted or regulations promulgated to implement the
23 United Nations Convention Against Torture and Other
24 Cruel, Inhuman or Degrading Treatment or Punishment
25 (done at New York on December 10, 1984):

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

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

10 (3) Sections 1002 and 1003 of the Department
11 of Defense, Emergency Supplemental Appropriations
12 to Address Hurricanes in the Gulf of Mexico, and
13 Pandemic Influenza Act, 2006 (Public Law 109–
14 148).

15 SEC. 1109. With respect to the multiyear procure-
16 ment of F/A–18E, F/A–18F, and EA–18G aircraft—

17 (1) section 8011 of division A of Public Law
18 111–118 is amended by striking “within 30 days of
19 enactment of this Act” and inserting “30 days prior
20 to contract award”;

21 (2) the term “March 1 of the year in which the
22 Secretary requests legislative authority to enter into
23 such contract,” in section 2306b(i)(1) of title 10,
24 United States Code, and section 128(a)(2) of Public

1 Law 111–84, shall be deemed to be a reference to
2 September 1, 2010;

3 (3) the Secretary of Defense may submit the re-
4 port identified in section 2306b(l)(4) of title 10,
5 United States Code, to the congressional defense
6 committees on or before September 1, 2010; and

7 (4) the authority provided in section 8011 of
8 Public Law 111–118 and section 128(a) of Public
9 Law 111–84, as amended by this section, shall sat-
10 isfy, with respect to the procurement of F/A–18E,
11 F/A–18F, and EA–18G aircraft, the requirements of
12 sections 2306b(i)(3) and 2306b(l)(3) of title 10,
13 United States Code, that a multiyear contract be au-
14 thorized by law in an appropriations Act and an Act
15 other than an appropriations Act.

16 (RESCISSION)

17 SEC. 1110. Of the funds made available for “Oper-
18 ation and Maintenance, Army” in title IX of division A
19 of the Department of Defense Appropriations Act, 2010
20 (Public Law 111–118), \$200,000,000 is rescinded.

21 SEC. 1111. (a) None of the funds made available by
22 this Act may be used to support any training program in-
23 volving a unit of the security forces of a foreign country,
24 including the police forces of such country, if the Secretary
25 of Defense has received credible information from the De-

1 partment of State that the unit has committed a gross
2 violation of human rights, unless all necessary corrective
3 steps have been taken.

4 (b) The Secretary of Defense, in consultation with the
5 Secretary of State, shall ensure that prior to a decision
6 to conduct any training program referred to in subsection
7 (a), full consideration is given to all credible information
8 available to the Department of State relating to human
9 rights violations by foreign security forces.

10 (c) The Secretary of Defense, after consultation with
11 the Secretary of State, may waive the prohibition in sub-
12 section (a) if the Secretary of Defense determines that
13 such waiver is required by extraordinary circumstances.

14 (d) Not more than 15 days after the exercise of any
15 waiver under subsection (c), the Secretary of Defense shall
16 submit a report to the congressional defense committees
17 describing the extraordinary circumstances, the purpose
18 and duration of the training program, the United States
19 forces and the foreign security forces involved in the train-
20 ing program, and the information relating to human rights
21 violations that necessitates the waiver.

22 SEC. 1112. (a) FINDINGS REGARDING PROGRESS IN
23 AFGHANISTAN AND PAKISTAN.—Congress makes the fol-
24 lowing findings:

1 (1) Over 70,000 American military personnel
2 are currently serving in Afghanistan, with the brav-
3 ery and professionalism consistent with the finest
4 traditions of the United States Armed Forces, and
5 are deserving of the strong support of all Americans.

6 (2) Many American service personnel have lost
7 their lives, and many more have been wounded in
8 Afghanistan. The American people will always honor
9 their sacrifice and honor their families.

10 (3) Afghanistan and Pakistan are experiencing
11 a deterioration of their internal security resulting
12 from a growing insurgency fueled by Al Qaeda, the
13 Taliban, and other extremist networks that continue
14 to operate along the western border of Pakistan, in-
15 cluding in the Federally Administered Tribal Areas
16 (FATA), as well as in areas under central govern-
17 ment authority such as Quetta in Baluchistan and
18 Muridke in Punjab.

19 (4) The United States and the international
20 community have welcomed and supported Pakistan's
21 return to civilian rule after almost nine years with
22 the free and fair elections of February 18, 2008,
23 and have supported the development of a democratic
24 government in Afghanistan.

1 (5) Since 2001, the United States has contrib-
2 uted more than \$40,000,000,000 to Afghanistan and
3 \$14,000,000,000 to Pakistan to strengthen each
4 country's governance, economy, education system,
5 healthcare services, and military.

6 (6) The Governments of Afghanistan and Paki-
7 stan must expand the writ of the national govern-
8 ment across all provinces to secure their borders,
9 protect their population, enforce the rule of law, and
10 tackle the pervasive problem of corruption in order
11 to bring security and stability to their people.

12 (b) REPORT.—Because the stability and security of
13 the region is tied more to the capacity and conduct of the
14 Afghan and Pakistani Governments and to the resolve of
15 both societies than it is to the policies of the United
16 States, the President shall submit a report to the Con-
17 gress, not later than the date of submission of the fiscal
18 year 2012 budget request, assessing whether the Govern-
19 ments of Afghanistan and Pakistan are, or are not, dem-
20 onstrating the necessary commitment, capability, conduct,
21 and unity of purpose to warrant the continuation of the
22 President's policy announced on March 27, 2009. The
23 President, on the basis of information gathered and co-
24 ordinated by the National Security Council, shall advise
25 the Congress on how that assessment requires, or does not

1 require, changes to that policy. The measures used to
2 evaluate the Afghan and Pakistani Governments' record
3 of concrete performance shall include the following stand-
4 ards of performance:

5 (1) Level of political consensus and unity of
6 purpose across ethnic, tribal, religious, and party af-
7 filiations to confront the political and security chal-
8 lenges facing the region.

9 (2) Level of government corruption and actions
10 taken to eliminate it.

11 (3) Performance of the respective security
12 forces in developing a counterinsurgency capability,
13 conducting counterinsurgency operations, and estab-
14 lishing population security.

15 (4) Performance of the respective intelligence
16 agencies in cooperating with the United States on
17 counterinsurgency and counterterrorism operations
18 and in purging themselves of policies, programs, and
19 personnel that provide material support to extremist
20 networks that target United States troops or under-
21 mine United States objectives in the region.

22 (5) Ability of the Afghan and Pakistani Govern-
23 ments to effectively control the territory within their
24 respective borders.

1 (6) Performance of the respective intelligence
2 agencies, police and security forces, particularly as it
3 relates to human rights and the rule of law, which
4 might undermine the long-term prospects for success
5 of United States efforts to support stability in Af-
6 ghanistan and Pakistan.

7 SEC. 1113. (a) None of the funds made available in
8 this or any other Act may be used to release an individual
9 who is detained, as of June 24, 2009, at Naval Station,
10 Guantanamo Bay, Cuba, into the continental United
11 States, Alaska, Hawaii, or the District of Columbia, into
12 any of the United States territories of Guam, American
13 Samoa, the United States Virgin Islands, the Common-
14 wealth of Puerto Rico, and the Commonwealth of the
15 Northern Mariana Islands.

16 (b) None of the funds made available in this or any
17 other Act may be used to transfer an individual who is
18 detained, as of June 24, 2009, at Naval Station, Guanta-
19 namo Bay, Cuba, into the continental United States, Alas-
20 ka, Hawaii, or the District of Columbia, into any of the
21 United States territories of Guam, American Samoa, the
22 United States Virgin Islands, the Commonwealth of Puer-
23 to Rico, and the Commonwealth of the Northern Mariana
24 Islands, for the purpose of detention, except as provided
25 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, the
7 United States Virgin Islands, the Commonwealth of Puer-
8 to Rico and the Commonwealth of the Northern Mariana
9 Islands, for the purposes of prosecuting such individual,
10 or detaining such individual during legal proceedings, until
11 45 days after the plan described in subsection (d) is re-
12 ceived.

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 each of the fol-
17 lowing 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, the Republic
3 of the Marshall Islands, and the Republic of Palau.

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

10 SEC. 1114. For all major defense acquisition pro-
11 grams for which the Department of Defense plans to pro-
12 ceed to source selection during the current fiscal year and
13 fiscal year 2011, the Secretary of Defense shall perform
14 an assessment of such programs and the proposals of all
15 bidders to determine whether or not the costs are realistic
16 and reasonable with respect to expected industry develop-
17 ment and production costs: *Provided*, That the assess-
18 ments shall address whether the programs and proposals
19 of all bidders are at fair market value: *Provided further*,
20 That the Secretary of Defense shall provide an assessment
21 of the programs and proposals of all bidders to determine
22 the number of jobs, including an estimate of development
23 and direct manufacturing jobs, supported or lost in the
24 United States of America: *Provided further*, That jobs sup-
25 ported or lost shall be measured as full time equivalent

1 personnel: *Provided further*, That the Secretary of Defense
2 shall provide a report, in consultation with the Secretary
3 of Labor, containing the results of these assessments to
4 the congressional defense committees not later than 60
5 days after enactment of this Act and on a quarterly basis
6 thereafter.

7 SEC. 1115. (a) APPROPRIATION.—In addition to the
8 amount provided elsewhere in this Act, there is appro-
9 priated \$300,000,000, for an additional amount for “Op-
10 eration and Maintenance, Defense–Wide”, to remain avail-
11 able until expended. Such funds may be available for the
12 Office of Economic Adjustment, notwithstanding any
13 other provision of law, for transportation infrastructure
14 improvements associated with medical facilities related to
15 recommendations of the Defense Base Closure and Re-
16 alignment Commission.

17 (b) RESCISSION.—Of the funds appropriated for
18 “Defense Health Program” in title VI of division A of
19 Public Law 111–118, \$300,000,000 is rescinded, to be de-
20 rived from amounts for operation and maintenance.

21 (TRANSFER OF FUNDS)

22 SEC. 1116. Of the funds appropriated by this Act for
23 the Office of the Director of National Intelligence,
24 \$8,250,000 is available, as specified in the classified

1 annex, for transfer to other departments and agencies of
2 the Federal Government.

3

4 CHAPTER 2—MILITARY CONSTRUCTION

5 DEPARTMENT OF DEFENSE

6 MILITARY CONSTRUCTION, ARMY

7 (INCLUDING RESCISSION)

8 For an additional amount for “Military Construction,
9 Army”, \$258,796,000, of which \$242,296,000 shall be
10 available for support of contingency operations in Afghani-
11 stan, and of which \$16,500,000 shall be available for a
12 soldier readiness processing center, to remain available
13 until September 30, 2011: *Provided*, That notwithstanding
14 any other provision of law, such funds may be obligated
15 and expended to carry out planning and design and mili-
16 tary construction projects not otherwise authorized by law:
17 *Provided further*, That of the funds provided under this
18 heading, not to exceed \$6,696,000 shall be available for
19 study, planning, design, and architect and engineer serv-
20 ices: *Provided further*, That of the funds appropriated for
21 “Military Construction, Army” and designated as being
22 for overseas deployments and other activities under Public
23 Law 111–32, \$16,500,000 is rescinded.

1 MILITARY CONSTRUCTION, AIR FORCE

2 For an additional amount for “Military Construction,
3 Air Force”, \$279,090,000 for support of contingency op-
4 erations in Afghanistan, to remain available until Sep-
5 tember 30, 2011: *Provided*, That notwithstanding any
6 other provision of law, such funds may be obligated and
7 expended to carry out planning and design and military
8 construction projects not otherwise authorized by law:
9 *Provided further*, That of the funds provided under this
10 heading, not to exceed \$19,040,000 shall be available for
11 study, planning, design, and architect and engineer serv-
12 ices.

13 FAMILY HOUSING OPERATION AND MAINTENANCE, AIR
14 FORCE

15 For an additional amount for “Family Housing Oper-
16 ation and Maintenance, Air Force”, \$7,953,000.

17 CHAPTER 3—STATE, FOREIGN OPERATIONS,
18 AND RELATED PROGRAMS

19 DEPARTMENT OF STATE

20 ADMINISTRATION OF FOREIGN AFFAIRS

21 DIPLOMATIC AND CONSULAR PROGRAMS

22 (INCLUDING TRANSFER OF FUNDS)

23 For an additional amount for “Diplomatic and Con-
24 sular Programs”, \$1,582,599,000, to remain available
25 until September 30, 2011: *Provided*, That the Secretary

1 of State may transfer up to \$149,500,000 of the funds
2 made available under this heading to any other appropria-
3 tion of any department or agency of the United States,
4 upon the concurrence of the head of such department or
5 agency, to support operations in and assistance for Af-
6 ghanistan and to carry out the provisions of the Foreign
7 Assistance Act of 1961.

8 OFFICE OF INSPECTOR GENERAL

9 For an additional amount for “Office of Inspector
10 General”, \$20,000,000, to remain available until Sep-
11 tember 30, 2012, of which \$14,000,000 shall be for the
12 Special Inspector General for Afghanistan Reconstruction
13 for reconstruction oversight.

14 EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

15 For an additional amount for “Embassy Security,
16 Construction, and Maintenance”, \$55,011,000, to remain
17 available until expended, for worldwide security upgrades,
18 acquisition, and construction as authorized.

19 UNITED STATES AGENCY FOR INTERNATIONAL
20 DEVELOPMENT

21 FUNDS APPROPRIATED TO THE PRESIDENT

22 OFFICE OF INSPECTOR GENERAL

23 For an additional amount for “Office of Inspector
24 General”, \$7,000,000, to remain available until September

1 30, 2012, for oversight of operations and programs in Af-
2 ghanistan and Pakistan.

3 BILATERAL ECONOMIC ASSISTANCE
4 FUNDS APPROPRIATED TO THE PRESIDENT
5 ECONOMIC SUPPORT FUND
6 (INCLUDING TRANSFER OF FUNDS)

7 For an additional amount for “Economic Support
8 Fund”, \$1,538,630,000, to remain available until Sep-
9 tember 30, 2011, of which not more than \$1,167,630,000
10 shall be for assistance for Afghanistan.

11 INTERNATIONAL SECURITY ASSISTANCE
12 DEPARTMENT OF STATE
13 INTERNATIONAL NARCOTICS CONTROL AND LAW
14 ENFORCEMENT

15 For an additional amount for “International Nar-
16 cotics Control and Law Enforcement”, \$1,198,200,000, to
17 remain available until September 30, 2011, of which not
18 more than \$812,000,000 shall be made available for as-
19 sistance for Iraq and not more than \$146,200,000 shall
20 be made available for assistance for Afghanistan: *Pro-*
21 *vided*, That funds appropriated in this paragraph for as-
22 sistance for Iraq shall not be subject to the limitation on
23 assistance in section 7042(b)(1) of division F of Public
24 Law 111–117: *Provided further*, That of the funds appro-
25 priated under this heading, up to \$200,000,000 shall be

1 made available for assistance for Mexico to combat drug
2 trafficking and related violence and organized crime, and
3 for judicial reform, institution building, anti-corruption,
4 and rule of law activities, of which not less than
5 \$100,000,000 should be used for judicial reform, institu-
6 tion building, anti-corruption, and rule of law activities:
7 *Provided further*, That funds made available pursuant to
8 the previous proviso shall be available subject to prior con-
9 sultation with, and the regular notification procedures of,
10 the Committees on Appropriations and shall not be subject
11 to the limitation on assistance in section 7045(e)(1) of di-
12 vision F of Public Law 111-117: *Provided further*, That
13 the Secretary of State shall submit to the Committees on
14 Appropriations, not later than 45 days after enactment
15 of this Act, and prior to the initial obligation of funds,
16 a report detailing planned expenditures by program,
17 project, or activity for funds appropriated under this head-
18 ing: *Provided further*, That notwithstanding 41 U.S.C.
19 253j(e), the Department of State may award task orders
20 for police training in Afghanistan under current Depart-
21 ment contracts for police training: *Provided further*, That
22 such task orders shall be for limited terms and shall re-
23 main in performance only until a successor contract or
24 contracts awarded by the Department of Defense using
25 full and open competition procedures have entered into full

1 performance after completion of any start-up or transition
2 periods.

3 FUNDS APPROPRIATED TO THE PRESIDENT

4 FOREIGN MILITARY FINANCING PROGRAM

5 For an additional amount for “Foreign Military Fi-
6 nancing Program”, \$60,000,000, to remain available until
7 September 30, 2011.

8 GENERAL PROVISIONS, THIS CHAPTER

9 EXTENSION OF AUTHORITIES

10 SEC. 1301. Funds appropriated by this chapter may
11 be obligated and expended notwithstanding section 10 of
12 Public Law 91–672, section 15 of the State Department
13 Basic Authorities Act of 1956, section 313 of the Foreign
14 Relations Authorization Act, Fiscal Years 1994 and 1995
15 (Public Law 103–236), and section 504(a)(1) of the Na-
16 tional Security Act of 1947 (50 U.S.C. 414(a)(1)).

17 SPENDING PLAN AND NOTIFICATION PROCEDURES

18 SEC. 1302. (a) SPENDING PLAN.—Not later than 45
19 days after the enactment of this Act, the Secretary of
20 State, in consultation with the Administrator of the
21 United States Agency for International Development, shall
22 submit to the Committees on Appropriations a report de-
23 tailing planned expenditures for funds appropriated in this
24 chapter.

1 (b) NOTIFICATION.—Funds made available in this
2 chapter shall be subject to the regular notification proce-
3 dures of the Committees on Appropriations and section
4 634A of the Foreign Assistance Act of 1961.

5 AFGHANISTAN AND PAKISTAN COMMITMENT AND
6 CAPABILITIES REPORT

7 SEC. 1303. (a) REPORTING REQUIREMENT.—Not
8 later than the date of submission of the fiscal year 2012
9 budget request, the President shall submit a report to the
10 appropriate congressional committees, in classified form if
11 necessary, assessing the extent to which the Afghan and
12 Pakistani Governments are demonstrating the necessary
13 commitment, capability, conduct, and unity of purpose to
14 warrant the continuation of the President’s policy an-
15 nounced on March 27, 2009, and subsequently modified
16 on December 1, 2009, to include—

17 (1) the level of political consensus and unity of
18 purpose across ethnic, tribal, religious, and political
19 party affiliation to confront the political and security
20 challenges facing the region;

21 (2) the level of government corruption that un-
22 dermines such political consensus and unity of pur-
23 pose, and actions taken to eliminate it;

24 (3) the actions taken by respective security
25 forces and appropriate government entities in devel-

1 oping a counterinsurgency capability, conducting
2 counterinsurgency operations, and establishing secu-
3 rity and governance on the ground;

4 (4) the actions taken by respective intelligence
5 agencies in cooperating with the United States on
6 counterinsurgency and counterterrorism operations
7 and in terminating policies and programs, and re-
8 moving personnel, that provide material support to
9 extremist networks that target United States troops
10 or undermine United States objectives in the region;

11 (5) the ability of the Afghan and Pakistani
12 Governments to effectively control and govern the
13 territory within their respective borders;

14 (6) the ways in which United States Govern-
15 ment assistance contributed, or failed to contribute,
16 to achieving the actions outlined above; and

17 (7) any other actions that can undermine the
18 success of the mission.

19 (b) **POLICY ASSESSMENT.**—The President, on the
20 basis of information gathered and coordinated by the Na-
21 tional Security Council, shall advise the appropriate con-
22 gressional committees on how such assessment requires,
23 or does not require, changes to such policy.

24 (c) **DEFINITION.**—For purposes of this section, the
25 term “appropriate congressional committees” means the

1 Committees on Appropriations, Foreign Relations, and
2 Armed Services of the Senate, and the Committees on Ap-
3 propriations, Foreign Affairs, and Armed Services of the
4 House of Representatives.

5 AFGHANISTAN BUDGET SUPPORT

6 SEC. 1304. Of the amounts appropriated for assist-
7 ance for Afghanistan in this chapter under the heading
8 “Economic Support Fund”, not more than \$50,000,000
9 may be provided as direct budget support to the central
10 government of Afghanistan until the Secretary of State
11 certifies and reports, in writing, to the Committees on Ap-
12 propriations that the President of Afghanistan is fully co-
13 operating with United States and international efforts to
14 help the Afghan people in creating a secure and stable
15 Afghanistan.

16 PAKISTAN ASSISTANCE

17 SEC. 1305. Of the amounts appropriated for assist-
18 ance for Pakistan in fiscal year 2010, not less than
19 \$25,000,000 shall be made available for human rights pro-
20 grams in Pakistan, including training of government offi-
21 cials and security forces, and assistance to human rights
22 organizations.

1 IRAQ

2 (INCLUDING TRANSFER OF FUNDS)

3 SEC. 1306. (a) ASSISTANCE.—Funds made available
4 under the headings “International Disaster Assistance”
5 and “Migration and Refugee Assistance” in title III of di-
6 vision F of Public Law 111–117, the Department of State,
7 Foreign Operations, and Related Programs Appropria-
8 tions Act, 2010, shall not be subject to the limitation on
9 assistance for Iraq in section 7042(b)(1) of such Act.

10 (b) TRANSFER OF FUNDS.—Of the funds appro-
11 priated in this chapter, and in prior Acts making appro-
12 priations for the Department of State, foreign operations
13 and related programs, under the headings “Diplomatic
14 and Consular Programs” and “Embassy Security, Con-
15 struction, and Maintenance” for Afghanistan, Pakistan
16 and Iraq, up to \$300,000,000 may be transferred between,
17 and merged with, such appropriations for activities related
18 to civilian-led operations in such countries.

19 IRAN

20 SEC. 1307. (a) PROHIBITION.—None of the funds ap-
21 propriated or otherwise made available by this Act may
22 be obligated or expended by any executive agency covered
23 by the Federal Acquisition Regulation issued pursuant to
24 section 25 of the Office of Federal Procurement Policy
25 Act (41 U.S.C. 421) to provide funds to any contractor

1 under a contract entered into on or after the date of the
2 enactment of this Act unless the contractor has made the
3 certification required under subsection (b).

4 (b) APPLICATION TO CONTRACTS.—The Federal Ac-
5 quisition Regulation issued pursuant to section 25 of the
6 Office of Federal Procurement Policy Act (41 U.S.C. 421)
7 shall be revised to require from each prospective con-
8 tractor a certification that the prospective contractor and
9 any entities controlled by the contractor do not engage in
10 any activity for which sanctions may be imposed under
11 section 5 of the Iran Sanctions Act of 1996.

12 (c) CLARIFICATION REGARDING CERTAIN PROD-
13 UCTS.—Section 5(f)(2) of the Iran Sanctions Act of 1996
14 applies with respect to the imposition of remedies imposed
15 on a contractor for filing a false certification pursuant to
16 subsection (b) to the same extent as such section applies
17 with respect to sanctions under subsection (a) or (b) of
18 section 5 of that Act.

19 (d) WAIVERS.—The President may on a case-by-case
20 basis waive the requirement that a prospective contractor
21 make a certification pursuant to subsection (b) if the
22 President determines and certifies in writing to the Com-
23 mittees on Appropriations of the House of Representatives
24 and the Senate that it is in the national interest to do
25 so.

1 (e) CONSTRUCTION.—In this section, the term “con-
2 tractor” shall not be deemed to include any government
3 or governmental entity not operating as a business enter-
4 prise.

5 CHAPTER 4—GENERAL PROVISION, THIS TITLE
6

7 SEC. 1401. (a) Each amount in this title is des-
8 ignated as being for overseas deployments and other ac-
9 tivities pursuant to paragraphs (1) and (2) of section
10 423(a) of S. Con. Res. 13 (111th Congress), the concur-
11 rent resolution on the budget for fiscal year 2010.

12 (b) The provisions of subsection (a) shall not apply
13 to amounts under section 1115.

14 TITLE II—VETERANS, HAITI, OIL SPILL,

15 BORDER AND OTHER MATTERS

16 CHAPTER 1—AGRICULTURE

17 DEPARTMENT OF AGRICULTURE

18 FOREIGN AGRICULTURAL SERVICE

19 FOOD FOR PEACE TITLE II GRANTS

20 For an additional amount for “Food for Peace Title
21 II Grants” for emergency relief and rehabilitation, and
22 other expenses related to Haiti following the earthquake
23 of January 12, 2010, and for other disaster-response ac-
24 tivities relating to the earthquake, \$150,000,000, to re-
25 main available until expended: *Provided*, That funds ap-

1 appropriated in this paragraph may be used to reimburse
2 obligations incurred for the purposes provided herein prior
3 to enactment of this Act.

4 GENERAL PROVISIONS, THIS CHAPTER

5 SEC. 2101. For an additional amount for the cost of
6 unsubsidized guaranteed loans as authorized by section
7 502 of the Housing Act of 1949 (42 U.S.C. 1472), includ-
8 ing the cost of modifying loans, as defined in section 502
9 of the Congressional Budget Act of 1974, \$172,800,000.

10 SEC. 2102. For an additional amount for the emer-
11 gency food assistance program as authorized by section
12 27(a) of the Food and Nutrition Act of 2008 (7 U.S.C.
13 2036(a)) and section 204(a)(1) of the Emergency Food
14 Assistance Act of 1983 (7 U.S.C. 7508(a)(1)),
15 \$50,000,000.

16 (INCLUDING RESCISSION)

17 SEC. 2103. (a) For an additional amount for the cost
18 of direct and guaranteed farm ownership (7 U.S.C. 1922
19 et seq.) and operating (7 U.S.C. 1941 et seq.) loans, in-
20 cluding the cost of modifying loans, as defined in section
21 502 of the Congressional Budget Act of 1974,
22 \$27,300,000.

23 (b) RESCISSION.—There is rescinded from accounts
24 under the heading “Farm Service Agency”, \$27,300,000,
25 to be derived from the unobligated balances of funds that

1 were provided for such accounts in prior appropriation
2 Acts (other than Public Law 111–5) and that were des-
3 ignated by the Congress in such Acts as an emergency
4 requirement pursuant to a concurrent resolution on the
5 budget or the Balanced Budget and Emergency Deficit
6 Control Act of 1985.

7 (RESCISSION)

8 SEC. 2104. There is rescinded from accounts under
9 the heading “Natural Resources Conservation Service”,
10 \$69,900,000, to be derived from the unobligated balances
11 of funds that were provided for such accounts in prior ap-
12 propriation Acts (other than Public Law 111–5) and that
13 were designated by the Congress in such Acts as an emer-
14 gency requirement pursuant to a concurrent resolution on
15 the budget or the Balanced Budget and Emergency Def-
16 icit Control Act of 1985.

17 CHAPTER 2—COMMERCE AND JUSTICE

18 DEPARTMENT OF COMMERCE

19 ECONOMIC DEVELOPMENT ADMINISTRATION

20 ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

21 For an additional amount for “Economic Develop-
22 ment Assistance Programs”, to carry out planning, tech-
23 nical assistance and other assistance under section 209,
24 and consistent with section 703(b), of the Public Works
25 and Economic Development Act of 1965 (42 U.S.C. 3149,

1 3233(b)), in States affected by the incidents related to the
2 discharge of oil that began in 2010 in connection with the
3 explosion on, and sinking of, the mobile offshore drilling
4 unit Deepwater Horizon, \$5,000,000, to remain available
5 until expended.

6 NATIONAL OCEANIC AND ATMOSPHERIC
7 ADMINISTRATION
8 OPERATIONS, RESEARCH, AND FACILITIES

9 For an additional amount for “Operations, Research,
10 and Facilities”, \$21,000,000, to remain available until ex-
11 pended, of which \$7,000,000 shall be for activities under-
12 taken as a result of the incidents related to the discharge
13 of oil that began in 2010 in connection with the explosion
14 on, and sinking of, the mobile offshore drilling unit Deep-
15 water Horizon, and \$14,000,000 shall be for responding
16 to economic impacts on fishermen and fishery dependent
17 businesses: *Provided*, That the amounts appropriated
18 herein for responding to economic impacts are not avail-
19 able unless the Secretary of Commerce determines, in con-
20 sultation with the Director of the Office of Management
21 and Budget, that resources provided under other authori-
22 ties and appropriations (including by the responsible party
23 (or parties) under the Oil Pollution Act, 33 U.S.C. 2701,
24 et seq., and by the Small Business Administration and De-
25 partment of Labor) are not sufficient to respond to eco-

1 nomic impacts on fishermen and fishery-dependent busi-
2 nesses following an incident related to a spill of national
3 significance declared under the National Contingency Plan
4 provided for under section 105 of the Comprehensive En-
5 vironmental Response, Compensation, and Liability Act of
6 1980 (42 U.S.C. 9605): *Provided further*, That the Na-
7 tional Marine Fisheries Service shall cause such amounts
8 to be distributed among eligible recipients of assistance
9 for fishery resource disasters and commercial fishery fail-
10 ures declared by the Secretary of Commerce under sec-
11 tions 308(b) and 308(d) of the Interjurisdictional Fish-
12 eries Act (16 U.S.C. 4107) and sections 312(a) and 315
13 of the Magnuson-Stevens Fishery Conservation and Man-
14 agement Act (16 U.S.C. 1861a(a) and 1864).

15 DEPARTMENT OF JUSTICE

16 LEGAL ACTIVITIES

17 SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

18 For an additional amount for “Salaries and Ex-
19 penses, General Legal Activities”, for the legal activities
20 of the Department of Justice, not otherwise provided for,
21 \$10,000,000, to remain available until expended, for liti-
22 gation expenses as a result of incidents related to the dis-
23 charge of oil that began in 2010 in connection with the
24 explosion on, and sinking of, the mobile offshore drilling
25 unit Deepwater Horizon.

1 GENERAL PROVISIONS, THIS CHAPTER

2 (RESCISSION)

3 SEC. 2201. Of the funds appropriated under the
4 heading “Department of Commerce—National Institute of
5 Standards and Technology—Construction of Research Fa-
6 cilities” in title II of division A of Public Law 111–5 (123
7 Stat. 129) \$15,000,000 is rescinded.

8 SEC. 2202. (a) SUBMISSION OF CHARTER AND PRO-
9 CEDURES.—Not later than 30 days after the final ap-
10 proval of the charter and procedures for the interagency
11 body established to carry out an interrogation pursuant
12 to a recommendation of the report of the Special Task
13 Force on Interrogation and Transfer Policies submitted
14 under section 5(g) of Executive Order 13491 (commonly
15 known as the High-Value Detainee Interrogation Group),
16 or not later than 30 days after the date of the enactment
17 of this Act, whichever is later, the Federal Bureau of In-
18 vestigation shall submit to the congressional intelligence
19 and appropriations committees such charter and proce-
20 dures.

21 (b) UPDATES.—Not later than 30 days after the final
22 approval of any significant modification or revision to the
23 charter or procedures referred to in subsection (a), the
24 Federal Bureau of Investigation shall submit to the con-

1 gressional intelligence and appropriations committees any
2 such modification or revision.

3 (c) LESSONS LEARNED.—Not later than 60 days
4 after the date of the enactment of this Act, the Federal
5 Bureau of Investigation, in consultation with the Office
6 of the Director of National Intelligence, shall submit to
7 the congressional intelligence and appropriations commit-
8 tees a report setting forth an analysis and assessment of
9 the lessons learned as a result of the operations and activi-
10 ties of the High-Value Detainee Interrogation Group since
11 the establishment of that group.

12 CHAPTER 3—DEFENSE

13 DEPARTMENT OF DEFENSE

14 OPERATION AND MAINTENANCE

15 OPERATION AND MAINTENANCE, ARMY

16 For an additional amount for “Operation and Main-
17 tenance, Army” to restore amounts transferred from this
18 account to “Overseas Humanitarian, Disaster, and Civic
19 Aid” for emergency relief activities related to Haiti fol-
20 lowing the earthquake of January 12, 2010, and for other
21 disaster-response activities relating to the earthquake,
22 \$133,300,000.

23 OPERATION AND MAINTENANCE, NAVY

24 For an additional amount for “Operation and Main-
25 tenance, Navy” to restore amounts transferred from this

1 account to “Overseas Humanitarian, Disaster, and Civic
2 Aid” for emergency relief activities related to Haiti fol-
3 lowing the earthquake of January 12, 2010, and for other
4 disaster-response activities relating to the earthquake,
5 \$114,600,000.

6 OPERATION AND MAINTENANCE, MARINE CORPS

7 For an additional amount for “Operation and Main-
8 tenance, Marine Corps” to restore amounts transferred
9 from this account to “Overseas Humanitarian, Disaster,
10 and Civic Aid” for emergency relief activities related to
11 Haiti following the earthquake of January 12, 2010, and
12 for other disaster-response activities relating to the earth-
13 quake, \$18,700,000.

14 OPERATION AND MAINTENANCE, AIR FORCE

15 For an additional amount for “Operation and Main-
16 tenance, Air Force” to restore amounts transferred from
17 this account to “Overseas Humanitarian, Disaster, and
18 Civic Aid” for emergency relief activities related to Haiti
19 following the earthquake of January 12, 2010, and for
20 other disaster-response activities relating to the earth-
21 quake, \$133,400,000.

22 OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

23 For an additional amount for “Overseas Humani-
24 tarian, Disaster, and Civic Aid” (OHDACA) for emer-
25 gency relief related to Haiti following the earthquake of

1 January 12, 2010, and for other disaster-response activi-
2 ties relating to the earthquake, \$255,000,000, to remain
3 available until September 30, 2011: *Provided*, That funds
4 appropriated in this paragraph may be used to reimburse
5 obligations incurred for the purposes provided herein prior
6 to enactment of this Act.

7 GENERAL PROVISIONS, THIS CHAPTER

8 SEC. 2301. Funds obligated or expended by any Fed-
9 eral agency in support of emergency humanitarian assist-
10 ance services at the request of or in coordination with the
11 Department of Defense, the Department of State, or the
12 United States Agency for International Development, on
13 or after January 12, 2010 and before February 12, 2010,
14 in support of the Haitian earthquake relief efforts are
15 deemed to be specifically authorized by the Congress.

16 SEC. 2302. Funds previously transferred to the
17 “Overseas Humanitarian, Disaster, and Civic Aid” ac-
18 count under the authority of section 8005 of Public Law
19 111–118 and consistent with the notification provided on
20 January 25, 2010 (entitled “reprogramming action 10–
21 07PA”) and the notification provided on March 15, 2010
22 (entitled “reprogramming action 10–08PA”) for Depart-
23 ment of Defense Haiti disaster relief activities shall not
24 be taken into account for purposes of the limitation on
25 the amount of funds that may be transferred under such

1 section 8005: *Provided*, That transfers of such funds back
2 to their source appropriations shall not be taken into ac-
3 count for purposes of the limitation on the amount of
4 funds that may be transferred under such section 8005:
5 *Provided further*, That such transfers back may be made
6 10 days following notification of the congressional defense
7 committees.

8 SEC. 2303. (a) APPROPRIATION AND TRANSFER OF
9 FUNDS.—

10 (1) For an additional amount for “Operation
11 and Maintenance, Defense-Wide”, \$50,000,000, to
12 remain available until expended, of which up to
13 \$50,000,000 shall be available for transfer by the
14 Secretary of Defense to the Port of Guam Improve-
15 ment Enterprise Fund established by section 3512
16 of the Duncan Hunter National Defense Authoriza-
17 tion Act for Fiscal Year 2009 (Public Law 110–417;
18 48 U.S.C. 1421r). Funds transferred under this
19 subsection shall be merged with and available for ob-
20 ligation for the same time period and for the same
21 purposes as the appropriation to which transferred.
22 Such funds may be transferred by the Secretary of
23 Defense only if the Secretary determines such
24 amounts are required to improve facilities, relieve

1 port congestion, and provide greater access to port
2 facilities for the Port of Guam.

3 (2) Any amounts transferred under this sub-
4 section shall be available to the Secretary of Trans-
5 portation, acting through the Maritime Adminis-
6 trator, to carry out planning, design, and construc-
7 tion of projects for the Port of Guam under such
8 section 3512.

9 (3) The transfer authority in this subsection is
10 in addition to any other transfer authority available
11 to the Department of Defense.

12 (4) The Secretary shall, not fewer than 5 days
13 before making any transfer under this subsection,
14 notify the congressional defense committees in writ-
15 ing of the details of such transfer.

16 (b) RESCISSION.—From funds available to the De-
17 partment of Defense, as determined by the Secretary,
18 \$50,000,000 is rescinded. Such rescission shall be only
19 from such amounts that would otherwise expire at the end
20 of fiscal year 2010 and that are appropriated to the De-
21 partment of Defense in this Act or any prior appropriation
22 Act. No amounts may be rescinded under this subsection
23 from amounts that were designated by the Congress as
24 an emergency requirement or as appropriations for over-
25 seas deployments and other activities pursuant to a con-

1 current resolution on the budget or the Balanced Budget
2 and Emergency Deficit Control Act of 1985.

3 (RESCISSIONS)

4 SEC. 2304. Of the funds made available for the De-
5 partment of Defense in title III of the American Recovery
6 and Reinvestment Act of 2009 (Public Law 111-5)
7 \$190,000,000 is hereby rescinded from the following ac-
8 counts in the specified amounts.

9 (1) "Operation and Maintenance, Army",
10 \$67,000,000.

11 (2) "Operation and Maintenance, Navy",
12 \$64,500,000.

13 (3) "Operation and Maintenance, Marine
14 Corps", \$1,100,000.

15 (4) "Operation and Maintenance, Air Force",
16 \$6,600,000.

17 (5) "Operation and Maintenance, Army Re-
18 serve", \$2,500,000.

19 (6) "Operation and Maintenance, Navy Re-
20 serve", \$800,000.

21 (7) "Operation and Maintenance, Marine Corps
22 Reserve", \$3,300,000.

23 (8) "Operation and Maintenance, Army National
24 Guard", \$13,100,000.

1 (9) “Operation and Maintenance, Air National
2 Guard”, \$500,000.

3 (10) “Defense Health Program”, \$30,600,000.

4 (INCLUDING TRANSFER OF FUNDS)

5 SEC. 2305. Of the amounts made available to the De-
6 partment of Defense in prior appropriations acts,
7 \$177,180,000 may be made available for National Guard
8 border security activities from “Procurement, Marine
9 Corps”, in Title IX, Chapter 1, of Public Law 110–252,
10 \$101,500,000; and “Procurement, Marine Corps”, in Title
11 III of Public Law 111–32, \$75,680,000: *Provided*, That
12 the entire amount shall be available only to the extent that
13 an official budget request for \$177,180,000, is trans-
14 mitted by the President to the Congress: *Provided further*,
15 That the Secretary of Defense may transfer amounts
16 made available under this heading to the military per-
17 sonnel and operation and maintenance accounts: *Provided*
18 *further*, That the funds transferred shall be merged with
19 and shall be available for the same purposes and the same
20 time period as the appropriation to which transferred:
21 *Provided further*, That upon a determination that all or
22 part of the funds so transferred from this appropriation
23 are not necessary for the purposes provided herein, such
24 amounts may be transferred back to this appropriation
25 and shall be available for the same purposes and the same

1 time period as originally appropriated: *Provided further*,
2 That 15 days prior to obligating funds available under this
3 section the Secretary of Defense shall provide written noti-
4 fication the Appropriations Committees of the House and
5 Senate specifying the purposes, to include mission
6 taskings, for which such funds will be used.

7 CHAPTER 4—ENERGY AND WATER

8 DEVELOPMENT

9 DEPARTMENT OF ENERGY

10 ENERGY PROGRAMS

11 TITLE 17 INNOVATIVE TECHNOLOGY LOAN GUARANTEE

12 PROGRAM

13 Subject to section 502 of the Congressional Budget
14 Act of 1974, commitments to guarantee loans under title
15 XVII of the Energy Policy Act of 2005, shall not exceed
16 a total principal amount of \$18,000,000,000 for eligible
17 projects, to remain available until committed, of which
18 \$9,000,000,000 shall be for nuclear power facilities and
19 \$9,000,000,000 shall be for renewable energy system and
20 efficient end-use energy technology projects: *Provided*,
21 That these amounts are in addition to authorities provided
22 in any other Act: *Provided further*, That for amounts col-
23 lected pursuant to section 1702(b)(2) of the Energy Policy
24 Act of 2005, the source of such payment received from
25 borrowers is not a loan or other debt obligation that is

1 guaranteed by the Federal Government: *Provided further,*
2 That none of the loan guarantee authority made available
3 in this Act shall be available for commitments to guar-
4 antee loans for any projects where funds, personnel, or
5 property (tangible or intangible) of any Federal agency,
6 instrumentality, personnel, or affiliated entity are expected
7 to be used (directly or indirectly) through acquisitions,
8 contracts, demonstrations, exchanges, grants, incentives,
9 leases, procurements, sales, other transaction authority, or
10 other arrangements, to support the project or to obtain
11 goods or services from the project: *Provided further,* That
12 the previous proviso shall not be interpreted as precluding
13 the use of the loan guarantee authority in this Act for
14 commitments to guarantee loans for projects as a result
15 of such projects benefiting from (a) otherwise allowable
16 Federal income tax benefits; (b) being located on Federal
17 land pursuant to a lease or right-of-way agreement for
18 which all consideration for all uses is (i) paid exclusively
19 in cash, (ii) deposited in the Treasury as offsetting re-
20 ceipts, and (iii) equal to the fair market value as deter-
21 mined by the head of the relevant Federal agency; (c) Fed-
22 eral insurance programs, including under section 170 of
23 the Atomic Energy Act of 1954 (42 U.S.C. 2210; com-
24 monly known as the “Price-Anderson Act”); or (d) for
25 electric generation projects, use of transmission facilities

1 owned or operated by a Federal Power Marketing Admin-
2 istration or the Tennessee Valley Authority that have been
3 authorized, approved, and financed independent of the
4 project receiving the guarantee: *Provided further*, That
5 none of the loan guarantee authority made available in
6 this Act shall be available for any project unless the Direc-
7 tor of the Office of Management and Budget has certified
8 in advance in writing that the loan guarantee and the
9 project comply with the provisions under this title.

10 GENERAL PROVISIONS, THIS CHAPTER

11 SEC. 2401. (a) SPECIFIC APPROPRIATION OR CON-
12 TRIBUTION.—Section 1702 of the Energy Policy Act of
13 2005 (42 U.S.C. 16512) is amended—

14 (1) by striking subsection (b) and inserting the
15 following:

16 “(b) SPECIFIC APPROPRIATION OR CONTRIBU-
17 TION.—

18 “(1) IN GENERAL.—No guarantee shall be
19 made unless—

20 “(A) an appropriation for the cost has
21 been made;

22 “(B) the Secretary has received from the
23 borrower a payment in full for the cost of the
24 obligation and deposited the payment into the
25 Treasury; or

1 “(C) a combination of appropriations or
2 payments from the borrower has been made
3 sufficient to cover the cost of the obligation.

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

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

10 “(k) MULTIPLE SITES.—Notwithstanding any con-
11 trary requirement (including any provision under part
12 609.12 of title 10, Code of Federal Regulations) an eligi-
13 ble project may be located on 2 or more non-contiguous
14 sites in the United States.”.

15 (b) APPLICATIONS FOR MULTIPLE ELIGIBLE
16 PROJECTS.—Section 1705 of the Energy Policy Act of
17 2005 (42 U.S.C. 16516) is amended—

18 (1) by redesignating subsection (e) as sub-
19 section (f); and

20 (2) by inserting after subsection (d) the fol-
21 lowing:

22 “(e) MULTIPLE APPLICATIONS.—Notwithstanding
23 any contrary requirement (including any provision under
24 part 609.3(a) of title 10, Code of Federal Regulations),
25 a project applicant or sponsor of an eligible project may

1 submit an application for more than 1 eligible project
2 under this section.”.

3 (c) ENERGY EFFICIENCY LOAN GUARANTEES.—Sec-
4 tion 1705(a) of the Energy Policy Act of 2005 (42 U.S.C.
5 16516(a)) is amended by adding at the end the following:

6 “(4) Energy efficiency projects, including
7 projects to retrofit residential, commercial, and in-
8 dustrial buildings, facilities, and equipment.”.

9 (RESCISSIONS)

10 SEC. 2402. There are rescinded the following
11 amounts from the specified accounts:

12 (1) \$35,000,000, to be derived from unobli-
13 gated balances made available under “Mississippi
14 River and Tributaries” in Public Law 110–329.

15 (2) \$4,874,037, to be derived from unobligated
16 balances made available under “Flood Control and
17 Coastal Emergencies” in Public Law 109–234.

18 (3) \$5,005,400, to be derived from unobligated
19 balances made available under “Flood Control and
20 Coastal Emergencies” in title V of Public Law 110–
21 28.

22 (4) \$2,199,629, to be derived from unobligated
23 balances made available under “Construction” in
24 Public Law 109–148.

1 CHAPTER 5—FINANCIAL SERVICES AND
2 GENERAL GOVERNMENT
3 (INCLUDING RESCISSION)

4 SEC. 2501. (a) APPROPRIATION.—For an additional
5 amount for the Financial Crisis Inquiry Commission es-
6 tablished under section 5 of the Fraud Enforcement and
7 Recovery Act of 2009 (Public Law 111–21), \$2,700,000.

8 (b) RESCISSION.—Of the unobligated balances made
9 available for “Courts of Appeals, District Courts, and
10 Other Judicial Services—Salaries and Expenses” in title
11 III of division C of Public Law 111–117, \$2,700,000 is
12 rescinded.

13 (INCLUDING RESCISSION)

14 SEC. 2502. (a) APPROPRIATION.—For an additional
15 amount for “Federal Payment to the Public Defender
16 Service for the District of Columbia”, \$700,000, to remain
17 available until September 30, 2012.

18 (b) RESCISSION.—Of the funds provided for “Federal
19 Payment to the District of Columbia Public Defender
20 Service” in title IV of division D of Public Law 111–8,
21 \$700,000 is rescinded.

22 SEC. 2503. (a) The Administrator of General Serv-
23 ices, not later than 90 days after the date of enactment
24 of this Act, shall prepare and submit to Congress a build-
25 ing project survey report related to a consolidated head-

1 quarters for the Federal Bureau of Investigation in the
2 Washington metropolitan region (as defined in section
3 8301 of title 40, United States Code).

4 (b) The building project survey report shall be pre-
5 pared by the Administrator of General Services in con-
6 sultation with the Director of the Federal Bureau of In-
7 vestigation, and each strategy described in the report shall
8 contain, at a minimum, an estimated cost, a financing and
9 development plan, a budgetary and financial impact anal-
10 ysis, a procurement and implementation plan, an analysis
11 of security and information technology issues specific to
12 the Federal Bureau of Investigation, and a schedule.

13 (c) The building project survey report shall identify
14 a preferred strategy.

15 CHAPTER 6—HOMELAND SECURITY

16 DEPARTMENT OF HOMELAND SECURITY

17 U.S. CUSTOMS AND BORDER PROTECTION

18 SALARIES AND EXPENSES

19 For an additional amount for “Salaries and Ex-
20 penses”, \$356,900,000, to remain available until Sep-
21 tember 30, 2012, of which \$78,000,000 shall be for costs
22 to maintain U.S. Customs and Border Protection Officer
23 staffing on the Southwest Border of the United States,
24 \$58,000,000 shall be for hiring additional U.S. Customs
25 and Border Protection Officers for deployment at ports

1 of entry on the Southwest Border of the United States,
2 \$208,400,000 shall be for hiring additional Border Patrol
3 agents for deployment to the Southwest Border of the
4 United States, \$2,500,000 shall be for forward operating
5 bases on the Southwest Border of the United States, and
6 \$10,000,000 shall be to support integrity and background
7 investigation programs.

8 BORDER SECURITY, FENCING, INFRASTRUCTURE, AND
9 TECHNOLOGY

10 For an additional amount for “Border Security,
11 Fencing, Infrastructure, and Technology,” \$46,000,000,
12 to remain available until September 30, 2011, for costs
13 of designing, building and deploying tactical communica-
14 tions for support of enforcement activities on the South-
15 west Border of the United States.

16 CONSTRUCTION AND FACILITIES MANAGEMENT

17 For an additional amount for “Construction and Fa-
18 cilities Management”, \$9,000,000, to remain available
19 until September 30, 2011, for costs to construct up to
20 three forward operating bases for use by the Border Patrol
21 to carry out enforcement activities on the Southwest Bor-
22 der of the United States.

1 U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT

2 SALARIES AND EXPENSES

3 For an additional amount for ‘Salaries and Ex-
4 penses’, \$30,000,000, to remain available until September
5 30, 2011, for law enforcement activities targeted at reduc-
6 ing the threat of violence along the Southwest Border of
7 the United States.

8 COAST GUARD

9 OPERATING EXPENSES

10 For an additional amount for “Operating Expenses”
11 for necessary expenses for emergency relief, rehabilitation,
12 and other expenses related to Haiti following the earth-
13 quake of January 12, 2010, and for other disaster-re-
14 sponse activities relating to the earthquake, \$45,000,000,
15 to remain available until September 30, 2012: *Provided*,
16 That funds appropriated in this paragraph may be used
17 to reimburse obligations incurred for the purposes pro-
18 vided herein prior to enactment of this Act.

19 ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

20 For an additional amount for “Acquisition, Construc-
21 tion, and Improvements”, \$58,500,000, to remain avail-
22 able until September 30, 2012 for costs to replace the
23 operational capacity lost through the crashes of CG–1705
24 and CG–6028: *Provided*, That no later than 45 days after
25 the date of enactment of this Act, the Secretary of Home-

1 land Security shall submit to the Committees on Appro-
2 priations of the Senate and the House of Representatives
3 a plan for the expenditure of these funds.

4 FEDERAL EMERGENCY MANAGEMENT AGENCY

5 STATE AND LOCAL PROGRAMS

6 For an additional amount for “State and Local Pro-
7 grams”, \$50,000,000 to remain available until September
8 30, 2011, for Operation Stonegarden.

9 UNITED STATES CITIZENSHIP AND IMMIGRATION

10 SERVICES

11 (INCLUDING TRANSFER OF FUNDS)

12 For an additional amount for “United States Citizen-
13 ship and Immigration Services” for necessary expenses for
14 emergency relief, reconstruction, and other expenses re-
15 lated to Haiti following the earthquake of January 12,
16 2010, and for other disaster-response activities relating to
17 the earthquake, \$10,600,000, to remain available until
18 September 30, 2012: *Provided*, That amounts made avail-
19 able in this paragraph may be used to reimburse obliga-
20 tions incurred for the purposes provided herein prior to
21 enactment of this Act: *Provided further*, That notwith-
22 standing any provision of this or any other Act relating
23 to the transfer of appropriations or reprogramming of
24 funds, amounts made available in this paragraph may be
25 transferred and merged with the Immigration Examina-

1 tions Fee Account, as described in section 286(m) of the
2 Immigration and Nationality Act (8 U.S.C. 1356(m)).

3 FEDERAL LAW ENFORCEMENT TRAINING CENTER

4 SALARIES AND EXPENSES

5 For an additional amount for “Salaries and Ex-
6 penses”, \$8,100,000, to remain available until September
7 30, 2011, for costs to provide basic training for new U.S.
8 Customs and Border Protection Officers and Border Pa-
9 trol agents.

10 GENERAL PROVISIONS, THIS CHAPTER

11 (INCLUDING TRANSFER OF FUNDS)

12 SEC. 2601. (a) The Secretary of Homeland Security
13 may transfer to the Secretary of the Interior amounts
14 available for environmental mitigation requirements for
15 “U.S. Customs and Border Protection—Border Security
16 Fencing, Infrastructure, and Technology” for fiscal year
17 2009 or thereafter, for use by the Secretary of the Interior
18 under laws administered by such Secretary to mitigate ad-
19 verse impacts on species listed as endangered species
20 under the Endangered Species Act of 1973 (16 U.S.C.
21 1531 et seq.) resulting from construction, operation, and
22 maintenance activities related to border security.

23 (b) Uses of funds authorized by this section include
24 acquisition of land or interests in land that will, in the

1 judgment of the Secretary of the Interior, mitigate or off-
2 set such adverse impacts.

3 (c) Any funds transferred under this section shall be
4 used in accordance with an agreement between the Secre-
5 taries.

6 (d) Not later than September 30, 2010, and on an
7 annual basis thereafter, the Secretary of the Interior shall
8 submit to the Committees on Appropriations of the Senate
9 and the House of Representatives a report that describes
10 in detail the actions taken in the preceding year with
11 amounts transferred under this section.

12 (RESCISSION)

13 SEC. 2602. From unobligated balances made avail-
14 able for “Office of the Federal Coordinator for Gulf Coast
15 Rebuilding” in title I of Public Law 111–83, \$700,000
16 is rescinded.

17 (RESCISSION)

18 SEC. 2603. From unobligated balances of prior year
19 appropriations made available for “Transportation Secu-
20 rity Administration—Aviation Security” in chapter 5 of
21 title III of Public Law 110–28, \$6,600,000 is rescinded.

22 (RESCISSION)

23 SEC. 2604. From unobligated balances of prior year
24 appropriations made available for “United States Coast
25 Guard—Acquisition, Construction, and Improvements” in

1 chapter 4 of title I of division B of Public Law 109–148,
2 \$3,000,000 is rescinded.

3 (RESCISSION)

4 SEC. 2605. From unobligated balances of prior year
5 appropriations made available for “United States Coast
6 Guard—Acquisition, Construction, and Improvements” in
7 chapter 4 of title II of Public Law 109–234, \$4,000,000
8 is rescinded.

9 (RESCISSION)

10 SEC. 2606. From unobligated balances of prior year
11 appropriations made available for “Federal Emergency
12 Management Agency—Administrative and Regional Oper-
13 ations” in chapter 4 of title II of Public Law 109–234,
14 \$36,000,000 is rescinded.

15 (RESCISSION)

16 SEC. 2607. From unobligated balances of prior year
17 appropriations made available for “Domestic Nuclear De-
18 tection Office—Research, Development, and Operations”
19 in chapter 5 of title III of Public Law 110–28, \$3,800,000
20 is rescinded.

21 SEC. 2608. Notwithstanding any other provision of
22 law, including any agreement, the Federal share of assist-
23 ance, including direct Federal assistance provided under
24 sections 403, 406, and 407 of the Robert T. Stafford Dis-
25 aster Relief and Emergency Assistance Act (42 U.S.C.

1 5170b, 5172, and 5173), for damages resulting from
2 FEMA–1909–DR, FEMA–1894–DR, and FEMA–3311–
3 EM–RI shall not be less than 90 percent of the eligible
4 costs under such sections.

5 SEC. 2609. (a) Not later than 30 days after the date
6 of enactment of this Act, the Assistant Secretary of Home-
7 land Security (Transportation Security Administration)
8 shall issue a security directive that requires a commercial
9 foreign air carrier that operates passenger flights in for-
10 eign air commerce (as that term is defined in section
11 40102 of title 49, United States Code) to check the list
12 of individuals that the Transportation Security Adminis-
13 tration has prohibited from flying not later than 30 min-
14 utes after such list is modified and provided to such air
15 carrier.

16 (b) The requirements of subsection (a) shall not apply
17 to commercial foreign air carriers that operate flights in
18 foreign air commerce and that are enrolled in the Secure
19 Flight program or that are Advance Passenger Informa-
20 tion System Quick Query (AQQ) complaint.

21 SEC. 2610. Section 6002(b) of the Oil Pollution Act
22 of 1990 (33 U.S.C. 2752) is amended in the second sen-
23 tence:

24 (1) by inserting “: (1)” before “may obtain an
25 advance” and after “the Coast Guard”;

1 (2) by striking “advance. Amounts” and insert-
2 ing the following: “advance; (2) in the case of dis-
3 charge of oil that began in 2010 in connection with
4 the explosion on, and sinking of, the mobile offshore
5 drilling unit Deepwater Horizon, may, without fur-
6 ther appropriation, obtain one or more advances
7 from the Oil Spill Liability Trust Fund as needed,
8 up to a maximum of \$100,000,000 for each advance,
9 the total amount of all advances not to exceed the
10 amounts available under section 9509(c)(2) of the
11 Internal Revenue Code of 1986 (26 U.S.C.
12 9509(c)(2)), and within 7 days of each advance,
13 shall notify Congress of the amount advanced and
14 the facts and circumstances necessitating the ad-
15 vance; and (3) amounts”.

16 CHAPTER 7—INTERIOR AND ENVIRONMENT

17 DEPARTMENT OF THE INTERIOR

18 DEPARTMENTAL OFFICES

19 OFFICE OF THE SECRETARY

20 SALARIES AND EXPENSES

21 (INCLUDING TRANSFER OF FUNDS)

22 For an additional amount for “Office of the Sec-
23 retary, Salaries and Expenses”, for increased inspections,
24 enforcement, investigations, environmental and engineer-
25 ing studies, and other activities related to the discharge

1 of oil that began in 2010 in connection with the explosion
2 on, and sinking of, the mobile offshore drilling unit *Deep-*
3 *water Horizon*, \$29,000,000, to remain available until ex-
4 pended: *Provided*, That such funds may be transferred by
5 the Secretary to any other account in the Department of
6 the Interior to carry out the purposes provided under this
7 heading.

8 ENVIRONMENTAL PROTECTION AGENCY

9 SCIENCE AND TECHNOLOGY

10 For an additional amount for “Science and Tech-
11 nology” for a study on the potential human and environ-
12 mental risks and impacts of the release of crude oil and
13 the application of dispersants, surface washing agents,
14 bioremediation agents, and other mitigation measures list-
15 ed in the National Contingency Plan Product List (40
16 C.F.R. Part 300 Subpart J), as appropriate, \$2,000,000,
17 to remain available until expended: *Provided*, That the
18 study shall be performed at the direction of the Adminis-
19 trator of the Environmental Protection Agency, in coordi-
20 nation with the Secretary of Commerce and the Secretary
21 of the Interior: *Provided further*, That the study may be
22 funded through the provision of grants to universities and
23 colleges through extramural research funding.

1 GENERAL PROVISION, THIS CHAPTER

2 SEC. 2701. Section 11(c)(1) of the Outer Continental
3 Shelf Lands Act (43 U.S.C. 1340(c)(1)) is amended in
4 the fourth sentence by striking “within thirty days of its
5 submission,” and inserting the following: “within 90 days
6 of its submission or within such additional time as the
7 Secretary determines is necessary to complete any envi-
8 ronmental, safety, or other reviews (in the case of leases
9 issued pursuant to a sale held after March 17, 2010), or
10 within 90 days of its submission or, with the consent of
11 the holder of the lease, within such additional time as the
12 Secretary determines is necessary to complete any envi-
13 ronmental, safety, or other reviews (in the case of leases
14 issued pursuant to a sale held on or before March 17,
15 2010),”.

16 CHAPTER 8—LABOR, HEALTH AND HUMAN
17 SERVICES, AND RELATED AGENCIES

18 DEPARTMENT OF LABOR

19 DEPARTMENTAL MANAGEMENT

20 SALARIES AND EXPENSES

21 (INCLUDING TRANSFER OF FUNDS)

22 For an additional amount for “Salaries and Ex-
23 penses” for mine safety activities and for legal services
24 related to the Department of Labor’s caseload before the
25 Federal Mine Safety and Health Review Commission

1 (“FMSHRC”), \$34,600,000, to remain available through
2 September 30, 2011: *Provided*, That the Secretary of
3 Labor may transfer such sums as necessary to “Mine
4 Safety and Health Administration—Salaries and Ex-
5 penses” for enforcement and mine safety activities, which
6 may include conference litigation functions related to the
7 FMSHRC caseload, investigation of the Upper Big
8 Branch Mine disaster, standards and rulemaking activi-
9 ties, emergency response equipment purchases and up-
10 grades, and reorganization of coal mine safety and health
11 districts: *Provided further*, That the Committees on Ap-
12 propriations of the House of Representatives and the Sen-
13 ate shall be notified at least 15 days in advance of any
14 such transfer.

15 DEPARTMENT OF HEALTH AND HUMAN

16 SERVICES

17 CENTERS FOR DISEASE CONTROL AND PREVENTION

18 DISEASE CONTROL, RESEARCH, AND TRAINING

19 For an additional amount for “Disease Control, Re-
20 search, and Training” to carry out section 501 of the Fed-
21 eral Mine Safety and Health Act of 1977, section 13 of
22 the Mine Improvement and New Emergency Response Act
23 of 2006, and section 22 of the Occupational Safety and
24 Health Act of 1970, \$6,700,000, to remain available until

1 expended, for research on underground mine refuge cham-
2 bers and alternatives.

3 OFFICE OF THE SECRETARY
4 PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY
5 FUND
6 (INCLUDING TRANSFER OF FUNDS)

7 For an additional amount for “Public Health and So-
8 cial Services Emergency Fund” for necessary expenses re-
9 lated to the consequences of the January 12, 2010, earth-
10 quake in Haiti, including medical care and other assist-
11 ance provided in the United States, repatriation assist-
12 ance, and public health services and support in Haiti,
13 \$220,000,000, of which \$202,000,000 shall remain avail-
14 able through September 30, 2011, and \$18,000,000 shall
15 remain available through September 30, 2012: *Provided*,
16 That not less than \$20,000,000 shall be transferred to
17 the Centers for Disease Control and Prevention to support
18 public health activities in Haiti: *Provided further*, That
19 funds appropriated in this paragraph and not specifically
20 designated in this paragraph may be transferred to, and
21 merged with, other appropriation accounts of the Depart-
22 ment of Health and Human Services, as determined by
23 the Secretary of Health and Human Services to be appro-
24 priate, to be used for the purposes specified in this para-
25 graph: *Provided further*, That no funds may be transferred

1 under the preceding proviso until 10 days following notifi-
2 cation of the Committees on Appropriations of the House
3 of Representatives and the Senate: *Provided further*, That
4 the transfer authority provided in this paragraph is in ad-
5 dition to any other transfer authority available in this or
6 any other Act: *Provided further*, That funds appropriated
7 in this paragraph may be used to reimburse agencies for
8 obligations incurred for the purposes provided in this
9 paragraph prior to the enactment of this Act: *Provided*
10 *further*, That funds may be used for the non-Federal share
11 of expenditures for medical assistance furnished under
12 title XIX of the Social Security Act, and for the child
13 health assistance furnished under title XXI of such Act,
14 that are related to earthquake response activities: *Pro-*
15 *vided further*, That funds may be used for services per-
16 formed by the National Disaster Medical System in con-
17 nection with such earthquake, for the return of evacuated
18 Haitian citizens to Haiti, and for grants to States and
19 other entities to reimburse payments made for otherwise
20 uncompensated health and human services furnished in
21 connection with individuals given permission by the United
22 States Government to come from Haiti to the United
23 States after such earthquake, and not eligible for assist-
24 ance under such titles: *Provided further*, That the limita-
25 tion in subsection (d) of section 1113 of the Social Secu-

1 rity Act shall not apply with respect to any repatriation
2 assistance provided in response to the Haiti earthquake
3 of January 12, 2010: *Provided further*, That with respect
4 to the previous proviso, such additional repatriation assist-
5 ance shall only be available from the funds appropriated
6 in this paragraph: *Provided further*, That funds appro-
7 priated under this paragraph shall be used, in the amount
8 needed to defray actual costs, for grants by the Secretary
9 to States for the purpose of assisting school districts serv-
10 ing significant numbers of children who entered the
11 United States from Haiti during the period January 12,
12 2010 through May 30, 2010 and who are United States
13 citizens or Haitian nationals, to meet the educational and
14 related needs of such children.

15 RELATED AGENCIES

16 FEDERAL MINE SAFETY AND HEALTH REVIEW

17 COMMISSION

18 SALARIES AND EXPENSES

19 For an additional amount for “Salaries and Ex-
20 penses”, \$7,000,000, to remain available through Sep-
21 tember 30, 2011: *Provided*, That the Federal Mine Safety
22 and Health Review Commission may, under this proviso,
23 reemploy a total of not more than 12 senior administrative
24 law judges at any given time (determined on a full-time
25 equivalent basis) pursuant to section 930.209 of title 5

1 of the Code of Federal Regulations, disregarding such pro-
2 visions of subsections (b)(2), (c), and (e) thereof as the
3 Commission considers appropriate, and waive the applica-
4 tion of section 8344 or 8468 of title 5, United States Code
5 (as the case may be) with respect to any such judge so
6 reemployed, except that the term of appointment of any
7 such judge must begin no later than September 30, 2011,
8 and may not exceed 2 years in duration.

9 GENERAL PROVISIONS, THIS CHAPTER

10 (RESCISSION)

11 SEC. 2801. The unobligated balance of funds appro-
12 priated in the Departments of Labor, Health and Human
13 Services, and Education, and Related Agencies Appropria-
14 tions Act, 1995 (Public Law 103-333; 108 Stat. 2574)
15 under the heading “Public Health and Social Services
16 Emergency Fund” is rescinded.

17 SEC. 2802. Amounts in section 1012 of division B
18 of Public Law 111-118 shall be deemed to have been des-
19 ignated by such section on the date of its enactment as
20 an emergency requirement and necessary to meet emer-
21 gency needs pursuant to sections 403 and 423(b) of S.
22 Con. Res. 13 (111th Congress), the concurrent resolution
23 on the budget for fiscal year 2010.

24 SEC. 2803. (a) OIL SPILL UNEMPLOYMENT ASSIST-
25 ANCE.—Upon a determination by the President that addi-

1 tional resources are necessary to respond to an incident
2 related to a spill of national significance declared under
3 the National Contingency Plan provided for under section
4 105 of the Comprehensive Environmental Response, Com-
5 pensation, and Liability Act of 1980 (42 U.S.C. 9605)
6 (“covered incident”), the Secretary of Labor is authorized
7 to provide to any individual unemployed as a result of such
8 covered incident such benefit assistance as the Secretary
9 deems appropriate while such individual is unemployed for
10 the weeks of such unemployment with respect to which
11 the individual is not entitled to any other unemployment
12 compensation (as that term is defined in section 85(b) of
13 the Internal Revenue Code of 1986) or waiting period
14 credit. Such assistance as the Secretary shall provide shall
15 be available to an individual as long as the individual’s
16 unemployment caused by such covered incident continues
17 or until the individual is reemployed in a suitable position,
18 but no longer than 26 weeks after the individual’s unem-
19 ployment that resulted from the covered incident. Oil spill
20 unemployment assistance payments for a week of unem-
21 ployment shall not exceed the maximum weekly amount
22 authorized under the unemployment compensation law of
23 the individual’s State. The Secretary is directed to provide
24 such assistance through agreements with States that, in
25 the Secretary’s judgment, have an adequate system for ad-

1 ministering such assistance through existing State agen-
2 cies.

3 (b) FEDERAL-STATE AGREEMENTS.—Any State af-
4 fected by a covered incident may enter into and participate
5 in an agreement under this section with the Secretary.
6 Any State which is a party to an agreement under this
7 section may, upon providing 30 days' written notice to the
8 Secretary, terminate such agreement.

9 (c) PROVISIONS OF AGREEMENT.—Any agreement
10 under subsection (b) shall provide that the State agency
11 of the State will—

12 (1) make payments of oil spill unemployment
13 assistance to individuals who—

14 (A) are unemployed as a result of a cov-
15 ered incident;

16 (B) have no rights to regular compensation
17 or extended compensation with respect to a
18 week under State law or any other State unem-
19 ployment compensation law or to compensation
20 under any other Federal law; and

21 (C) are not receiving compensation with
22 respect to such week under the unemployment
23 compensation law of Canada; and

24 (2) refer individuals receiving oil spill unem-
25 ployment assistance under this section to one-stop

1 delivery systems established under section 134(c) of
2 the Workforce Investment Act of 1998 for reemploy-
3 ment services or training provided under such Act,
4 the Wagner-Peyser Act, or other Federal law.

5 (d) WEEKLY BENEFIT AMOUNT, DUE PROCESS
6 RIGHTS.—For purposes of any agreement under this sec-
7 tion, the terms and conditions of Federal law and regula-
8 tions which apply to claims for disaster unemployment as-
9 sistance and to the payment thereof shall apply to claims
10 for oil spill unemployment assistance and the payment
11 thereof, except where otherwise inconsistent with the pro-
12 visions of this section or with the regulations or operating
13 instructions of the Secretary promulgated to carry out this
14 section.

15 (e) UNAUTHORIZED ALIENS INELIGIBLE.—A State
16 shall require as a condition of oil spill unemployment as-
17 sistance under this section that each alien who receives
18 such assistance must be legally authorized to work in the
19 United States, as defined for purposes of the Federal Un-
20 employment Tax Act (26 U.S.C. 3101 et seq.). In deter-
21 mining whether an alien meets the requirements of this
22 subsection, a State must follow the procedures provided
23 in section 1137(d) of the Social Security Act (42 U.S.C.
24 1320b–7(d)).

25 (f) FRAUD AND OVERPAYMENTS.—

1 (1) IN GENERAL.—If an individual knowingly
2 has made, or caused to be made by another, a false
3 statement or representation of a material fact, or
4 knowingly has failed, or caused another to fail, to
5 disclose a material fact, and as a result of such false
6 statement or representation or of such nondisclosure
7 such individual has received an amount of oil spill
8 unemployment assistance under this section to which
9 such individual was not entitled, such individual—

10 (A) shall be ineligible for further oil spill
11 unemployment assistance under this section in
12 accordance with the provisions of the applicable
13 State unemployment compensation law relating
14 to fraud in connection with a claim for unem-
15 ployment compensation; and

16 (B) shall be subject to prosecution under
17 section 1001 of title 18, United States Code.

18 (2) REPAYMENT.—In the case of an individual
19 who has received oil spill unemployment assistance
20 under this section to which such individual was not
21 entitled, the State shall require such individual to
22 repay the amount of such oil spill unemployment as-
23 sistance to the State agency, except that the State
24 agency may waive such repayment if it determines
25 that—

1 (A) the payment of such oil spill unemploy-
2 ment assistance was without fault on the part
3 of any such individual; and

4 (B) such repayment would be contrary to
5 equity and good conscience.

6 (3) PREVENTION AND DETECTION BY STATE
7 AGENCY.—The State agency shall submit a weekly
8 payment file of all benefit payments to the National
9 Directory of New Hires, and shall make arrange-
10 ments for the cross match of the benefit payment re-
11 cipients' social security numbers with the National
12 Directory of New Hires Reported Hire and Benefit
13 payment databases a minimum of once each week
14 and investigate all matches.

15 (4) RECOVERY BY STATE AGENCY.—

16 (A) IN GENERAL.—The State agency may
17 recover the amount to be repaid, or any part
18 thereof, by deductions from any oil spill unem-
19 ployment assistance payable to such individual
20 under this section or from any unemployment
21 compensation payable to such individual under
22 any State or Federal unemployment compensa-
23 tion law administered by the State agency or
24 under any other State or Federal law adminis-
25 tered by the State agency which provides for

1 the payment of any assistance or allowance with
2 respect to any week of unemployment, during
3 the 3-year period after the date such individual
4 received the payment of the oil spill unemploy-
5 ment assistance to which such individual was
6 not entitled, except that no single deduction
7 may exceed 50 percent of the weekly benefit
8 amount from which such deduction is made.

9 (B) OPPORTUNITY FOR HEARING.—No re-
10 payment shall be required, and no deduction
11 shall be made, until a determination has been
12 made, notice thereof and an opportunity for a
13 fair hearing has been given to the individual,
14 and the determination has become final.

15 (5) REVIEW.—Any determination by a State
16 agency under this subsection shall be subject to re-
17 view in the same manner and to the same extent as
18 determinations under the State unemployment com-
19 pensation law, and only in that manner and to that
20 extent.

21 (g) PAYMENTS TO STATES.—

22 (1) BENEFITS.—There shall be paid to each
23 State that has entered into an agreement under this
24 section an amount equal to 100 percent of the oil

1 spill unemployment assistance paid to individuals by
2 the State under such agreement.

3 (2) ADMINISTRATION.—There shall be paid to
4 each State that has entered into an agreement under
5 this section such amounts as the Secretary deter-
6 mines necessary for the proper and efficient admin-
7 istration of such agreement.

8 (h) FINANCING.—

9 (1) IN GENERAL.—There are appropriated out
10 of the general fund of the United States Treasury
11 such funds as may be necessary in meeting the costs
12 of benefits, Federal administration, and State ad-
13 ministration of agreements under this section.

14 (2) CERTIFICATION.—The Secretary shall from
15 time to time certify to the Secretary of the Treasury
16 for payment to each State the sums payable to such
17 State under this section. Upon receipt of the certifi-
18 cation from the Secretary, the Secretary of the
19 Treasury shall make payments to the State in ac-
20 cordance with such certification, by transfers from
21 the general fund of the United States Treasury.

22 (i) RELATIONSHIP WITH INCOME REPLACEMENT
23 PAYMENTS FOR LOST WAGES OR SELF EMPLOYMENT IN-
24 COME BY THE RESPONSIBLE PARTY.—

1 (1) The total combined amount an individual
2 receives of oil spill unemployment assistance and
3 payments by the responsible party for either lost
4 wages or self-employment income shall not exceed
5 the greater of—

6 (A) the total amount of unemployment as-
7 sistance that an individual is entitled to receive
8 under subsection (a), as determined by the
9 State agency, or

10 (B) the liability of the responsible party to
11 such individual for lost wages or self-employ-
12 ment income.

13 (2) If a responsible party or the Oil Spill Liabil-
14 ity Trust Fund under the Oil Pollution Act of 1990
15 (33 U.S.C. 2701 et seq.) makes a payment to the in-
16 dividual for lost wages related to unemployment re-
17 sulting from a covered incident, and an individual
18 has previously received unemployment assistance
19 under this section for such period of unemployment,
20 the responsible party or the Oil Spill Liability Trust
21 Fund shall subtract from such payment the amount
22 of such unemployment assistance and shall reim-
23 burse such subtracted amount to the United States
24 for deposit in the general fund of the Treasury. If
25 a responsible party fails to reimburse such sub-

1 tracted amount pursuant to this paragraph, the Sec-
2 retary of the Treasury shall request the Attorney
3 General to bring a civil action against the respon-
4 sible party or a guarantor in an appropriate district
5 court to recover the amount of the demand, plus all
6 costs incurred in obtaining payment including pre-
7 judgment interest, attorneys fees, and any other ad-
8 ministrative and adjudicative costs involved.

9 (3) If a responsible party or the Oil Spill Liabil-
10 ity Trust Fund has made a payment to an individual
11 for lost wages related to unemployment resulting
12 from a covered incident, the amount of such pay-
13 ment shall be subtracted from the unemployment as-
14 sistance under this section that the individual subse-
15 quently receives for such period of unemployment.

16 (4) Any individual's receipt of unemployment
17 assistance under this section related to unemploy-
18 ment resulting from a covered incident shall be con-
19 ditional on the individual taking appropriate actions,
20 as determined by the Secretary, to seek payment for
21 lost wages for such period of unemployment under
22 the Oil Pollution Act of 1990 (33 U.S.C. 2701 et
23 seq.) from the responsible party or the Oil Spill Li-
24 ability Trust Fund.

1 (5) Any individual, as a condition of receiving
2 oil spill unemployment assistance, shall provide in-
3 formed consent to the sharing of benefit information
4 between the State agency and the responsible party
5 (or its claim processor) or the Oil Spill Liability
6 Trust Fund, as appropriate, for the purpose of de-
7 termining eligibility and to avoid duplicate payments
8 as deemed necessary.

9 (6) If the Secretary determines the actions de-
10 scribed in paragraphs (2) through (5) have not suc-
11 ceeded in avoiding duplicate payments, the Secretary
12 may take such other actions as the Secretary deter-
13 mines necessary in order to avoid duplicate pay-
14 ments, consistent with the responsible party or the
15 Oil Spill Liability Trust Fund making payments to
16 individuals for lost wages related to unemployment
17 resulting from a covered incident.

18 (7) The Secretary may take such actions as the
19 Secretary determines are necessary for implementing
20 this section, including entering into agreements with
21 States that have agreements with the Secretary to
22 administer this program, and the responsible party
23 with respect to each State's administration of this
24 program and payments made by the responsible

1 party to claimants for lost wages and self-employ-
2 ment income to establish processes for—

3 (A) the coordination of payment of oil spill
4 unemployment assistance under this section and
5 payments for lost wages and self employment
6 income by the responsible party or the Oil Spill
7 Liability Trust Fund so as to minimize dupli-
8 cate payments to claimants, including methods
9 to—

10 (i) prevent duplicate payments, such
11 as developing methods for claims proc-
12 essing that identify eligibility for both
13 types of payments so as to ensure the indi-
14 vidual receives no more than the amount
15 specified in paragraph (1) of this sub-
16 section;

17 (ii) document that individuals who re-
18 ceived either oil spill unemployment assist-
19 ance or payments by the responsible party
20 or the Oil Spill Liability Trust Fund prior
21 to execution of the agreement were unem-
22 ployed as a result of the oil spill; and

23 (iii) ensure prompt and accurate pay-
24 ment of oil spill unemployment assistance
25 under this section or payment of claims by

1 the responsible party or the Oil Spill Li-
2 ability Trust Fund;

3 (B) sharing and protecting information re-
4 garding an individual's claim for oil spill unem-
5 ployment assistance or claims for replacement
6 of wages that is necessary to coordinate benefit
7 payments and claims by the responsible party
8 or the Oil Spill Liability Trust Fund under sub-
9 paragraph (A);

10 (C) reimbursement by the responsible
11 party to the Federal Government and States for
12 payment of oil spill unemployment assistance to
13 individuals whose unemployment was the result
14 of a covered incident and for the administration
15 of this program, which may include the respon-
16 sible party developing a special fund for use by
17 the States to pay benefits under this program,
18 in accordance with the process developed under
19 subparagraph (A) with a periodic reconciliation
20 process to make future claims unnecessary;

21 (D) ensuring that the responsible party
22 shall make benefit information available to gov-
23 ernment organizations upon request, subject to
24 the safeguards applicable to confidential unem-
25 ployment compensation information in Federal

1 law and regulations, which shall apply to the
2 Secretary, the State agencies administering the
3 oil spill unemployment assistance program, the
4 responsible party, and the Oil Spill Liability
5 Trust Fund; and

6 (E) developing similar agreements with the
7 responsible party to coordinate payments of un-
8 employment compensation under State law re-
9 lated to a covered incident and payments made
10 by the responsible party or the Oil Spill Liabil-
11 ity Trust Fund.

12 (8) The procedures developed under this section
13 may be employed by States to coordinate payments
14 of unemployment compensation under State law re-
15 lated to a covered incident and payments made by
16 the responsible party or the Oil Spill Liability Trust
17 Fund.

18 (j) LIABILITY OF RESPONSIBLE PARTIES.—Each re-
19 sponsible party under the Oil Pollution Act of 1990 (33
20 U.S.C. 2701 et seq.) is liable for any costs, net of any
21 payments by the responsible party to the United States
22 under subsection (i), incurred by the United States under
23 this section and shall, upon the demand of the Secretary
24 of the Treasury, reimburse the general fund of the Treas-
25 ury for these costs as well as the costs of the United States

1 in administering its responsibilities under this section. If
2 a responsible party fails to pay a demand of the Secretary
3 of the Treasury pursuant to this subsection, the Secretary
4 shall request the Attorney General to bring a civil action
5 against the responsible party or a guarantor in an appro-
6 priate district court to recover the amount of the demand,
7 plus all costs incurred in obtaining payment including pre-
8 judgment interest, attorneys fees, and any other adminis-
9 trative and adjudicative costs involved. Such reimburse-
10 ment shall be without regard to limits of liability under
11 section 1004 of the Oil Pollution Act of 1990 (33 U.S.C.
12 2704).

13 (k) EFFECTIVE DATE.—This section shall take effect
14 immediately upon enactment and shall apply to all respon-
15 sible parties under the Oil Pollution Act of 1990 (33
16 U.S.C. 2701 et seq.), including any party determined to
17 be liable under such Act for any incident that occurred
18 prior to the enactment of this section.

19 (l) DEFINITIONS.—For purposes of this section:

20 (1) DUPLICATE PAYMENTS.—The term “dupli-
21 cate payments” includes any payment that would
22 cause the individual to receive payments in excess of
23 the amount determined under paragraph (1) of sub-
24 section (i).

1 (2) RESPONSIBLE PARTY.—The term “respon-
2 sible party” means one or more responsible parties.

3 (3) SECRETARY.—The term “Secretary” means
4 the Secretary of Labor.

5 (4) STATE.—The term “State” means any
6 State, as such term is defined in section 3306(j)(1)
7 of the Federal Unemployment Tax Act (26 U.S.C.
8 3306(j)(1)).

9 (5) STATE AGENCY.—The term “State agency”
10 means the State agency which administers the un-
11 employment compensation law of the State approved
12 by the Secretary of Labor under section 3304 of the
13 Internal Revenue Code of 1986.

14 SEC. 2804. (a) IN GENERAL.—Section 173(a) of the
15 Workforce Investment Act of 1998 (29 U.S.C. 2918(a))
16 is amended by adding at the end the following new para-
17 graph:

18 “(5) to provide assistance to the Governor of
19 any State within the boundaries of an area that is
20 the subject of a Presidential determination that ad-
21 ditional resources are necessary to respond to an in-
22 cident related to a spill of national significance de-
23 clared under the National Contingency Plan pro-
24 vided for under section 105 of the Comprehensive
25 Environmental Response, Compensation, and Liabil-

1 ity Act of 1980 (42 U.S.C. 9605) (‘covered inci-
2 dent’) to provide oil spill relief employment in the
3 area.”.

4 (b) OIL SPILL RELIEF EMPLOYMENT ASSISTANCE
5 REQUIREMENTS.—Section 173 of the Workforce Invest-
6 ment Act of 1998 (29 U.S.C. 2918) is amended by adding
7 at the end the following new subsection:

8 “(h) OIL SPILL RELIEF EMPLOYMENT ASSISTANCE
9 REQUIREMENTS.—

10 “(1) IN GENERAL.—Funds made available
11 under subsection (a)(5)—

12 “(A) shall be used to provide oil spill relief
13 employment on projects involving the cleaning,
14 restoration, renovation, repair and reconstruc-
15 tion of lands, marshes, waters, structures, and
16 facilities located within the area of the covered
17 incident, as well as offshore areas related to
18 such incident, and projects that provide food,
19 clothing, shelter, and other humanitarian assist-
20 ance to individuals harmed by the covered inci-
21 dent;

22 “(B) may be expended through public and
23 private agencies and organizations engaged in
24 such projects;

1 “(C) may be expended to provide employ-
2 ment and training activities;

3 “(D) may be expended to provide personal
4 protective equipment to workers engaged in oil
5 spill relief employment described in subpara-
6 graph (A);

7 “(E) may be used to increase the capacity
8 of States to make available the full range of
9 services authorized under this title and provide
10 information (in languages appropriate to the in-
11 dividuals served) about, and access to, the vari-
12 ety of public and private services available to
13 individuals adversely affected by the covered in-
14 cident in One-Stop Career Centers and other
15 access points (including other public facilities,
16 mobile service delivery units, and social services
17 offices); and

18 “(F) may be used to provide temporary
19 employment by public sector entities for a pe-
20 riod not to exceed 6 months, in addition to the
21 oil spill relief employment described in subpara-
22 graph (A).

23 “(2) ELIGIBILITY.—An individual shall be eligi-
24 ble for services under subsection (a)(5) if such indi-
25 vidual is temporarily or permanently laid off as a

1 consequence of the covered incident described in
2 such subsection, is a dislocated worker, is a long-
3 term unemployed individual, or meets such other cri-
4 teria as the Secretary may establish.

5 “(3) LIMITATIONS ON OIL SPILL RELIEF EM-
6 PLOYMENT ASSISTANCE.—No individual shall be em-
7 ployed under subsection (a)(5) for more than 6
8 months for oil spill relief employment related to re-
9 covery from a single covered incident. The Secretary
10 may, upon reviewing a State’s request, extend such
11 employment related to recovery from a single cov-
12 ered incident for up to an additional 6 months.

13 “(4) REIMBURSEMENT.—Each responsible
14 party under the Oil Pollution Act of 1990 (33
15 U.S.C. 2701 et seq.) is liable for any costs incurred
16 by the United States under this subsection or sub-
17 section (a)(5) and shall, upon the demand of the
18 Secretary of the Treasury, reimburse the general
19 fund of the Treasury for the costs incurred under
20 this subsection or subsection (a)(5) as well as the
21 costs of the United States in administering its re-
22 sponsibilities under this subsection or subsection
23 (a)(5). If a responsible party fails to pay a demand
24 of the Secretary of the Treasury pursuant to this
25 subsection or subsection (a)(5), the Secretary shall

1 request the Attorney General to bring a civil action
2 against the responsible party or a guarantor in an
3 appropriate district court to recover the amount of
4 the demand, plus all costs incurred in obtaining pay-
5 ment including prejudgment interest, attorney's fees,
6 and any other administrative and adjudicative costs
7 involved. Such reimbursement shall be without re-
8 gard to limits of liability under section 1004 of the
9 Oil Pollution Act of 1990 (33 U.S.C. 2704).

10 “(5) USE OF AVAILABLE FUNDS.—Funds ap-
11 propriated for fiscal years 2009 and 2010 and re-
12 maining available for obligation by the Secretary to
13 provide any assistance authorized under this section
14 shall be available to assist workers affected by a cov-
15 ered incident, including workers who have relocated
16 from areas in which a covered incident has been de-
17 clared. Under such conditions as the Secretary may
18 approve, any State may use funds that remain avail-
19 able for expenditure under any grants awarded to
20 the State under this section to provide any assist-
21 ance authorized under this subsection. Funds used
22 pursuant to the authority provided under this para-
23 graph shall be subject to the reimbursement require-
24 ments described in paragraph (4).

1 “(6) REQUIREMENTS FOR GRANT APPLICA-
2 TIONS.—An application submitted to the Secretary
3 under this subsection shall include a detailed de-
4 scription of—

5 “(A) how the State will ensure the capacity
6 of One-Stop Career Centers and other access
7 points to—

8 “(i) provide affected individuals with
9 information, in languages appropriate to
10 the individuals served, about the range of
11 available services; and

12 “(ii) provide affected individuals with
13 access to the range of needed services;

14 “(B) how the State will prioritize individ-
15 uals who are temporarily or permanently laid
16 off as a consequence of the covered incident in
17 the assignment of temporary employment posi-
18 tions; and

19 “(C) any other supporting information the
20 Secretary may require.”.

21 (c) EFFECTIVE DATE.—This section, and the amend-
22 ments made by this section, shall take effect immediately
23 upon enactment and shall apply to all responsible parties
24 under the Oil Pollution Act of 1990 (33 U.S.C. 2701 et
25 seq.), including any party determined to be liable under

1 such Act for any incident that occurred prior to the date
2 of enactment of this section.

3 (d) APPROPRIATION.—There is appropriated
4 \$50,000,000 for an additional amount for “Department
5 of Labor—Employment and Training Administration—
6 Training and Employment Services”, to carry out section
7 173(a)(5) and (h) of the Workforce Investment Act of
8 1998 (29 U.S.C. 2918(a)(5) and (h)) (“WIA”) as amended
9 by this Act, to remain available through June 30, 2011:
10 *Provided*, That funding shall be available upon enactment
11 of this Act, notwithstanding section 189(g)(1) of WIA.

12 SEC. 2805. (a) The Secretary of Labor may reserve
13 not more than 1 percent of the funds available to carry
14 out section 2803 of this Act and section 173(h) of the
15 Workforce Investment Act of 1998 (as added by section
16 2804 of this Act) for transfer to appropriate Department
17 of Labor accounts for program administration and sup-
18 port activities in the Department of Labor associated with
19 such sections, and for the increased worker protection and
20 workplace benefit activities and oversight and coordination
21 activities in connection with the application of laws and
22 regulations associated with the Department’s response to
23 spills of national significance declared under the National
24 Contingency Plan provided for under section 105 of the

1 Comprehensive Environmental Response, Compensation,
2 and Liability Act of 1980 (42 U.S.C. 9605).

3 (b) A responsible party under the Oil Pollution Act
4 of 1990 (33 U.S.C. 2701 et seq.) shall, upon the demand
5 of the Secretary of the Treasury, reimburse the general
6 fund of the Treasury for all or a portion of the additional
7 amount appropriated herein, as determined by the Sec-
8 retary of the Treasury.

9 (c) If a responsible party fails to pay a demand of
10 the Secretary of the Treasury pursuant to this section,
11 the Secretary shall request the Attorney General to bring
12 a civil action against the responsible party or a guarantor
13 in an appropriate district court to recover the amount of
14 the demand, plus all costs incurred in obtaining payment
15 including prejudgment interest, attorneys fees, and any
16 other administrative and adjudicative costs involved. Such
17 reimbursement shall be without regard to limits of liability
18 under section 1004 of the Oil Pollution Act of 1990 (33
19 U.S.C. 2704).

20 (d) This section shall take effect immediately upon
21 enactment and shall apply to all responsible parties under
22 the Oil Pollution Act of 1990, including any party deter-
23 mined to be liable under such Act for any incident that
24 occurred prior to the enactment of this section.

1 (e) The Secretary of Labor shall provide to the Com-
2 mittees on Appropriations of the House of Representatives
3 and the Senate a report describing the use of the funds
4 not later than 1 year after the date of enactment of this
5 Act.

6 CHAPTER 9—LEGISLATIVE BRANCH

7 LEGISLATIVE BRANCH

8 CAPITOL POLICE

9 GENERAL EXPENSES

10 For an additional amount for “General Expenses”,
11 \$15,956,000, for the ongoing project to purchase and in-
12 stall a new radio system for the Capitol Police, to remain
13 available until September 30, 2012: *Provided*, That none
14 of the funds appropriated under this heading may be obli-
15 gated without approval of an obligation plan by the Com-
16 mittees on Appropriations of the Senate and the House
17 of Representatives.

18 GOVERNMENT ACCOUNTABILITY OFFICE

19 SALARIES AND EXPENSES

20 For an additional amount for “Salaries and Ex-
21 penses”, \$20,000,000, to remain available until September
22 30, 2011.

23 GENERAL PROVISIONS, THIS CHAPTER

24 SEC. 2901. Amounts appropriated to the Architect of
25 the Capitol in the Legislative Branch Appropriations Act,

1 2006 (Public Law 109–55) under the heading “Architect
2 of the Capitol—Capitol Police Building and Grounds” and
3 that remain available until September 30, 2010, and
4 amounts appropriated to the Architect of the Capitol in
5 the Legislative Branch Appropriations Act, 2010 (Public
6 Law 111–68) under the heading “Architect of the Cap-
7 itol—Capitol Police Buildings, Grounds and Security” and
8 that remain available until September 30, 2014, shall be
9 available to the Architect of the Capitol for the purchase
10 of real property (including any buildings or facilities) for
11 the use of the Capitol Police.

12 SEC. 2902. (a) TERMINATION OF OEPPPO.—Section
13 905 of the Emergency Supplemental Act, 2002 (2 U.S.C.
14 130i) is repealed.

15 (b) TRANSFER TO SERGEANT AT ARMS.—The func-
16 tions and responsibilities of the Office of Emergency Plan-
17 ning, Preparedness, and Operations under section 905 of
18 the Emergency Supplemental Act, 2002 (2 U.S.C. 130i)
19 (as in effect on the day before the date referred to in sub-
20 section (c)) shall be transferred and assigned to the Ser-
21 geant at Arms of the House of Representatives.

22 (c) EFFECTIVE DATE.—This section and the amend-
23 ment made by this section shall take effect February 1,
24 2010.

1 CHAPTER 10—VETERANS AFFAIRS
2 DEPARTMENT OF VETERANS AFFAIRS
3 VETERANS BENEFITS ADMINISTRATION
4 COMPENSATION AND PENSIONS

5 For an additional amount for “Compensation and
6 Pensions”, \$13,377,189,000, to remain available until ex-
7 pended.

8 CHAPTER 11—STATE, FOREIGN OPERATIONS,
9 AND RELATED PROGRAMS
10 DEPARTMENT OF STATE AND RELATED
11 AGENCY
12 DEPARTMENT OF STATE
13 ADMINISTRATION OF FOREIGN AFFAIRS
14 DIPLOMATIC AND CONSULAR PROGRAMS
15 (INCLUDING TRANSFERS OF FUNDS)

16 For an additional amount for “Diplomatic and Con-
17 sular Programs” for necessary expenses for emergency re-
18 lief, rehabilitation, and reconstruction support, and other
19 expenses related to Haiti following the earthquake of Jan-
20 uary 12, 2010, \$65,000,000, to remain available until
21 September 30, 2011: *Provided*, That funds appropriated
22 in this paragraph may be used to reimburse obligations
23 incurred for the purposes provided herein prior to enact-
24 ment of this Act: *Provided further*, That of the funds made
25 available in this paragraph, up to \$3,700,000 may be

1 transferred to and merged with funds available under the
2 heading “Emergencies in the Diplomatic and Consular
3 Service” and up to \$290,000 may be transferred to and
4 merged with funds available under the heading “Repatri-
5 ation Loans Program Account”.

6 EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

7 For an additional amount for “Embassy Security,
8 Construction, and Maintenance” for necessary expenses
9 for emergency needs in Haiti following the earthquake of
10 January 12, 2010, \$84,500,000, to remain available until
11 expended: *Provided*, That funds appropriated in this para-
12 graph may be used to reimburse obligations incurred for
13 the purposes provided herein prior to enactment of this
14 Act.

15 INTERNATIONAL ORGANIZATIONS

16 CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING

17 ACTIVITIES

18 For an additional amount for “Contributions for
19 International Peacekeeping Activities” for necessary ex-
20 penses for emergency security related to Haiti following
21 the earthquake of January 12, 2010, \$96,500,000, to re-
22 main available until September 30, 2011: *Provided*, That
23 funds appropriated in this paragraph may be used to reim-
24 burse obligations incurred for the purposes provided here-
25 in prior to enactment of this Act.

1 RELATED AGENCY

2 BROADCASTING BOARD OF GOVERNORS

3 INTERNATIONAL BROADCASTING OPERATIONS

4 For an additional amount for “International Broad-
5 casting Operations” for necessary expenses for emergency
6 broadcasting support and other expenses related to Haiti
7 following the earthquake of January 12, 2010,
8 \$5,220,000, to remain available until September 30, 2011:
9 *Provided*, That funds appropriated in this paragraph may
10 be used to reimburse obligations incurred for the purposes
11 provided herein prior to enactment of this Act.

12 UNITED STATES AGENCY FOR INTERNATIONAL

13 DEVELOPMENT

14 FUNDS APPROPRIATED TO THE PRESIDENT

15 OFFICE OF INSPECTOR GENERAL

16 For an additional amount for “Office of Inspector
17 General” for necessary expenses for oversight of emer-
18 gency relief, rehabilitation, and reconstruction aid, and
19 other expenses related to Haiti following the earthquake
20 of January 12, 2010, \$1,500,000, to remain available
21 until September 30, 2012.

1 BILATERAL ECONOMIC ASSISTANCE
2 FUNDS APPROPRIATED TO THE PRESIDENT
3 INTERNATIONAL DISASTER ASSISTANCE

4 For an additional amount for “International Disaster
5 Assistance” for necessary expenses for emergency relief,
6 rehabilitation, and reconstruction aid, and other expenses
7 related to Haiti following the earthquake of January 12,
8 2010, \$350,700,000, to remain available until expended:
9 *Provided*, That funds appropriated in this paragraph may
10 be used to reimburse obligations incurred for the purposes
11 provided herein prior to enactment of this Act.

12 ECONOMIC SUPPORT FUND
13 (INCLUDING TRANSFER OF FUNDS)

14 For an additional amount for “Economic Support
15 Fund” for necessary expenses for emergency relief, reha-
16 bilitation, and reconstruction aid, and other expenses re-
17 lated to Haiti following the earthquake of January 12,
18 2010, \$749,311,000, to remain available until September
19 30, 2012: *Provided*, That of the funds appropriated in this
20 paragraph, up to \$120,000,000 may be made available for
21 payment by the Secretary of the Treasury for United
22 States contributions to a Multi-Donor Trust Fund for the
23 purpose of aiding reconstruction and recovery efforts in
24 Haiti: *Provided further*, That of the funds appropriated
25 in this paragraph, up to \$14,000,000 may be transferred

1 to and merged with funds available under the heading
2 “United States Agency for International Development—
3 Funds Appropriated to the President—Operating Ex-
4 penses” account for administrative costs relating to the
5 purposes provided herein and to reimburse obligations in-
6 curred for the purposes provided herein prior to enactment
7 of this Act: *Provided further*, That funds appropriated in
8 this paragraph may be transferred to and merged with
9 funds available under the heading “Bilateral Economic
10 Assistance—Funds Appropriated to the President—De-
11 velopment Credit Authority” for the purposes provided
12 herein: *Provided further*, That such transfer authority is
13 in addition to any other transfer authority provided by this
14 or any other Act: *Provided further*, That funds made avail-
15 able to the Comptroller General pursuant to chapter 4 of
16 title I of Public Law 106–31, to monitor the provision of
17 assistance to address the effects of hurricanes in Central
18 America and the Caribbean, shall also be available to the
19 Comptroller General to monitor recovery, reconstruction,
20 and rehabilitation assistance in Haiti: *Provided further*,
21 That funds appropriated by this paragraph for bilateral
22 assistance for Haiti may be made available for govern-
23 ment-to-government assistance only if the Secretary of
24 State certifies to the Committees on Appropriations that
25 the Government of the United States and the Government

1 of Haiti have agreed, in writing, to clear and achievable
2 goals and objectives for the use of such funds, and have
3 established mechanisms within each implementing agency
4 to ensure that such funds are used for the purposes for
5 which they were intended: *Provided further*, That the Sec-
6 retary of State should suspend any such cash transfer as-
7 sistance to an implementing agency if the Secretary has
8 credible evidence of misuse of such funds by any such
9 agency: *Provided further*, That any such cash transfer as-
10 sistance shall be subject to prior consultation with the
11 Committees on Appropriations.

12 DEPARTMENT OF THE TREASURY

13 INTERNATIONAL AFFAIRS TECHNICAL ASSISTANCE

14 For an additional amount for “International Affairs
15 Technical Assistance” for necessary expenses for emer-
16 gency relief, rehabilitation, and reconstruction aid, and
17 other expenses related to Haiti following the earthquake
18 of January 12, 2010, \$7,100,000, to remain available
19 until September 30, 2012: *Provided*, That of the funds
20 appropriated in this paragraph up to \$60,000 may be used
21 to reimburse obligations incurred for the purposes pro-
22 vided herein prior to enactment of this Act.

1 INTERNATIONAL SECURITY ASSISTANCE

2 DEPARTMENT OF STATE

3 INTERNATIONAL NARCOTICS CONTROL AND LAW

4 ENFORCEMENT

5 For an additional amount for “International Nar-
6 cotics Control and Law Enforcement”, \$143,489,000, to
7 remain available until September 30, 2012, for necessary
8 expenses for emergency relief, humanitarian, reconstruc-
9 tion, and rehabilitation assistance related to Haiti fol-
10 lowing the earthquake of January 12, 2010: *Provided*,
11 That the Secretary of State shall submit to the Commit-
12 tees on Appropriations, not later than 45 days after enact-
13 ment of this Act, and prior to the initial obligation of
14 funds a report detailing planned expenditures by program,
15 project and activity for funds appropriated under this
16 heading: *Provided further*, That the previous proviso may
17 be waived on a case-by-case basis if a failure to provide
18 funds for emergency activities would pose a substantial
19 risk to human health and welfare: *Provided further*, That
20 in the case where any such waiver were implemented, noti-
21 fication to the Committees on Appropriations shall be pro-
22 vided as early as practicable, but in no event later than
23 3 days after executing such waiver.

1 GENERAL PROVISIONS, THIS CHAPTER

2 SPENDING PLAN AND NOTIFICATION PROCEDURES

3 SEC. 2921. (a) SPENDING PLAN.—Not later than 45
4 days after the enactment of this Act, the Secretary of
5 State, in consultation with the Administrator of the
6 United States Agency for International Development, shall
7 submit to the Committees on Appropriations a report de-
8 tailing planned expenditures for funds appropriated in this
9 chapter, except for funds appropriated under the heading
10 “International Disaster Assistance”.

11 (b) OBLIGATION REPORT.—The Secretary of State,
12 in consultation with the Administrator of the United
13 States Agency for International Development, shall pro-
14 vide a report to the Committees on Appropriations not
15 later than 90 days after enactment of this Act, and every
16 90 days thereafter until September 30, 2013, on the obli-
17 gations, expenditures, and program outcomes and outputs
18 related to the recovery, reconstruction, and rehabilitation
19 of Haiti.

20 (c) COORDINATION AND CAPACITY BUILDING RE-
21 PORT.—The Secretary of State, in consultation with the
22 Administrator of the United States Agency for Inter-
23 national Development, shall provide a report to the Com-
24 mittees on Appropriations not later than 90 days after en-
25 actment of this Act, and annually thereafter until Sep-

1 tember 30, 2013, on the actions being undertake to
2 strengthen the capacity of the Government of Haiti to co-
3 ordinate and implement reconstruction and development
4 assistance. In addition, the report should outline the steps
5 the United States Government is taking to ensure that
6 any assistance provided through nongovernmental organi-
7 zations, and United Nations agencies, is consistent with
8 the plans of the Governmet of Haiti.

9 (d) NOTIFICATION.—Funds made available in this
10 chapter shall be subject to the regular notification proce-
11 dures of the Committees on Appropriations and section
12 634A of the Foreign Assistance Act of 1961.

13 EXTENSION OF AUTHORITIES

14 SEC. 2922. Funds appropriated by this chapter may
15 be obligated and expended notwithstanding section 10 of
16 Public Law 91–672, section 15 of the State Department
17 Basic Authorities Act of 1956, section 313 of the Foreign
18 Relations Authorization Act, Fiscal Years 1994 and 1995
19 (Public Law 103–236), and section 504(a)(1) of the Na-
20 tional Security Act of 1947 (50 U.S.C. 414(a)(1)).

21 HAITI DEBT RELIEF

22 SEC. 2923. (a) For an additional amount for “Con-
23 tribution to the Inter-American Development Bank”,
24 “Contribution to the International Development Associa-
25 tion”, and “Contribution to the International Fund for

1 Agricultural Development”, to cancel existing debts owed
2 by Haiti prior to January 12, 2010, for necessary ex-
3 penses for emergency relief, rehabilitation, and reconstruc-
4 tion aid, and other expenses related to Haiti, following the
5 earthquake of January 12, 2010, and for the United
6 States share of an increase in the resources of the Fund
7 for Special Operations, to the extent separately authorized
8 in this Act, in furtherance of these objectives,
9 \$212,000,000, to remain available until September 30,
10 2012.

11 (b) Up to \$40,000,000 of the amounts appropriated
12 under the heading “Department of the Treasury—Debt
13 Restructuring” in prior Acts making appropriations for
14 the Department of State, foreign operations, and related
15 programs may be used for the following: to cancel existing
16 debts owed by Haiti prior to January 12, 2010, to the
17 Inter-American Development Bank, the International De-
18 velopment Association, and the International Fund for Ag-
19 ricultural Development; for necessary expenses for emer-
20 gency relief, rehabilitation, and reconstruction aid; for
21 other expenses related to Haiti following the earthquake
22 of January 12, 2010; and for the United States share of
23 an increase in the resources of the Fund for Special Oper-
24 ations in furtherance of these objectives.

1 (c) The Secretary of the Treasury shall provide to
2 the Committees on Appropriations prior to the initial obli-
3 gation of funds for debt relief for Haiti, a report on the
4 proposed uses of funds under this section, including a
5 summary of the actions that will be taken by each multi-
6 lateral institution upon receipt of these debt relief funds
7 for Haiti and actions related to future grants and loans
8 for Haiti by these institutions.

9 (d) Funds made available pursuant to this section are
10 subject to prior consultation with, and the regular notifica-
11 tion procedures of, the Committees on Appropriations.

12 HAITI DEBT RELIEF AUTHORITY

13 SEC. 2924. The Inter-American Development Bank
14 Act (22 U.S.C. 283 et seq.) is amended by adding at the
15 end the following:

16 **“SEC. 40. AUTHORITY TO VOTE FOR AND CONTRIBUTE TO**
17 **AN INCREASE IN RESOURCES OF THE FUND**
18 **FOR SPECIAL OPERATIONS; PROVIDING DEBT**
19 **RELIEF TO HAITI.**

20 “(a) VOTE AUTHORIZED.—The United States Gov-
21 ernor of the Bank is authorized to vote in favor of a reso-
22 lution to increase the resources of the Fund for Special
23 Operations by not more than \$479,000,000, in further-
24 ance of providing debt relief for Haiti in view of the
25 Cancun Declaration of March 21, 2010.

1 “(b) CONTRIBUTION AUTHORITY.—To the extent and
2 in the amount provided in advance in appropriations Acts,
3 the United States Governor of the Bank may, on behalf
4 of the United States, contribute not more than
5 \$252,000,000 to the Fund for Special Operations.

6 “(c) AUTHORIZATION OF APPROPRIATIONS.—To pay
7 for the contribution authorized under subsection (b), there
8 is authorized to be appropriated for payment by the Sec-
9 retary of the Treasury, \$252,000,000, without fiscal year
10 limitation.”.

11 CHAPTER 12—TRANSPORTATION, AND
12 HOUSING AND URBAN DEVELOPMENT

13 (INCLUDING RESCISSIONS AND TRANSFER OF FUNDS)

14 SEC. 2931. (a) There are rescinded the following
15 amounts from the specified accounts:

16 (1) \$10,893,687, to be derived from unobli-
17 gated balances made available under section 108(b)
18 of Public Law 101–100, as added by Public Law
19 101–130, to the Emergency Fund authorized by sec-
20 tion 125 of title 23, United States Code.

21 (2) “Department of Transportation—Federal
22 Aviation Administration—Facilities and Equip-
23 ment”, \$2,182,544, to be derived from unobligated
24 balances made available under this heading in Public
25 Law 108–324.

1 (3) “Department of Transportation—Federal
2 Aviation Administration—Facilities and Equip-
3 ment”, \$5,705,750, to be derived from unobligated
4 balances made available under this heading in Public
5 Law 109–148.

6 (4) “Department of Housing and Urban Devel-
7 opment—Community Planning and Development—
8 Community Development Fund”, \$311,602,923, to
9 be derived from unobligated balances made available
10 under this heading in chapter 10 of title I of division
11 B of Public Law 110–329.

12 (5) “Department of Housing and Urban Devel-
13 opment—Community Planning and Development—
14 Community Development Fund”, \$318,000,000 to
15 be derived from unobligated balances made available
16 by section 159 of Public Law 110–92, as added by
17 division B of Public Law 110-116.

18 (b) There is appropriated for an additional amount
19 for “Department of Housing and Urban Development—
20 Community Planning and Development—Community De-
21 velopment Fund” \$100,000,000, to remain available until
22 expended, to be derived from unobligated balances made
23 available by section 159 of Public Law 110-92, as added
24 by division B of Public Law 110-116: *Provided*, That such
25 amount shall be for activities authorized under title I of

1 the Housing and Community Development Act of 1974
2 (42 U.S.C. 5301 et seq.) for necessary expenses related
3 to disaster relief, long-term recovery, and restoration of
4 infrastructure, housing, and economic revitalization in
5 areas for which the President has declared a major dis-
6 aster under title IV of the Robert T. Stafford Disaster
7 Relief and Emergency Assistance Act after December 31,
8 2009, and on or before the date of the enactment of this
9 Act: *Provided further*, That funds under this subsection
10 shall be awarded directly to the State or unit of general
11 local government at the discretion of the Secretary of
12 Housing and Urban Development: *Provided further*, That
13 prior to the obligation of funds, a grantee shall submit
14 a plan to the Secretary detailing the proposed use of all
15 funds, including criteria for eligibility and how the use of
16 these funds will address long-term recovery and restora-
17 tion of infrastructure: *Provided further*, That funds pro-
18 vided under this subsection may be used by a State or
19 unit of general local government as a matching require-
20 ment, share, or contribution for any other Federal pro-
21 gram: *Provided further*, That such funds may not be used
22 for activities reimbursable by, or for which funds are made
23 available by, the Federal Emergency Management Agency
24 or the Army Corps of Engineers: *Provided further*, That
25 in administering the funds under this heading, the Sec-

1 explosion on, and sinking of, the mobile offshore drilling
2 unit *Deepwater Horizon* (“*Deepwater Horizon* oil spill”),
3 and for which separate reimbursement to the United
4 States is not otherwise provided for in this Act, respon-
5 sible parties under the Oil Pollution Act of 1990 (33
6 U.S.C. 2701, et seq.) shall, upon the demand of the Sec-
7 retary of the Treasury, reimburse the general fund of the
8 Treasury for costs incurred by the United States and paid
9 with such appropriation for which the responsible parties
10 are liable under section 1002 of the Oil Pollution Act of
11 1990 (33 U.S.C. 2702) or other law.

12 (b) If a responsible party fails to pay a demand of
13 the Secretary of the Treasury under this section, the Sec-
14 retary shall request the Attorney General to bring a civil
15 action against the responsible party or a guarantor in an
16 appropriate district court to recover the amount of the de-
17 mand, plus all costs incurred in obtaining payment includ-
18 ing prejudgment interest, attorneys fees, and any other
19 administrative and adjudicative costs involved. Such reim-
20 bursement shall be without regard to limits of liability
21 under section 1004 of the Oil Pollution Act of 1990 (33
22 U.S.C. 2704).

23 (c) This section shall apply to all responsible parties
24 under the Oil Pollution Act of 1990 with respect to the
25 *Deepwater Horizon* oil spill, including any party deter-

1 mined to be liable under the Oil Pollution Act of 1990
2 for covered removal costs and damages that occurred prior
3 to the enactment of this section.

4 TITLE III—PREVENTING LAYOFFS OF TEACH-
5 ERS, POLICE, AND FIREFIGHTERS, AND
6 PRESERVING STUDENT ASSISTANCE

7 DEPARTMENT OF EDUCATION

8 EDUCATION JOBS FUND

9 For necessary expenses for an Education Jobs Fund,
10 \$23,000,000,000, of which \$300,000,000 shall be avail-
11 able through September 30, 2012 for the purposes speci-
12 fied in paragraph (1)(B)(ii), and which shall be adminis-
13 tered under the terms and conditions of sections 14001
14 through 14013 and title XV of division A of the American
15 Recovery and Reinvestment Act of 2009 (Public Law 111–
16 5) except as follows:

17 (1) ALLOCATION OF FUNDS.—

18 (A) Funds appropriated under this heading
19 shall be available only for allocation by the Sec-
20 retary of Education (in this heading referred to
21 as the “Secretary”) in accordance with sub-
22 sections (a), (b), (d), (e), and (f) of section
23 14001 of division A of Public Law 111–5 and
24 subparagraph (B) of this paragraph, except
25 that the amount reserved under such subsection

1 (b) shall not exceed \$1,000,000 and such sub-
2 section (f) shall be applied by substituting “one
3 year” for “two years”.

4 (B) Prior to allocating funds to States
5 under section 14001(d) of division A of Public
6 Law 111–5, the Secretary shall—

7 (i) allocate one-half of one percent to
8 the Secretary of the Interior for schools
9 operated or funded by the Bureau of In-
10 dian Affairs on the basis of the schools’ re-
11 spective needs for activities consistent with
12 this heading under such terms and condi-
13 tions as the Secretary of the Interior may
14 determine; and

15 (ii) reserve \$300,000,000 for grants
16 to local educational agencies, or for use by
17 the Secretary (in the case of schools owned
18 by the Department of Education), to con-
19 struct, renovate, repair, or expand public
20 elementary and secondary schools on mili-
21 tary installations in order to address ca-
22 pacity or facility condition deficiencies at
23 such schools, with priority given to those
24 military installations with schools having
25 the most serious capacity or facility condi-

1 tion deficiencies, as determined by the Sec-
2 retary in consultation with the Secretary of
3 Defense.

4 (2) RESERVATION.—A State that receives an
5 allocation of funds appropriated under this heading
6 may reserve not more than 2 percent for the admin-
7 istrative costs of carrying out its responsibilities with
8 respect to those funds.

9 (3) AWARDS TO LOCAL EDUCATIONAL AGEN-
10 CIES.—

11 (A) Except as specified in paragraph (2),
12 an allocation of funds to a State shall be used
13 only for awards to local educational agencies for
14 the support of elementary and secondary edu-
15 cation in accordance with paragraph (5) for the
16 2010–2011 school year (or, in the case of re-
17 allocations made under section 14001(f) of divi-
18 sion A of Public Law 111–5, for the 2010–
19 2011 or the 2011–2012 school year).

20 (B) Funds used to support elementary and
21 secondary education shall be distributed
22 through a State’s primary elementary and sec-
23 ondary funding formulae or based on local edu-
24 cational agencies’ relative shares of funds under
25 part A of title I of the Elementary and Sec-

1 ondary Education Act of 1965 (20 U.S.C. 6311
2 et seq.) for the most recent fiscal year for which
3 data are available.

4 (C) Subsections (a) and (b) of section
5 14002 of division A of Public Law 111–5 shall
6 not apply to funds appropriated under this
7 heading.

8 (4) COMPLIANCE WITH EDUCATION REFORM AS-
9 SURANCES.—For purposes of awarding funds appro-
10 priated under this heading, any State that has an
11 approved application for Phase II of the State Fiscal
12 Stabilization Fund that was submitted in accordance
13 with the application notice published in the Federal
14 Register on November 17, 2009 (74 Fed. Reg.
15 59142) shall be deemed to be in compliance with
16 subsection (b) and paragraphs (2) through (5) of
17 subsection (d) of section 14005 of division A of Pub-
18 lic Law 111–5.

19 (5) REQUIREMENT TO USE FUNDS TO RETAIN
20 OR CREATE EDUCATION JOBS.—Notwithstanding
21 section 14003(a) of division A of Public Law 111–
22 5, funds awarded to local educational agencies under
23 paragraph (3) may be used only for compensation
24 and benefits and other expenses, such as support
25 services, necessary to retain existing employees, for

1 on-the-job training as such term is defined in section
2 101(31) of the Workforce Investment Act of 1998
3 (29 U.S.C. 2801(31)) for education-related careers,
4 and to hire new employees, in order to provide early
5 childhood, elementary, or secondary educational and
6 related services.

7 (6) PROHIBITION ON USE OF FUNDS FOR
8 RAINY-DAY FUNDS OR DEBT RETIREMENT.—A State
9 that receives an allocation may not use such funds,
10 directly or indirectly, to—

11 (A) establish, restore, or supplement a
12 rainy-day fund;

13 (B) supplant State funds in a manner that
14 has the effect of establishing, restoring, or
15 supplementing a rainy-day fund;

16 (C) reduce or retire debt obligations in-
17 curred by the State; or

18 (D) supplant State funds in a manner that
19 has the effect of reducing or retiring debt obli-
20 gations incurred by the State.

21 (7) DEADLINE FOR AWARD.—The Secretary
22 shall award funds appropriated under this heading
23 not later than 45 days after the date of the enact-
24 ment of this Act to States that have submitted ap-
25 plications meeting the requirements applicable to

1 funds under this heading. The Secretary shall not
2 require information in applications beyond what is
3 necessary to determine compliance with applicable
4 provisions of law.

5 (8) ALTERNATE DISTRIBUTION OF FUNDS.—If,
6 within 30 days after the date of the enactment of
7 this Act, a Governor has not submitted an approv-
8 able application, the Secretary shall provide for
9 funds allocated to that State to be distributed to an-
10 other entity or other entities in the State (notwith-
11 standing section 14001(e) of division A of Public
12 Law 111–5) for support of elementary and sec-
13 ondary education, under such terms and conditions
14 as the Secretary may establish, provided that all
15 terms and conditions that apply to funds appro-
16 priated under this heading shall apply to such funds
17 distributed to such entity or entities. No distribution
18 shall be made to a State under this paragraph, how-
19 ever, unless the Secretary has determined (on the
20 basis of such information as may be available) that
21 the requirements of clauses (i), (ii), or (iii) of para-
22 graph 10(A) are likely to be met, notwithstanding
23 the lack of an application from the Governor of that
24 State.

1 (9) LOCAL EDUCATIONAL AGENCY APPLICA-
2 TION.—Section 442 of the General Education Provi-
3 sions Act shall not apply to a local educational agen-
4 cy that has previously submitted an application to
5 the State under title XIV of division A of Public
6 Law 111–5. The assurances provided under that ap-
7 plication shall continue to apply to funds awarded
8 under this heading.

9 (10) MAINTENANCE OF EFFORT.—

10 (A) Except as provided in paragraph (8),
11 the Secretary shall not allocate funds to a State
12 under paragraph (1) unless the Governor of the
13 State provides an assurance to the Secretary
14 that—

15 (i) for State fiscal year 2011, the
16 State will maintain State support for ele-
17 mentary and secondary education (in the
18 aggregate, or on the basis of expenditures
19 per pupil) at not less than the level of such
20 support for State fiscal year 2009;

21 (ii) for State fiscal year 2011, the
22 State will maintain State support for ele-
23 mentary and secondary education at a per-
24 centage of the total revenues available to
25 the State that is equal to or greater than

1 the percentage provided for such purpose
2 for State fiscal year 2010; or

3 (iii) in the case of a State in which
4 State tax collections for calendar year
5 2009 were less than State tax collections
6 for calendar year 2006, for State fiscal
7 year 2011 the State will maintain State
8 support for elementary and secondary edu-
9 cation, in the aggregate—

10 (I) at not less than the level of
11 such support for State fiscal year
12 2006; or

13 (II) at a percentage of the total
14 revenues available to the State that is
15 equal to or greater than the percent-
16 age provided for such purpose for
17 State fiscal year 2006.

18 (B) Section 14005(d)(1) of division A of
19 Public Law 111–5 shall not apply to funds ap-
20 propriated under this heading.

21 (11) FISCAL RELIEF.—

22 (A) The Secretary may, in accordance with
23 subsections (a), (d), and (e) of section 14012 of
24 division A of Public Law 111–5, waive the re-
25 quirements of paragraph (10).

1 (B) The Secretary shall accept for proc-
2 essing and review all applications for waiver
3 that, with respect to expenditures, enrollment,
4 and revenues for State fiscal years 2010 and
5 2011, rely on either actual amounts or projec-
6 tions based on the most recent information
7 available.

8 (C) The Secretary shall approve or deny
9 any application for waiver not later than 30
10 days after it is received.

11 STUDENT FINANCIAL ASSISTANCE

12 For an additional amount for “Student Financial As-
13 sistance”, \$5,667,000,000, to remain available through
14 September 30, 2011, to carry out subpart 1 of part A of
15 title IV of the Higher Education Act of 1965.

16 DEPARTMENT OF JUSTICE

17 COMMUNITY ORIENTED POLICING SERVICES

18 (INCLUDING TRANSFER OF FUNDS)

19 For an additional amount for “Community Oriented
20 Policing Services”, for grants under section 1701 of title
21 I of the 1968 Omnibus Crime Control and Safe Streets
22 Act (42 U.S.C. 3796dd) for hiring and rehiring of addi-
23 tional career law enforcement officers under part Q of
24 such title, notwithstanding subsection (i) of such section,
25 \$1,179,000,000, to remain available until September 30,

1 2011, of which \$2,950,000 shall be transferred to “Sala-
2 ries and Expenses, State and Local Law Enforcement Ac-
3 tivities” for management, administration and oversight of
4 such grants.

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
10 by section 34 of the Federal Fire Prevention and Control
11 Act of 1974 (15 U.S.C. 2229a), \$500,000,000: *Provided*,
12 That notwithstanding any provision under section
13 34(a)(1)(A) of such Act specifying that grants must be
14 used to increase the number of firefighters in fire depart-
15 ments, the Secretary of Homeland Security, in making
16 grants under section 34 of such Act using the funds made
17 available in this paragraph, shall grant waivers from the
18 requirements of subsections (a)(1)(B), (c)(1), (c)(2), and
19 (c)(4)(A) of such section: *Provided further*, That section
20 34(a)(1)(E) of such Act shall not apply with respect to
21 funds appropriated in this paragraph for grants under sec-
22 tion 34 of such Act: *Provided further*, That the Secretary
23 of Homeland Security, in making grants under section 34
24 of such Act, shall ensure that funds appropriated under
25 this paragraph are made available for the retention of fire-

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

8 GENERAL PROVISION, THIS TITLE

9 SEC. 3001. Each amount made available in this title
10 is designated as necessary to meet emergency needs pursu-
11 ant to section 423(b) of S. Con. Res. 13 (111th Congress),
12 the concurrent resolution on the budget for fiscal year
13 2010.

14 TITLE IV—GENERAL PROVISIONS, THIS ACT

15 SEC. 4001. No part of any appropriation contained
16 in this Act shall remain available for obligation beyond
17 the current fiscal year unless expressly so provided herein.

18 SEC. 4002. (a) None of the funds made available in
19 this Act may be used to maintain or establish a computer
20 network unless such network blocks the viewing,
21 downloading, and exchanging of pornography.

22 (b) Nothing in subsection (a) shall limit the use of
23 funds necessary for any Federal, State, tribal, or local law
24 enforcement agency, or other entity, to carry out criminal
25 investigation, prosecution, or adjudication activities.

1 SEC. 4003. The budgetary effects of this Act, for the
2 purpose of complying with the Statutory Pay-As-You-Go
3 Act of 2010, shall be determined by reference to the latest
4 statement titled ‘Budgetary Effects of PAYGO Legisla-
5 tion’ for this Act, submitted for printing in the Congres-
6 sional Record by the Chairman of the House Budget Com-
7 mittee, provided that such statement has been submitted
8 prior to the vote on passage.

9 SEC. 4004. This Act may be cited as the “Supple-
10 mental Appropriations Act, 2010”.

[FULL COMMITTEE PRINT]

Union Calendar No. _____

111TH CONGRESS
2^D Session

H. R. _____

[Report No. 111-__]

A BILL

Making supplemental appropriations for the fiscal year ending September 30, 2010, and for other purposes.

MAY __, 2010

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed